

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

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ELIEZER WILLIAMS, et al., )  
Plaintiffs, )  
vs. ) No. 312 236  
STATE OF CALIFORNIA, DELAINE ) Pages 1 to 241  
EASTIN, State Superintendent ) Volume I  
of Public Instruction, STATE )  
DEPARTMENT OF EDUCATION, )  
STATE BOARD OF EDUCATION, )  
Defendants. )  
)  
AND RELATED CROSS-ACTION )  
)

DEPOSITION OF JOSHUA I. PECHTHALT  
TAKEN ON  
WEDNESDAY, NOVEMBER 14, 2001

Reported by: PHILIP D. NORRIS  
CSR NO. 4980

1 Deposition of Joshua I. Pechthalt, taken on  
 2 behalf of Defendant State of California, at 400 South  
 3 Hope Street, Los Angeles, California, on Wednesday,  
 4 November 14, 2001, at 9:35 a.m., before Philip D.  
 5 Norris, CSR No. 4980, pursuant to Notice.  
 6  
 7 APPEARANCES:  
 8  
 9 FOR THE PLAINTIFF:  
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 22  
 23  
 24  
 25

1 APPEARANCES: (Continued)  
 2  
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 4 UNIFIED SCHOOL DISTRICT:  
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, NOVEMBER 14, 2001  
 2 9:35 A.M.  
 3  
 4  
 5 JOSHUA I. PECHTHALT  
 6 having been first duly sworn, was  
 7 examined and testified as follows:  
 8  
 9 EXAMINATION  
 10  
 11 BY MS. KOURY:  
 12 Q. Good morning, Mr. Pechthalt.  
 13 A. Good morning. How are you?  
 14 Q. Good. How are you?  
 15 A. Fine.  
 16 Q. My name is Vanessa Koury, and I'm an attorney  
 17 representing the State of California in this lawsuit.  
 18 Would you please state and spell your full name  
 19 for the record.  
 20 A. Joshua Irving Pechthalt, J O S H U A, I R V I N  
 21 G, P E C H T H A L T.  
 22 Q. Mr. Pechthalt, have you ever had your  
 23 deposition taken before?  
 24 A. No. No, I've not.  
 25 Q. I'm going to go through some ground rules --

1 A. Okay.

2 Q. -- and explain what's going to happen here  
3 today.

4 Sitting next to me is the court reporter,  
5 who will be recording my questions and your answers,  
6 which will then be recorded and transcribed into a  
7 booklet.

8 Do you understand that you're under oath and  
9 the testimony you give has the same force and effect as  
10 if you were testifying in a court of law?

11 A. Yes, I do.

12 Q. So even though we're in an informal setting  
13 here today, you're testifying as if you were in a formal  
14 courtroom in front of a judge; do you understand that?

15 A. Yes. Yes, I do.

16 Q. You're subject to all the penalties for perjury  
17 for giving false testimony; therefore, it's very  
18 important to answer all my questions completely and  
19 truthfully; do you understand that?

20 A. Yes, I do.

21 Q. When you answer my questions, it's also  
22 important that you give a verbal answer as opposed to  
23 nodding your head or shaking your head because the court  
24 reporter can't report that; do you understand that?

25 A. I understand.

1 Q. It's also important if we have one person  
2 speaking at a time in order to allow the court reporter  
3 to transcribe a clear record. So if you'll allow me to  
4 finish asking my questions before you begin to answer  
5 them, I, in turn, will allow you to finish your answers  
6 before asking you another question; is that clear?

7 A. I understand.

8 Q. It's also important that you listen carefully  
9 to the questions, and if you don't understand the  
10 question, I can rephrase it for you or try to assist you  
11 if you just let me know. However, if you answer my  
12 question, I'll assume that you understood it; is that  
13 clear?

14 A. Yes.

15 Q. You're required to answer my questions to the  
16 best of your ability. I don't want you to guess;  
17 however, I am entitled to your best estimate; do you  
18 understand that?

19 A. Yes, I do.

20 Q. When you receive the booklet from the court  
21 reporter, you can make changes that you feel are  
22 necessary; however, be aware that the various lawyers in  
23 this case will be free to comment on any changes you  
24 make at trial or at any other hearing or proceeding in  
25 this case; do you understand that?

1 A. Yes.

2 Q. So, again, it's very important that you respond  
3 to these questions as fully and fairly as possible; is  
4 that clear?

5 A. Yes. Yes, it is.

6 Q. If you need a break for any reason today,  
7 please just let me know and I'll instruct the court  
8 reporter we're going off the record.

9 A. Okay.

10 Q. I'll only ask that you finish any pending  
11 question before we take a break; is that okay?

12 A. Yes.

13 Q. Also, if during today's deposition at any point  
14 a question I ask or an answer you're giving me triggers  
15 your memory as to something we've discussed or I've  
16 asked earlier, please let me know and we'll get that  
17 testimony on the record. If you do not, I'll assume the  
18 answers you give me today are full and complete; do you  
19 understand this ground rule?

20 A. Yes.

21 Q. Do you have any questions?

22 A. Not so far.

23 Q. Is there any reason that you're unable to  
24 testify or give your best testimony today?

25 A. None that I can think of.

1 Q. Have you recently consumed any medication,  
2 alcohol or any other substance that may interfere with  
3 your ability to answer these questions?

4 A. No.

5 Q. Do you suffer from any disability of any  
6 kind --

7 A. No.

8 Q. -- that would --

9 A. I'm sorry.

10 Q. -- that would affect your ability to understand  
11 or answer my questions truthfully and accurately?

12 A. No.

13 Q. Are you represented by counsel at this  
14 deposition?

15 A. Yes, I am.

16 Q. So it's your understanding that Catherine  
17 Lhamon is your lawyer?

18 A. Yes.

19 Q. About when did she become your lawyer?

20 A. Couple of months ago.

21 Q. So around September?

22 A. I'm bad with -- yeah, about September. August,  
23 September, yes.

24 Q. Were you seeking legal advice from Ms. Lhamon?

25 A. No.

1 Q. Did you ask her to be your lawyer?  
 2 A. I didn't ask her to be my lawyer. Was a mutual  
 3 agreement, I guess.  
 4 Q. Did you sign any retainer agreement?  
 5 MS. LHAMON: Instruct you not to answer on the  
 6 basis of the attorney/client privilege.  
 7 THE WITNESS: Okay.  
 8 BY MS. KOURY:  
 9 Q. You're going to follow your counsel's --  
 10 A. Yes, I am.  
 11 MS. KOURY: Can we stipulate that when you  
 12 instruct, the deponent will follow your instruction?  
 13 MS. LHAMON: Yes.  
 14 BY MS. KOURY:  
 15 Q. What did you do to prepare for this deposition?  
 16 A. Tried to get a good night's sleep.  
 17 Q. That's a good idea. Did you have any  
 18 conversations with your lawyer?  
 19 A. Yes.  
 20 Q. I'm sorry, were you finished?  
 21 A. Yes, I was finished. And, yes, we had a  
 22 conversation.  
 23 Q. How many conversations did you have with your  
 24 lawyer?  
 25 A. One lengthy conversation.

1 Q. Was that with Ms. Lhamon?  
 2 A. Yes.  
 3 Q. When was that?  
 4 A. About a week ago.  
 5 Q. And was that in person?  
 6 A. Yes, it was.  
 7 Q. Was there anyone else present?  
 8 A. No. It was at a restaurant, so other people  
 9 were present but they weren't sitting at our table.  
 10 Q. Other than this one conversation with your  
 11 attorney, did you have any other conversations with  
 12 Ms. Lhamon in preparation for the deposition?  
 13 A. We had brief, maybe one or two brief  
 14 conversations where she asked me --  
 15 MS. LHAMON: I instruct you not to talk about  
 16 the contents of our conversation. Thanks.  
 17 BY MS. KOURY:  
 18 Q. You were saying you had one or two other brief  
 19 telephone conversations?  
 20 A. Yes.  
 21 Q. I'm going to remind you to just allow me to  
 22 finish asking my question. I know it's difficult and  
 23 it's unnatural, and I tend to talk a little slow.  
 24 Were these telephone conversations just between  
 25 you and Ms. Lhamon?

1 A. Yes.  
 2 Q. Other than contact with Ms. Lhamon, did you  
 3 have any other conversations with anyone with respect to  
 4 your deposition today?  
 5 A. I told teachers I would, you know, sitting  
 6 around a lunch table, that I would be coming down here  
 7 to do this.  
 8 Q. Other than the teachers, did you talk to anyone  
 9 else about the deposition?  
 10 A. And my wife.  
 11 Q. What did you tell your wife?  
 12 A. I might not be able to pick up our daughter  
 13 after day care; that I would be coming -- and that I  
 14 would be coming here and doing this.  
 15 Q. Did you discuss the content of the lawsuit in  
 16 preparation for the deposition with her?  
 17 A. Yes.  
 18 Q. What did you say?  
 19 A. I discussed sort of the general nature of the  
 20 lawsuit and what I had talked about in my written  
 21 statement.  
 22 Q. Did you say anything else to her? About the  
 23 deposition.  
 24 A. No.  
 25 Q. I'm sure you said other things to her.

1 Other than the teachers and your wife, did you  
 2 discuss your deposition today with anyone else?  
 3 A. I mentioned it to a couple of union officials.  
 4 Q. Anyone else?  
 5 A. No.  
 6 Q. You said that you mentioned it to a few  
 7 teachers; do you recall their names?  
 8 A. Not offhand, no.  
 9 Q. What did you tell them?  
 10 A. That I would be going to give a deposition at  
 11 O'Melveny & Myers having to do with the issues on  
 12 year-round schooling.  
 13 Q. Anything else?  
 14 A. That was it.  
 15 Q. Did they say anything to you?  
 16 A. I think they said good.  
 17 Q. And you can't recall any of their names?  
 18 A. Offhand I cannot, no.  
 19 Q. When was this?  
 20 A. This was probably a week or so ago.  
 21 Q. And did this occur only one instance or more  
 22 than one instance?  
 23 A. I think it was during nutrition. Just I would  
 24 not be at school on this day, and this was an exciting  
 25 event in my life.

1 Q. Is nutrition a break?  
 2 A. Yes, it is.  
 3 Q. You mentioned that you also discussed the  
 4 deposition with some union officials.  
 5 A. Yes, I did. Couple of the union vice  
 6 presidents.  
 7 Q. What are their names?  
 8 A. John Perez and Mike Cherry.  
 9 Q. Anyone else?  
 10 A. No.  
 11 Q. When was that, that you discussed it with --  
 12 A. This was a couple -- either a week or a week  
 13 and a half ago.  
 14 Q. Did it occur on one or more occasions?  
 15 A. It occurred on one occasion.  
 16 Q. And both gentlemen were present?  
 17 A. Yes.  
 18 Q. And where was this?  
 19 A. This was at the union hall.  
 20 Q. Where's that?  
 21 A. 3303 Wilshire Boulevard.  
 22 Q. Why were you there?  
 23 A. I was attending a union board of directors'  
 24 meeting.  
 25 Q. Is this the teachers' union?

1 A. Yes. United Teachers of Los Angeles.  
 2 Q. Other than what you've already testified to  
 3 regarding this conversation, was there anything else  
 4 that you said regarding your deposition?  
 5 A. No, not regarding the deposition.  
 6 Q. How about regarding the lawsuit on this  
 7 particular instance?  
 8 A. No.  
 9 Q. Did they say anything to you?  
 10 A. Nothing in particular, no.  
 11 Q. Nothing that you can recall?  
 12 A. I think they -- they indicated to me that they  
 13 had both been familiar with this lawsuit.  
 14 Q. Did they say how they were familiar?  
 15 A. No.  
 16 Q. Anything else that was said?  
 17 A. I asked if they would pay for a substitute so  
 18 that I could come here. That was the main thrust of my  
 19 question to them.  
 20 Q. What did they say?  
 21 A. They said fine.  
 22 Q. What's your understanding of how that's going  
 23 to work out?  
 24 A. So that the substitute who's covering my class  
 25 today will be paid not out of my personal necessity

1 leave, but that the union will pay for a sub coverage,  
 2 which is fairly standard sort of practice.  
 3 Q. What do you mean by that?  
 4 A. Well, if a teacher has to go on official  
 5 business, the union will pay for that coverage so that  
 6 it doesn't come out of the teacher's accrued sick leave  
 7 or personal necessity leave.  
 8 Q. Is it your understanding that you're here on  
 9 official business on behalf of the union?  
 10 A. No.  
 11 Q. Is it your understanding you're here on  
 12 official business how?  
 13 MS. LHAMON: Assumes a fact not in evidence and  
 14 mischaracterizes testimony.  
 15 THE WITNESS: Just that the union would cover  
 16 my sub coverage on this. That was -- yeah.  
 17 BY MS. KOURY:  
 18 Q. Earlier you testified that the union generally  
 19 covers the costs for substitutes when you're doing  
 20 something on official business; what did you mean by  
 21 that?  
 22 A. If you have a -- for example, last week we --  
 23 the board of directors, the union met with the  
 24 superintendent, many district superintendents, and we  
 25 had to miss class for that. So the union pays for the

1 substitute teacher's time so the individual teacher  
 2 doesn't have to dip into his or own sick leave or  
 3 personal necessity leave.  
 4 Q. Normally, when you miss a day of work and you  
 5 require a substitute teacher, does the district cover  
 6 that cost?  
 7 A. Yes. Well, the district covers it only insofar  
 8 as the teacher has accrued sick time and -- yeah. So it  
 9 comes out of the teacher's -- the district pays for it,  
 10 but the teacher's given so much time each year, so it  
 11 comes out of that allotted time.  
 12 Q. The union covering a substitute teacher today,  
 13 then, allows you not to have to lose one of your sick  
 14 days?  
 15 A. Right.  
 16 Q. Has the union ever covered a substitute teacher  
 17 for you previous to today?  
 18 A. On many, many occasions.  
 19 Q. Could you tell me generally what the reasons  
 20 were for allowing or -- allowing the union to cover it  
 21 as opposed to you losing one of your sick days?  
 22 A. Going to a meeting, teacher-related meeting;  
 23 going to a conference, perhaps.  
 24 Q. Anything else?  
 25 A. That's generally about it.

1 Q. Have they ever covered the costs for a  
2 substitute teacher when you were acting in some regard  
3 with respect to a lawsuit?

4 A. I've never been involved in a lawsuit, and I  
5 don't know if anybody else -- I don't know if this was  
6 ever done before by the union, but I thought I would ask  
7 them.

8 Q. Other than having the conversations which  
9 you've already testified to, did you do anything else in  
10 preparation for your deposition?

11 A. No, I didn't.

12 Q. Let me ask just another follow-up question.

13 Did you review any documents in preparation for  
14 your deposition?

15 A. I glanced at the big, thick lawsuit, I guess  
16 that is, and also reviewed my written statement.

17 Q. I'm going to hand you what we'll mark as  
18 Exhibit 1.

19 MS. LHAMON: I'm happy to stipulate that it is  
20 the complaint so we don't need to mark it, just for  
21 copying purposes, if that works for you.

22 MS. KOURY: That works great for me.

23 Q. I'm just going to show it to you. Is that what  
24 you meant when you said "the lawsuit"?

25 A. I think so, yes.

1 MS. KOURY: For purposes of the record, I've  
2 just handed him a copy of the complaint which we're not  
3 going to attach to the deposition transcript.

4 MS. LHAMON: It might have been slightly  
5 different from what you have seen since it is a red-line  
6 version. So if you can look at it to see if it is  
7 roughly the wording that you have seen.

8 THE WITNESS: Now I need to take out my  
9 glasses.

10 MR. FERNOW: Point of clarification as well: Is  
11 that the complaint or First Amended Complaint?

12 MS. KOURY: It's the First Amended Complaint.

13 MS. LHAMON: I'm not asking you to read every  
14 word, but just so you can be clear.

15 THE WITNESS: Yes, it is.

16 MS. KOURY: Thank you.

17 Q. You also stated that you reviewed your  
18 declaration in preparation for the deposition.

19 A. Yes.

20 MS. LHAMON: Mischaracterized the testimony.  
21 He said he reviewed a written statement.

22 THE WITNESS: Oh, okay.

23 BY MS. KOURY:

24 Q. Do you know, the witness statement that you  
25 reviewed, did it have your signature on it?

1 A. Yes.

2 Q. And did you review anything else, any other  
3 documentation?

4 A. No.

5 Q. No news articles?

6 A. No.

7 Q. Handing you what we'll mark as Exhibit 1 to  
8 your deposition transcript. It's Defendant State of  
9 California's Notice of Depositions of Plaintiffs,  
10 Plaintiffs' Guardians Ad Litem, and Non-Party  
11 Declarants; Request for Production of Documents.

12 (The document referred to was marked by the  
13 reporter as Exhibit 1 for identification and is attached  
14 hereto.)

15 BY MS. KOURY:

16 Q. Mr. Pechthalt, will you review that for me, and  
17 let me know when you've finished reviewing it.  
18 Specifically page 7 through page 8.

19 MS. LHAMON: Do you want to give copies to  
20 counsel?

21 MS. KOURY: I'm sorry.

22 THE WITNESS: Okay.

23 BY MS. KOURY:

24 Q. Did you have an opportunity to review that?

25 A. Yes, I have.

1 Q. Does it look familiar to you, the document?

2 A. No, it doesn't.

3 MS. LHAMON: Do you want to just take a look at  
4 the first page even if the pages she's asked you to look  
5 at don't look familiar?

6 THE WITNESS: Okay.

7 BY MS. KOURY:

8 Q. Did you bring any documents with you today that  
9 you think are responsive to the description of documents  
10 that's on page 7 and 8?

11 MS. LHAMON: Objection. Calls for a legal  
12 conclusion. He's not a lawyer.

13 BY MS. KOURY:

14 Q. You can answer that.

15 THE WITNESS: Can I answer that?

16 MS. LHAMON: Yes.

17 THE WITNESS: No, I haven't brought any  
18 documents.

19 BY MS. KOURY:

20 Q. And after you've -- now that you've reviewed  
21 the document request, do you think you have any  
22 documents that relate to the issues raised in that  
23 document request?

24 MS. LHAMON: Calls for a legal conclusion, but  
25 you can answer it.

1 THE WITNESS: I didn't -- I don't have any  
2 documents.  
3 BY MS. KOURY:  
4 Q. Have you looked for any documents regarding the  
5 education of any of the plaintiffs in this lawsuit?  
6 A. No, I haven't.  
7 Q. Do you think you have any documents related to  
8 the education of any of the plaintiffs in this lawsuit?  
9 MS. LHAMON: Asked and answered.  
10 THE WITNESS: Excuse me?  
11 MS. LHAMON: I said it was asked and answered,  
12 but you can answer.  
13 THE WITNESS: No, I don't.  
14 BY MS. KOURY:  
15 Q. Do you have any correspondence between you and  
16 any person relating to the conditions at Manual Arts?  
17 A. No.  
18 Q. Do you have any correspondence relating to any  
19 of the other issues raised in this lawsuit?  
20 MS. LHAMON: Calls for speculation as to the  
21 other issues, calls for a legal conclusion. But to the  
22 extent that you know, you can answer.  
23 THE WITNESS: No.  
24 BY MS. KOURY:  
25 Q. Do you know Tomeka McDonald?

1 A. No, I do not.  
2 Q. Do you know Christopher Gomez?  
3 MS. LHAMON: Do you mean in connection with the  
4 lawsuit or the school?  
5 BY MS. KOURY:  
6 Q. Do you know any Christopher Gomezes?  
7 A. Not that I recall, no.  
8 Q. Do you know Aureliano Alvarez Cortez? And I'm  
9 going to spell the first name. A U R E L I A N O.  
10 A. No, I don't.  
11 Q. What's your understanding of the Williams  
12 lawsuit?  
13 A. That it's a lawsuit against the State for  
14 dealing with inequitable education for a number of kids,  
15 including kids that go to year-round schools.  
16 Q. Do you understand that you've been called here  
17 to testify today in connection with this lawsuit filed  
18 by a number of students that attend or have attended  
19 public schools in California?  
20 A. Yes, I understand that.  
21 Q. Do you know what relief the plaintiff students  
22 in this case are asking for?  
23 MS. LHAMON: It's a yes-or-no question.  
24 THE WITNESS: Yes.  
25 ///

1 BY MS. KOURY:  
2 Q. What is your understanding of the relief that  
3 they're seeking?  
4 A. To have things made better.  
5 Q. Do you know what the plaintiffs allege in this  
6 complaint?  
7 A. Yes.  
8 Q. What is your understanding of those  
9 allegations?  
10 A. That there are students in schools without  
11 sufficient textbooks, inadequate facilities; that  
12 students who attend year-round schools are not receiving  
13 the same sort of education that other children in  
14 traditional calendar year schools are receiving.  
15 Q. Are you finished?  
16 A. Yes.  
17 Q. Do you know who represents the plaintiffs in  
18 this lawsuit?  
19 A. Yes, I believe I do.  
20 Q. Who do you believe represents them?  
21 A. The ACLU.  
22 Q. Anyone else?  
23 A. I believe there are others, but I'm not sure  
24 who they are. I can't remember.  
25 Q. When did you first learn about this lawsuit?

1 A. When I spoke to Catherine Lhamon.  
2 Q. When was that?  
3 A. More than a couple of months ago.  
4 Q. Do you recall if that was this year, 2001?  
5 A. Yes, it was. Yes, it was.  
6 Q. Do you recall if it was, perhaps, before April  
7 of 2001?  
8 A. I don't remember if it was -- I tend to think  
9 it was after April. I think of things in terms of when  
10 I was on track, when I was off track. So I think it was  
11 around May or June.  
12 Q. And how was it that you came to know Catherine  
13 Lhamon?  
14 A. I received a call from her.  
15 Q. Do you know how she got your phone number?  
16 A. Through, I believe, a teacher acquaintance.  
17 Q. What is the teacher acquaintance's name?  
18 A. I believe it was Alex Caputo-Pearl.  
19 MS. LHAMON: Do you want to spell that for the  
20 record?  
21 THE WITNESS: Sure. Alex, A L E X. Probably  
22 the other part was more difficult. C A P U T O dash  
23 Pearl, P E A R L.  
24 BY MS. KOURY:  
25 Q. Why do you believe that Mr. Pearl gave your

1 phone number to Ms. Lhamon?  
 2 A. Well, Catherine said that she got my name  
 3 through somebody in CEJ, which is a teacher/student  
 4 community organization, which Alex is very involved in,  
 5 also a friend of mine. She may have mentioned him. And  
 6 if she didn't, I guess that was my assumption.  
 7 Q. Are you involved in CEJ?  
 8 A. No, I'm not. Sympathizer, but I'm not a  
 9 member.  
 10 Q. When Ms. Lhamon called you, was that the first  
 11 time you'd heard her name?  
 12 A. Yes.  
 13 Q. And that was the first time you'd heard of the  
 14 Williams lawsuit?  
 15 A. Yes.  
 16 Q. What did she say?  
 17 A. She asked me if I would -- if she could  
 18 interview me about conditions at Manual Arts.  
 19 Q. Did she mention anything about a lawsuit?  
 20 A. I don't remember.  
 21 Q. How long was that conversation?  
 22 A. Forty-five minutes, something like that.  
 23 Q. What did you respond when she asked you if she  
 24 could interview you about conditions?  
 25 A. I said yes.

1 Q. Was anything else said during the conversation?  
 2 A. I don't recall anything else.  
 3 Q. Were you curious? Do you remember being  
 4 curious as to why she was asking you about the  
 5 conditions at Manual Arts?  
 6 A. You know, I don't remember being curious. She  
 7 probably told me what was up. I mean, that this was  
 8 part of -- they were getting evidence about conditions  
 9 in year-round schools.  
 10 Q. Do you recall whether she actually mentioned or  
 11 asked you to become involved in a lawsuit?  
 12 A. I don't believe she asked me if I wanted to  
 13 become involved, just simply that I'd talk about  
 14 conditions At Manual Arts. At that point that's all I  
 15 was asked to do.  
 16 Q. Did she mention any other names of any other  
 17 teachers at Manual Arts or in LAUSD?  
 18 A. Nobody else in Manual Arts. I don't recall any  
 19 other teacher names in LAUSD.  
 20 Q. Did she mention any names at all?  
 21 A. Not that I recall, no.  
 22 Q. Did she mention anyone else that was involved  
 23 in the lawsuit?  
 24 A. Not that I recall, no.  
 25 Q. Did you discuss the conditions --

1 A. Yes, I did.  
 2 Q. I'm sorry. Let me finish my question.  
 3 A. I'm sorry.  
 4 Q. Just so we have a clear record.  
 5 Did you discuss the conditions at Manual Arts  
 6 during that telephone conversation?  
 7 A. I believe -- yes.  
 8 Q. What do you recall saying?  
 9 A. Well, I talked about what I had seen take place  
 10 at Manual Arts in my years there as a teacher; talked  
 11 about what I thought the impact of year-round schooling  
 12 had been on the educational program at the school.  
 13 Q. Anything else that you recall?  
 14 A. I think that was it.  
 15 Q. Do you recall if she specifically asked you  
 16 about multi-tracking or year-round school?  
 17 A. Yes, she did. As I recall, she asked me about  
 18 multi-track, year-round.  
 19 Q. Do you recall if she specifically asked you  
 20 about any other type of condition?  
 21 A. I don't recall.  
 22 Q. Other than discussing the conditions at Manual  
 23 Arts and what you've already testified to regarding this  
 24 conversation, is there anything else that you recall  
 25 Ms. Lhamon discussing during that 45-minute

1 conversation?  
 2 A. I don't remember anything else being discussed.  
 3 Q. How did the conversation end? Do you recall?  
 4 A. She said, "Well, I will" -- something to the  
 5 effect that, "I'll send you" -- "I'll type up our  
 6 conversation, and could you take a look at it and make  
 7 sure I've written it down as you stated?" Which she  
 8 then did. I looked it over and sent it back to her.  
 9 Q. Do you recall whether she said she'd be asking  
 10 you to sign what she was going to type up?  
 11 A. I don't remember if she asked me that. I think  
 12 I did sign it.  
 13 Q. After this conversation, what was the next  
 14 contact you had with anyone regarding this lawsuit?  
 15 A. Somebody from the ACLU called me weeks later,  
 16 and then we played phone tag for about three or four  
 17 conversations. And that was it until Catherine  
 18 contacted me again.  
 19 Q. "Again" a couple of months ago?  
 20 A. Yes.  
 21 Q. Was this the contact that you mutually agreed  
 22 that she'd be your lawyer?  
 23 A. The couple of months ago conversation?  
 24 Q. You said that you played phone tag with  
 25 somebody from the ACLU, and then a couple of months



1 later you spoke with Catherine?

2 A. Yes. Well, no. A couple of months ago I spoke  
3 with Catherine. I'm not sure of the length of time  
4 between my testimony about what was going on there and  
5 then the next time I spoke to her. I think that was  
6 more than a month.

7 Q. Do you recall who it was from the ACLU that  
8 called you weeks later?

9 A. A woman whose name I cannot remember. She had  
10 an Italian last name.

11 Q. Did you ever speak with her?

12 A. I did briefly speak with her.

13 Q. Do you recall what was said?

14 A. I said, "I'm calling you back." She says, "I'm  
15 just moving." I said, "Okay. Let's talk again." And  
16 we didn't talk again. I'm feeling guilty now about not  
17 returning her call. You're making me feel guilty.

18 Q. Sorry. Not intended.

19 A. That's all right. So we never actually  
20 completed a conversation more than she was boxing things  
21 up, and I knew what that was like, so I said, "Okay.  
22 Let's talk after you get settled in." And we've just  
23 never spoken.

24 Q. So the next contact you had with anyone  
25 regarding this lawsuit was a couple months ago when you

1 substance of that conversation and send it to you. Did  
2 she send it to you?

3 A. Yes, she did.

4 Q. And what happened? Well, how much later -- I'm  
5 sorry, withdraw that question.

6 How much later did she send you a typewritten  
7 summary of that conversation?

8 A. I think a few days later.

9 Q. And what did you do with it?

10 A. I read it over.

11 Q. And then what?

12 A. And then I think I sent her back an e-mail that  
13 said that's fine.

14 Q. And do you recall what happened after that with  
15 respect to that typewritten document?

16 A. I don't remember.

17 Q. Do you remember if you sent it back to her?

18 A. I don't remember.

19 Q. Do you remember if you signed it?

20 A. I do remember signing it. I'm not sure if I  
21 signed it and sent it back or --

22 Q. Have you seen that document since that time?

23 A. Yes.

24 Q. When?

25 A. I think -- well, I got an additional copy, I

1 spoke with Ms. Lhamon?

2 A. Yes.

3 Q. And what happened during that conversation a  
4 couple months ago when you spoke with Ms. Lhamon?

5 MS. LHAMON: Objection. Attorney/client  
6 privilege. I instruct you not to answer.

7 THE WITNESS: Okay.

8 BY MS. KOURY:

9 Q. Was it during that conversation that Ms. Lhamon  
10 became your attorney, according to your understanding?

11 A. Yes.

12 Q. After your initial conversation with Ms. Lhamon  
13 that you already testified to, the 45-minute telephone  
14 conversation, did you talk to anyone afterwards  
15 regarding the lawsuit?

16 A. I think I mentioned it to my wife.

17 Q. Other than your wife, do you recall whether you  
18 talked to anyone else?

19 A. I really can't remember.

20 Q. Subsequently have you discussed this lawsuit,  
21 other than what you've already testified to today, with  
22 anyone else?

23 A. I don't believe so, no.

24 Q. You stated that during that 45-minute telephone  
25 conversation Ms. Lhamon said that she would type up the

1 think, a week or so ago for my records. I thought I'd  
2 had a copy before, but --

3 Q. Is that one of the documents you looked at in  
4 preparation for this deposition?

5 A. That was one of the documents that I reviewed.

6 Q. I'm going to hand you what we'll mark as  
7 Exhibit 2.

8 (The document referred to was marked by the  
9 reporter as Exhibit 2 for identification and is attached  
10 hereto.)

11 MS. KOURY: And it's titled "Declaration of  
12 Josh Pechthalt."

13 Q. Is this the document that Ms. Lhamon sent to  
14 you which you've referred to as the typewritten summary  
15 of your telephone conversation?

16 A. Yes, it is.

17 Q. When you read it after first receiving it, did  
18 you make any changes to it?

19 A. No, I did not.

20 Q. And this is the only draft of this document  
21 that you saw, that you've seen?

22 A. Yes, it is.

23 Q. I'm going to ask you to flip to the last page,  
24 if you would.

25 A. All right.

1 Q. Is that your signature, Mr. Pechthalt?  
 2 A. Yes, it is.  
 3 Q. And are you currently an employee of LAUSD?  
 4 A. Yes, I am.  
 5 Q. And do you understand that L.A. Unified School  
 6 District, otherwise known as LAUSD, is a party to this  
 7 lawsuit?  
 8 A. Yes, I understand that.  
 9 Q. I'm going to hand you a paycheck.  
 10 MS. LHAMON: A paycheck?  
 11 THE WITNESS: Can I go cash this?  
 12 MS. KOURY: A check for your deposition  
 13 testimony here today, your witness fee.  
 14 MS. LHAMON: Thank you for providing it.  
 15 BY MS. KOURY:  
 16 Q. Can I ask you your home address for the record?  
 17 MS. LHAMON: Instruct you not to answer because  
 18 that's private information.  
 19 MS. KOURY: Ms. Lhamon, are you willing to  
 20 accept service on behalf of Mr. Pechthalt?  
 21 MS. LHAMON: Yes. And we've already notified  
 22 your firm we are.  
 23 BY MS. KOURY:  
 24 Q. And Mr. Pechthalt, do you agree to allow your  
 25 counsel to accept service on your behalf?

1 A. Yes.  
 2 Q. Could you describe to me your educational  
 3 background, starting with college, the college that you  
 4 attended after high school?  
 5 A. The colleges. You want all the colleges prior  
 6 to my getting my degree or where I got my degree from?  
 7 Q. Let's start with the first college you attended  
 8 after high school.  
 9 A. Okay. I attended Cal Poly Pomona.  
 10 Q. What year was that?  
 11 A. 1972 to 1974.  
 12 Q. What was your major there?  
 13 A. I was studying architecture.  
 14 Q. Did you receive a degree?  
 15 A. No, I did not.  
 16 Q. Where did you go after?  
 17 A. I attended Cal-state Los Angeles for a  
 18 semester.  
 19 Q. Why did you leave Cal Poly Pomona?  
 20 A. I transferred to the UC system.  
 21 Q. Why was that?  
 22 A. I wanted a more challenging educational  
 23 experience.  
 24 Q. In '74, when you started UC --  
 25 A. I spent a semester at Cal-state L.A. because I

1 was a few units short, and then transferred to UC Santa  
 2 Cruz in 1975.  
 3 Q. Cal-state L.A., I take it, you didn't get any  
 4 degrees.  
 5 A. No. Just got units.  
 6 Q. Do you recall what class that was, classes?  
 7 A. I took a class called "Avant-Garde Thought in  
 8 America.  
 9 Q. Is that just a general education course?  
 10 A. No, it wasn't. I have no idea what the subject  
 11 area was, but it was good.  
 12 Q. Any other courses?  
 13 A. I can't remember.  
 14 Q. And in '75 you started UC Santa Cruz?  
 15 A. Yes.  
 16 Q. How long were you at Santa Cruz for?  
 17 A. A little over two years.  
 18 Q. Did you receive a degree from UC Santa Cruz?  
 19 A. Yes, I did.  
 20 Q. What was your degree in?  
 21 A. In philosophy.  
 22 Q. Was that a BA?  
 23 A. Yes.  
 24 Q. And after UC Santa Cruz did you attend any  
 25 other college?

1 A. Yes, I got a master's degree in Latin American  
 2 studies.  
 3 Q. From where?  
 4 A. From University of Wisconsin at Madison.  
 5 Q. And what year did you start the University of  
 6 Wisconsin at Madison?  
 7 A. That was '82 through the end of '83.  
 8 Q. Any other colleges you attended after  
 9 Wisconsin?  
 10 A. I got my teaching credential at Cal-state L.A.  
 11 Q. What credential is that?  
 12 A. It's a single subject secondary credential,  
 13 social studies.  
 14 Q. Is that a lifetime credential?  
 15 A. No. Right after.  
 16 Q. What do you mean "right after"?  
 17 A. I came in after they had stopped giving out the  
 18 lifetime credentials. Darn, in bold print.  
 19 Q. And how long -- what year did you begin your  
 20 education there to get your credential?  
 21 A. I started taking -- I started teaching in '84  
 22 and started taking classes in '84. The summer of '84,  
 23 prior to actually going into the classroom.  
 24 Q. And when did you complete your credential?  
 25 A. I want to say like '86, '87.

1 Q. Any other colleges after that?  
 2 A. You know, I've taken units, taken courses in  
 3 various colleges; do you want all this?  
 4 Q. Are they related to teaching?  
 5 A. Well, teachers are constantly taking classes as  
 6 part of their ongoing, you know --  
 7 Q. Continuing education?  
 8 A. There you go. So there.  
 9 Q. Before I ask about that, have you, other than  
 10 the credential you just mentioned, which is the single  
 11 subject credential, have you received any other  
 12 credentials?  
 13 A. No. I'm sorry. I have a CLAD credential.  
 14 Q. When did you obtain your CLAD credential?  
 15 A. In the mid to late nineties.  
 16 Q. And are both your single subject credential and  
 17 your CLAD credential still active?  
 18 A. Yes.  
 19 Q. Other than the CLAD and the single subject  
 20 credential, any other credentials?  
 21 A. No.  
 22 Q. Where did you receive your CLAD credential  
 23 from?  
 24 A. I didn't receive it through -- I think I  
 25 received it through the district.

1 Q. Is it a credential or is it a certificate?  
 2 A. I'm sorry, it's a certificate.  
 3 Q. And you believe you received it from LAUSD?  
 4 A. I believe so.  
 5 Q. Do you recall how you did that?  
 6 A. I went in and took a test.  
 7 Q. Other than taking a test, was there any other  
 8 type of education or class for the certificate?  
 9 A. I took a review course, two Saturdays.  
 10 Q. Is that it?  
 11 A. That's it.  
 12 Q. Other than the CLAD certificate, your single  
 13 subject credential, anything else in terms of  
 14 credentials or certificates related to teaching?  
 15 A. No, nothing else.  
 16 Q. And you mentioned earlier that you have taken  
 17 continuing education courses subsequent to getting your  
 18 credential. Do you recall from -- I'm going to ask you  
 19 to go through that.  
 20 A. Sure. UCLA.  
 21 Q. Did you take courses there?  
 22 A. Yes.  
 23 Q. Do you recall how many?  
 24 A. Three or four.  
 25 Q. When?

1 A. After coming back from Wisconsin in, I guess,  
 2 the mid-eighties. I sat in on some courses.  
 3 Q. Do you recall the subject area of those  
 4 courses?  
 5 A. Those were in history.  
 6 Q. Aside from these courses at UCLA, any others?  
 7 A. Some courses through Loyola Marymount  
 8 University.  
 9 Q. Here in L.A.?  
 10 A. Yes.  
 11 Q. Do you recall when that was?  
 12 A. Mid-nineties, late nineties.  
 13 Q. Did you also sit in on these classes as opposed  
 14 to getting credit for them?  
 15 A. No. I attended some courses. The ones I sat  
 16 in at UCLA I also got credit for.  
 17 MR. FERNOW: You did or did not?  
 18 THE WITNESS: I did.  
 19 BY MS. KOURY:  
 20 Q. But you did not receive any degree from UCLA?  
 21 A. Right, I didn't receive any degree.  
 22 Q. And Loyola Marymount you said you did some  
 23 courses in the nineties; do you remember how many?  
 24 A. I believe one.  
 25 Q. Do you remember the subject area?

1 A. Again, it was -- I can't remember the name of  
 2 the course. It was part of a continuing ed. program  
 3 where you also got course credit at the university so  
 4 you could -- you could do it and not get course credit,  
 5 if you paid a few dollars, but you had to go for many  
 6 hours of -- so it wasn't a course where you would go and  
 7 you would have one teacher lecture, you'd have visiting  
 8 teachers.  
 9 Q. Was it related to teaching?  
 10 A. Yes. Yes.  
 11 Q. Other than this course at Loyola Marymount, do  
 12 you recall any other courses that you've taken at  
 13 universities or colleges?  
 14 A. Yes. Some online courses through the  
 15 University of Phoenix.  
 16 Q. Do you remember how many?  
 17 A. Maybe three.  
 18 Q. Did you obtain a degree from them?  
 19 A. No.  
 20 Q. Were these also continuing ed. classes?  
 21 A. Yes.  
 22 Q. Related to teaching?  
 23 A. Yes.  
 24 Q. When was this?  
 25 A. Again, the mid to late nineties.

1 Q. Any others?  
 2 A. Additional courses through University of  
 3 Phoenix, part of continuing ed. These were not online.  
 4 You went in.  
 5 Q. Attended?  
 6 A. Yes.  
 7 Q. And when was that?  
 8 A. In the last couple of years.  
 9 Q. Any others?  
 10 A. That's it.  
 11 Q. Can you tell me all the teaching positions  
 12 you've held, starting with the first?  
 13 A. Okay. I began teaching in 1977. I worked as  
 14 an English instructor, English as a second language, in  
 15 Cali, Colombia, at the -- the name is the Centro Colombo  
 16 Americano.  
 17 Q. Okay.  
 18 A. And then I was --  
 19 Q. How long were you there?  
 20 A. I was there -- I taught there for about a year.  
 21 I taught English as well as being the -- was the only  
 22 English instructor for the Colegio Hebreo Jorge Isaacs.  
 23 Q. What's that?  
 24 A. That is a private Jewish school in Cali,  
 25 Colombia.

1 Q. Was that in addition to --  
 2 A. Right. I taught at the first place and then I  
 3 got a better job at this private school.  
 4 Q. How long were you there at the private school?  
 5 A. I was there -- there was some overlapping  
 6 time -- for about a year and a half.  
 7 Q. And did you teach English there as well?  
 8 A. Yes, I did. English as a second language.  
 9 Q. And what was the next teaching position after  
 10 that?  
 11 A. In LAUSD in 1984.  
 12 Q. So you didn't teach between '79 and '84?  
 13 A. Right, I didn't. I worked. I mean --  
 14 Q. You're working now.  
 15 A. I did other kinds of work.  
 16 Q. I understand.  
 17 And when you were hired by LAUSD in '84, what  
 18 was your position?  
 19 A. I was hired as an emergency credentialed  
 20 teacher to teach ESL, English as a second language.  
 21 Q. What school were you at?  
 22 A. I was at Manual Arts High School.  
 23 Q. And what grades did you teach?  
 24 A. I taught mostly 10th and 11th grade.  
 25 Q. How long did you teach English as a second

1 language?  
 2 A. I taught for a few years.  
 3 Q. Have you been at Manual Arts consistently?  
 4 A. The whole time.  
 5 Q. So you taught English as a second language for  
 6 a few years, you said?  
 7 A. Yes.  
 8 Q. Anything else? Any other subjects while you  
 9 were teaching English as a second language?  
 10 A. I think I taught an English class once. You  
 11 know, I distinguish between an ESL class and, like, a  
 12 10th grade English class.  
 13 Q. Do you recall about when you stopped teaching  
 14 English as a second language?  
 15 A. I think it was about '86, '87.  
 16 Q. And you got your single subject credential in  
 17 '87, did you say?  
 18 A. In about '86.  
 19 Q. You were teaching on an emergency credential  
 20 for how long?  
 21 A. For a couple of years.  
 22 Q. Until you got your single subject credential?  
 23 A. Right. Till I got my preliminary credential.  
 24 Q. When was that?  
 25 A. That was '86.

1 Q. Did you need any other credential to teach  
 2 English as a second language?  
 3 MS. LHAMON: Calls for a legal conclusion, but  
 4 you can answer.  
 5 THE WITNESS: I think all I needed was to have  
 6 passed the college degree and passed the CBEST, an  
 7 emergency credential. And I'm not sure if I needed to  
 8 show that I'd had some teaching experience, but I did  
 9 have teaching experience, so I think that helped. More  
 10 than that I don't think I needed.  
 11 BY MS. KOURY:  
 12 Q. Was it your understanding that once you  
 13 received your emergency credential or your emergency  
 14 permit that you were okay to teach English as a second  
 15 language?  
 16 A. Yes.  
 17 Q. After you received your preliminary credential  
 18 in '86, did you continue to teach English as a second  
 19 language for a little while? Do you recall?  
 20 A. I think I moved pretty much into the social  
 21 studies department.  
 22 Q. What grades did you teach social studies?  
 23 A. I taught mostly 11th grade U.S. history, some  
 24 10th grade world history.  
 25 Q. Any others?

1 A. I've taught a lot of other courses. Do you  
2 want --  
3 Q. In '86. Let's start with '86.  
4 A. I think it was those two subjects. I was also  
5 the tennis coach. That's how I got into social studies.  
6 Q. What do you mean by that?  
7 A. That was the trade-off. If I could get into  
8 the social studies department --  
9 Q. You had --  
10 A. I was trained as a social studies teacher.  
11 Social studies positions are very difficult to get and  
12 ESL positions are usually easy to get, so I got in as an  
13 ESL teacher. When the school needed a tennis coach, I  
14 agreed to do that.  
15 Q. Get your social studies?  
16 A. Yes. I like teaching tennis, too.  
17 Q. And in '87 do you recall what classes you  
18 taught?  
19 A. I've taught mostly United States history.  
20 Q. Was that to 11th graders?  
21 A. Eleventh graders.  
22 Q. Did you continue to coach?  
23 A. I coached for three glorious years.  
24 Q. So through '88 you coached?  
25 A. I think it was '86 through '89, something like

1 that.  
2 Q. Did you coach any other sports during that  
3 time?  
4 A. No, I didn't.  
5 Q. How about '88, do you remember what classes you  
6 taught?  
7 A. I don't remember.  
8 Q. Do you recall generally?  
9 A. It's been mostly U.S. history since the  
10 beginning.  
11 Q. So you've, since '86, you've pretty much  
12 solidly taught U.S. history?  
13 A. U.S. history. And then later I taught Latin  
14 American studies and African American studies.  
15 Q. Any other subjects?  
16 A. And I taught a mural painting class.  
17 Q. When did you teach Latin American studies?  
18 A. I've been teaching Latin American studies on  
19 and off since the late eighties, early nineties.  
20 Q. Do you currently teach it?  
21 A. Yes, I do.  
22 Q. When you say "on and off," you mean some tracks  
23 you do, sometimes you don't?  
24 A. It's more like some years I teach it and some  
25 years it's not, it's not offered for a stretch of years.

1 So this is the first time I've taught it now in a number  
2 of years.  
3 Q. How many years has it been?  
4 A. Boy, I think at least five.  
5 Q. How about African American studies, when did  
6 you begin teaching that?  
7 A. At the same time.  
8 Q. And how long did you teach it for?  
9 A. The exact -- follows the exact same -- the same  
10 sequence as the Latin American.  
11 Q. Are you currently teaching it?  
12 A. Not this semester, but I expect to teach it  
13 next semester.  
14 Q. Because it will be offered?  
15 A. Well, because what we've tried to do, our  
16 student population is Latino and African American, is  
17 create a year course where kids get Latin American  
18 studies one semester and African American studies the  
19 next semester.  
20 Q. When did you begin that?  
21 A. I began that in the late eighties. Late  
22 eighties, early nineties.  
23 Q. So since the late eighties or early nineties  
24 you've had a system where one semester you teach Latin  
25 American and the next semester you teach African

1 American studies?  
2 A. Right.  
3 Q. What about mural painting, when did you begin  
4 teaching that?  
5 A. I began in the early nineties. We did that for  
6 about three years.  
7 Q. Is that it? Have you taught it since then?  
8 A. Did it for three years and then stopped.  
9 Q. Any other classes other than the ones you've  
10 already told me about?  
11 A. That's it.  
12 Q. How about, you mentioned you coached tennis.  
13 A. Yes.  
14 Q. Have you coached any other teams?  
15 A. No.  
16 Q. Do you teach PE?  
17 A. No, I don't.  
18 Q. Are you involved with any other extracurricular  
19 activities? In other words, are you the teacher  
20 representative or the sponsor of extracurricular  
21 activities?  
22 A. I've been the teacher sponsor of a couple of  
23 student clubs on and off for a few years.  
24 Q. Can you tell me which ones?  
25 A. One was the History Club, and the other one is

1 the -- it's called Manual Arts Youth Empowered Through  
2 Action. The acronym MAYETA.

3 Q. Okay. When did you begin your involvement with  
4 the History Club?

5 A. That was probably about four years ago.

6 Q. Are you still involved with it?

7 A. No. Did that for a couple of years.

8 Q. Does the History Club still exist?

9 A. No, it doesn't, unfortunately.

10 Q. What was your involvement with it?

11 A. I was the motivator and sponsor of it. We  
12 tried to do a history of the school, interviewing  
13 alumni, try to get current kids interested in the  
14 history and traditions of the school.

15 Q. Why did it end?

16 A. Why did it end? Just took a lot of time. It's  
17 like you fill the balloon and some things run their  
18 course. That ran its course.

19 Q. How about the Youth Empowered Through Action,  
20 how long --

21 A. I'm still involved with that.

22 Q. When did your involvement begin?

23 A. I think it was about three or four years ago.

24 Maybe three years ago.

25 Q. What is the Youth Empowered Through Action

1 A. Usually not through LAUSD, although I may have  
2 taken one or two. Usually through teacher institutes  
3 affiliated with Loyola Marymount. I went to one, a  
4 seminar, on teaching economics sponsored by the economic  
5 council of something or other. And, you know, usually  
6 these teacher institutes are connected in some way to a  
7 university, so I think that was connected to UC Davis.

8 Q. How do you generally hear about these  
9 workshops?

10 A. Teachers get -- you know, the department chair  
11 usually gets a posting. There's a posting on a bulletin  
12 board in the main office. But usually it's -- you may  
13 get something in the mail from one of these institutes,  
14 or the department chair says, hey, look, there's this  
15 thing happening in a couple of months, you know, would  
16 you like to go to this? We can get sub coverage or  
17 whatever.

18 Q. When you say "department chair," you mean the  
19 department chairs at your school?

20 A. The department chair for the social studies  
21 department.

22 Q. And when you said "sub coverage," what does  
23 that mean?

24 A. Well, you can't just go to something while  
25 you're working, so usually either the school has money

1 about?

2 A. They are a student group, and they -- I think  
3 some kids probably came to me and said, Hey,  
4 Mr. Pechthalt, will you just be our sponsor and can we  
5 meet in your room on lunch? And I said sure. They're  
6 trying to get kids, you know, sort of organized and  
7 active in stuff going on at school.

8 Q. What's the extent of your involvement with  
9 that?

10 A. You know, every student organization needs a  
11 teacher sponsor, so kids can't just go into a room and  
12 sit and meet on their own. There has to be an adult  
13 there supervising. So it's mostly one of supervision.

14 Q. You've sort of already gone through the  
15 credentialing that you've received and some of the  
16 training that you've received. Have you received any  
17 other type of training in terms of workshops or other  
18 types of training other than what you've already  
19 discussed?

20 A. I've been to workshops, yeah, on and off for  
21 years. That's just sort of -- boy, I would have trouble  
22 remembering what they are.

23 Q. I understand.

24 Do you recall if those workshops were through  
25 LAUSD or through separate organizations or both?

1 to pay for your sub time or the institute itself will  
2 provide that.

3 Q. Have you ever held a school administration  
4 position?

5 A. No.

6 Q. Have you received any training in any of the  
7 administrative aspects of Manual Arts?

8 A. No.

9 Q. So you're not familiar with the budgeting  
10 process of Manual Arts?

11 A. I have a vague understanding of it.

12 Q. What's that understanding based on?

13 A. What is it based on? It's based on I used to  
14 be the shop steward at the school.

15 Q. What is that?

16 A. That's the union representative at the school.  
17 I did that for about three years.

18 Q. Anything else?

19 A. And I sat on -- I was the co-chair of the  
20 Leadership Council and School Based Management Council.

21 Q. What is the Leadership Council?

22 A. The Leadership Council is a body representing  
23 teachers, administrators, parents and its secondary  
24 students who have some governance responsibilities over  
25 the school. And this came into effect in 1992.

1 Q. Do you know how it came into effect?  
 2 A. It was part of -- it came in as part of  
 3 contract agreement -- I'm sorry. Not 1992, 1990. And  
 4 it came into being as part of the contract settlement  
 5 following the 1989 teachers' strike.  
 6 Q. So do you know how it's funded?  
 7 A. I don't believe it is funded.  
 8 Q. Is it just --  
 9 A. Everybody just hangs out after school, sits at  
 10 meetings.  
 11 Q. Is that still going on now?  
 12 A. It is.  
 13 Q. And you indicated that this is one of the bases  
 14 for your understanding of how the budget works; what did  
 15 you mean by that?  
 16 A. Well, sitting on that council, you know, it had  
 17 some decision-making over certain budgets.  
 18 Q. Like what?  
 19 A. Like text -- like the money would come into the  
 20 school and you would decide which department would get  
 21 so much for textbooks or what they call IMA funds.  
 22 Q. IMA?  
 23 A. IMA. But Instructional Materials Account. I  
 24 could be wrong about that. So basically you would be  
 25 part of this body that would come up with a formula for

1 divvying up the money at the school.  
 2 Q. For textbooks?  
 3 A. Textbooks and other materials.  
 4 MS. LHAMON: Joshua, we've been going for a  
 5 little over an hour, would you like a break?  
 6 THE WITNESS: I wouldn't mind a glass of water.  
 7 MS. KOURY: Off the record.  
 8 (Brief recess.)  
 9 MS. KOURY: Could you read me back the last  
 10 question?  
 11 (Record read.)  
 12 BY MS. KOURY:  
 13 Q. Did you have a nice break?  
 14 A. Very nice, thank you.  
 15 Q. Before we took the break -- actually, I want to  
 16 remind you that even though we break in between, you're  
 17 still under oath. Before the break we were discussing  
 18 the Leadership Council, and you were describing to me  
 19 the process in which the Leadership Council has sort  
 20 of -- deals with the textbook funds.  
 21 Could you tell me, do they have authority to  
 22 decide where the funds are -- how the funds are  
 23 distributed?  
 24 A. I'm not sure what that means, "authority to  
 25 decide."

1 Q. Why don't you describe for me the process,  
 2 specifically with textbooks.  
 3 A. Let me first say that I'm not a hundred percent  
 4 certain that textbooks fall in the purview of this.  
 5 They may. I do know that there is money. It's either  
 6 in the textbook account or the IMA fund, which I believe  
 7 is a separate account. And every year we would have  
 8 somewhat of a struggle at the school over how this big  
 9 chunk of money was going to be allocated to the various  
 10 departments. And so we would look at things like the  
 11 number of classes that each department had and how many  
 12 students were in those classes so that -- and then we  
 13 would work on some sort of formula to sort of equitably  
 14 divide up this chunk of money.  
 15 And so members of various departments, their  
 16 department chairs, would come to these meetings and say,  
 17 you know, listen, you need to take into account X, Y and  
 18 Z. That's why, you know, we have a small department,  
 19 but we, you know, we haven't had textbooks or other  
 20 materials for such and such a period of time and that's  
 21 why there needs to be an emphasis in our department at  
 22 this time. So it would be, you know -- this is what  
 23 would happen.  
 24 And then the school Leadership Council, School  
 25 Based Management would finally give the stamp of

1 approval. Very often committees would, you know, there  
 2 would be smaller subcommittees that would go off and  
 3 sort of work on these tasks and then report back, and  
 4 that the school Leadership Council, which then became  
 5 the School Based Management Council, would have to sign  
 6 off on all these things. So the principal would sign,  
 7 the chapter chair would sign.  
 8 Q. Early on in your testimony you stated there's a  
 9 big chunk of money; were you referring to the textbook  
 10 account as well as the IMA? Or is that something  
 11 separate?  
 12 A. The textbook and IMA are separate accounts, as  
 13 I understand.  
 14 Q. So when you say you received a big chunk of  
 15 money, what are you referring to?  
 16 A. It's been a while since I sat on those  
 17 councils. It's been almost 10 years. So I'm not sure  
 18 which -- you know, this could be big chunks of money for  
 19 both. I do know that you would -- each school would get  
 20 an allocation sort of mid-year and then there would be a  
 21 further allocation later in the year, and I couldn't  
 22 tell you whether it was one account or the other. And  
 23 there may be other accounts. Those are the ones that  
 24 stick in my mind because those are the ones that  
 25 teachers are the most concerned about, you know. Are we

1 going to have money to buy, you know, rulers and things  
2 like that, or globes and textbooks.

3 Q. Are you involved in Leadership Council still  
4 today?

5 A. No, I'm not.

6 Q. When you said you haven't been involved in  
7 almost 10 years, were you referring to your involvement  
8 in Leadership Council in general?

9 A. Right.

10 Q. So in other words, you haven't been involved at  
11 all with the Leadership Council for the past 10 years?

12 A. I haven't sat on the council. I haven't been  
13 an elected member of the council. It's been less than  
14 10 years, but since the early nineties.

15 Q. Is the Leadership Council still in effect  
16 today?

17 A. Yes, it is.

18 Q. Do you know if they still deal with textbook  
19 issues?

20 A. I believe so.

21 Q. From your involvement almost 10 years ago with  
22 the Leadership Council, you indicated that the school  
23 would receive an allotment of money at the beginning of  
24 the year and then again, perhaps, mid-year. Do you know  
25 where that money came from?

1 A. It came from the district.

2 Q. What is your understanding based on, or how is  
3 it that you know that?

4 A. Well, the money for the schools just comes from  
5 the district. I mean --

6 Q. Is that just your general --

7 A. Not to be naive about it, I wouldn't know where  
8 else it would come from. There was a time where we  
9 would get money from the state directly through the  
10 lottery money, but even that stopped happening.

11 Q. Your understanding is it was coming from the  
12 district?

13 A. Right.

14 Q. And other than the persons that you  
15 mentioned -- you say there were teachers at the council  
16 meetings, there were faculty members at the council  
17 meetings, sometimes students. Were there any district  
18 officials or district employees?

19 A. The administration would represent -- I don't  
20 know if they directly represent the district, but there  
21 would be an administrative, one or two or maybe more,  
22 administrators at a meeting, and would be teachers. The  
23 composition of those councils was laid out in contract  
24 language. So anybody could come. Those meetings are  
25 and were open to anybody, but actual voting members is

1 actually sort of laid out in contract language.

2 Q. Do you recall who the voting members would  
3 consist of? Not their names, but their positions.

4 A. The majority would be teachers. There would be  
5 an administrator. There would be parents. There could  
6 be at least one student, possibly more.

7 MS. LHAMON: Could I just ask a point of  
8 clarification?

9 MS. KOURY: Sure.

10 MS. LHAMON: When you refer to administrators,  
11 are you referring to school administrators?

12 THE WITNESS: The school principal or assistant  
13 principal.

14 BY MS. KOURY:

15 Q. What about any -- thank you -- were there any  
16 LAUSD administrators?

17 A. No.

18 Q. Did any LAUSD administrators show up to the  
19 meetings, that you recall?

20 A. None that I was ever aware of. I've never  
21 heard of that happening, unless they've called in maybe  
22 somebody to ask a question.

23 Q. Do you recall whether LAUSD was kept informed  
24 of what occurred at the meetings or the results of the  
25 meetings, perhaps, by correspondence of some sort?

1 MS. LHAMON: Calls for speculation. Go ahead  
2 and answer.

3 BY MS. KOURY:

4 Q. Only if you know.

5 A. Not that I'm aware of.

6 Q. Of the subcommittees that you mentioned, was  
7 there a subcommittee that would decide issues with  
8 respect to textbooks or with respect to the IMA funds  
9 and the textbook account?

10 A. I know there was a subcommittee that worked on  
11 this magic formula for allocating stuff. There was a  
12 committee to do that. I'm pretty sure there was a  
13 committee to do that. I don't think that was -- the  
14 whole council would sit and go over these because was,  
15 like, long, dreary work. But there were a bunch of  
16 other committees, too, like a technology committee and a  
17 discipline committee.

18 Q. How often would the council come up with this  
19 formula for textbooks or instructional materials?

20 A. I think there's been a general formula that's  
21 been tweaked.

22 Q. Is it tweaked each year?

23 A. I think it's looked at each year. I'm not sure  
24 it's tweaked. Again, I've not sat on that. But I  
25 think, you know, a formula was arrived at a number of



1 years ago, and maybe even there was a formula that  
2 administration had for how they -- before teachers  
3 actually sat on this council administration was in  
4 charge of all of this.

5 Q. Meaning school administration?

6 A. School site administration.

7 Q. And after you -- in any given year while you  
8 were involved with the council, after you received the  
9 formula -- and correct me if I'm wrong -- did you then  
10 divide the pool of money among the different department  
11 chairs? How did it work?

12 A. It would be a pool of money. There would be a  
13 formula. So you might get point seven eight five -- I'm  
14 making up a number now -- for your department.

15 Q. So does that go to the department chair?

16 A. Well, it goes to the department as a whole.  
17 And then the department decides how they're going to  
18 spend that money.

19 Q. You -- I'm sorry.

20 A. And the council would look at how that money  
21 then -- what it meant in real dollars. And then I think  
22 they would, you know, well, maybe these folks need a  
23 little bit more over here, so we're going to put some  
24 into their department because they have special needs.  
25 They need to buy more microscopes or something like

1 received from the IMA or the textbook account?

2 MS. LHAMON: I'm going to interrupt you, but  
3 just so we're clear, when you refer to this past year,  
4 are you referring to the 2000/2001 year and so not to  
5 the current 2001/2002 year?

6 MS. KOURY: Let's do it over the last 12-month  
7 period.

8 THE WITNESS: Okay.

9 MS. KOURY: How about that?

10 Q. Do you recall?

11 A. I do -- I have been -- you know, we have  
12 regular department meetings where we sort of talk about  
13 our needs, what we need to -- what we need to get for  
14 the department. You know, I'm sure I expressed my views  
15 about what we needed to focus our spending on or  
16 whatever.

17 Q. In your experience throughout your time at  
18 Manual Arts, which I know goes back quite a bit, do you  
19 recall any meetings with your department where you  
20 specifically decided where to allocate or distribute  
21 monies coming from the IMA or the textbook account?

22 A. Yes. Yes, I do.

23 Q. Could you describe to me how that worked?  
24 First of all, let me ask: When do you recall the last  
25 time that that happened?

1 that.

2 Q. And that's what you meant earlier when you said  
3 that you're not sure that this money would go to  
4 textbooks, it would sort of depend on each individual  
5 department?

6 A. Well, I am almost a hundred percent sure that  
7 the IMA account cannot be used for textbook money; that  
8 there is a separate textbook account.

9 Q. While you were in the social studies department  
10 and -- which you currently are, but at the time while  
11 you were on the council, you were also in the social  
12 studies department?

13 A. Yes.

14 Q. Do you recall any year during that period of  
15 time, when you were involved in the council, being  
16 involved with distributing the money that your  
17 department received as a result of the formula that the  
18 council tweaked and came up with?

19 A. I'm not sure I understand the question.

20 Q. Let me try to rephrase it.

21 While you were involved with the Leadership  
22 Council, do you recall any year -- actually, let me ask  
23 it presently. This past year have you been involved in  
24 department meetings where the department is trying to  
25 decide how to allocate or distribute the money that it's

1 A. Okay. As you're asking me, it's jogging my  
2 memory on this. The one that I remember most clearly,  
3 because I led the effort on this, had to do with a  
4 supplemental textbook for social studies. I had been  
5 advocating bringing in -- we'd had more modern U.S.  
6 history text, and we had -- we'd had a very old one that  
7 we'd been using called "Sea to Shining Sea," which I  
8 think still had the Vietnam War going on in the book.  
9 And I was also stuck with that book because it was  
10 the -- it was the book -- it was the text that had a  
11 reading level more suited to my students. And once it  
12 became clear that that book was just -- had been -- was  
13 out of date and, you know, whatever copies we had left,  
14 just you couldn't give them to kids anymore.

15 I pushed for bringing in a supplemental text  
16 that had a more appropriate reading level for our  
17 students. So we had many -- there was a discussion for,  
18 actually, for quite a bit of time, and we invited in  
19 textbook vendors to come and show us their textbooks.

20 Q. When was this? I'm sorry to interrupt you.

21 A. The last couple of years.

22 Q. Meaning since 1998?

23 A. Since 1998. It probably began around '98, '99.

24 Q. Okay. Going back to the original question. I  
25 don't mean to interrupt you, but I'm trying to clarify.

1 A. That's all right.

2 Q. Do you recall that you were specifically  
3 dealing with trying to receive some of the IMA monies or  
4 the textbook account monies?

5 A. For this, for the discussion of the textbooks,  
6 it had to do with the textbook fund.

7 Q. And what happened?

8 A. Over the course of the number of months, and  
9 having department members look at various textbooks, we  
10 made a decision about a supplemental text that we then  
11 purchased for all the U.S. history teachers to at least  
12 give teachers a class set of these books to supplement  
13 whatever else they were using in their classroom.

14 Q. Other than this incidence that you just  
15 described to me, generally speaking, each year -- and I  
16 don't want to mischaracterize your testimony -- but you  
17 stated something to the effect that the Leadership  
18 Council, which is now the School Based Management  
19 Council, has -- comes up with a formula, and based on  
20 that formula allocates monies from the IMA and the  
21 textbook fund to the different chairs; does that happen  
22 such that it's on an annual basis that you have a  
23 department meeting and you take that formula and  
24 allocate funds? Or is this something that happens  
25 behind closed doors that you're not aware of? Or do you

1 A. Well, we have ongoing meetings, so it's not  
2 like there would just be a special meeting before. We  
3 meet every two weeks or something like that in our  
4 departments. So this is an ongoing process, but -- but  
5 if we knew that there was going to be a School Based  
6 Management meeting where, in fact, getting the final  
7 stamp of approval on, on a particular allocation, then  
8 we might make sure and have a meeting prior to that and  
9 express to our department chair, you know, we didn't  
10 get -- we only got so much last year, the last two  
11 years, or, you know, we -- we need new maps, you know.  
12 That's a big deal, is replacing maps, which a few years  
13 ago made sense but now countries have vanished and new  
14 countries have emerged.

15 Q. The Leadership Council, then, not only decides  
16 on the formula each year, tweaks the formula each year,  
17 reviews it, they give each department chair a specific  
18 sum of money on an annual basis; is that correct?

19 A. Yes. They don't give it to the department  
20 chair, they give it to the department.

21 Q. But the department chair is in charge of then  
22 allocating the money at the department level?

23 A. The department chair, as a representative of  
24 the department, comes back and says we have X amount of  
25 dollars this year for instructional materials, how shall

1 have any understanding of how that happens?

2 A. It happens on an annual basis.

3 Q. Okay.

4 A. I don't believe they change the formula,  
5 necessarily, on an annual basis. The department chairs  
6 are reelected by the members of their department, so  
7 they're advocates for their department. I don't believe  
8 they're obligated to go to the School Based Management  
9 meetings, but very often they will when it has to do  
10 with these sorts of issues. And then they go there as  
11 advocates, you know, saying, well, we would like some  
12 more because we have this special need or that -- the  
13 allotment is fine this year.

14 Speaking for the social studies department, we  
15 don't necessarily review the formula itself, but we --  
16 we talk about what our needs are as a department, and  
17 then expect that the department chair will, you know --

18 Q. Advocate for you?

19 A. Yes.

20 Q. Do you sort of have any sort of meeting or  
21 communication with the department chair before the  
22 department chair goes off to Leadership Council meetings  
23 and therefore sort of inform your department chair of  
24 what your needs are going to look like this year for the  
25 next -- for the coming year?

1 we spend that? And sends around a list to the teachers:  
2 What do you need? Teachers write down their ideas. The  
3 department chair then compiles that. They say, okay,  
4 you know, teacher Jones here wanted more paper, teacher  
5 Johnson wanted this. Let's look at it, let's make a  
6 decision. Is that good with everybody? Fine. Let's  
7 submit that.

8 On textbooks, the same sort of thing would  
9 happen, although it would happen -- that would happen in  
10 sort of a collective way because once you've decided on  
11 texts, you don't just wholesale abandon the text the  
12 next semester. You buy very expensive text and you keep  
13 them for many years, theoretically. So you might  
14 have -- the department chair would say: Do we need to  
15 buy some more econ books or world history books or  
16 government books? And the teachers teaching those  
17 courses would say, well, I think we need at least 50 of  
18 this or 35 of those, something like that.

19 Q. Going back --

20 A. Is my answer clear on that?

21 Q. Yes. Thank you.

22 The process that you described, that the  
23 department chair will come back and say we have X amount  
24 of money, you're referring to the X amount of money that  
25 the department chair has learned about from the

- 1 Leadership Council; is that correct?  
 2 A. Yes.  
 3 Q. And do you know, does that happen more than  
 4 once a year? In other words, will your department chair  
 5 tell you more than once a year and say the Leadership  
 6 Council has allocated X amount for instructional  
 7 materials and X amount for textbook fund?  
 8 A. I know it happens at least once a year.  
 9 Q. What time of year?  
 10 A. I think it's going to happen in the next few  
 11 weeks, actually, if I recall conversation with our  
 12 department chair who said we have to be thinking about  
 13 this now.  
 14 Q. Does it generally, in your experience, happen  
 15 in November?  
 16 A. I think there's one allocation before January,  
 17 and then another one comes in the springtime.  
 18 Q. Are those allocations for both instruction  
 19 materials as well as textbooks?  
 20 A. I'm not sure about that. I think so, but I'm  
 21 not a hundred percent sure.  
 22 Q. The one that you expect to happen in November,  
 23 is that for instructional materials or for texts?  
 24 A. I'm not sure.  
 25 Q. Or you don't know?

- 1 A. Well, I will make opinions known about  
 2 additional books we need now and other materials.  
 3 Whether it is or it isn't, I'm still going to say, look,  
 4 we need to get more Latin American studies books or more  
 5 erasers or things like that.  
 6 Q. And you'll say that to your department chair?  
 7 A. Yes.  
 8 Q. When you were describing your process with  
 9 respect to textbooks and instructional materials, you  
 10 indicated that the teachers will inform the department  
 11 chair what their needs are after the department chair  
 12 has told you what the allocation is. Do you do that  
 13 orally or also written? When I say "you," I mean  
 14 teachers.  
 15 A. Right. In our department it happens in both  
 16 ways, orally as well as people -- as I said, the  
 17 department chair will pass around a list and you will  
 18 write down things that you might need. You know, manila  
 19 folders, I like to use those, so I might write those  
 20 down. Somebody else might use something else. They  
 21 want to make sure the department buys enough supplies of  
 22 that.  
 23 Q. Do you also write a list of textbooks? Is it  
 24 also written?  
 25 A. I don't remember actually writing those down.

- 1 I may have, you know, for supplemental texts. I may  
 2 have -- you know, these are -- I don't know if you want  
 3 me to explain the distinction, but, you know, you have  
 4 certain -- you have U.S. history text every child's  
 5 supposed to have; right? Or whatever. But you can  
 6 supplement that with a novel, historical novel, or  
 7 additional thing that deals with the Civil Rights  
 8 Movement. So that's something that you might write down  
 9 because you saw something good, and you give it to your  
 10 department chair with a -- there's a number, ISBN  
 11 number, whatever that is, so you might write that down  
 12 and give it to the department chair and say I'd like to  
 13 get a class set of those.  
 14 Q. Do you generally take inventory of textbooks to  
 15 determine your need for additional textbooks? In other  
 16 words, not determining that you need an entirely new  
 17 addition or an entirely new book, but do you take  
 18 inventory and say, you know, Sally lost a book and  
 19 John's book is really torn up, so I need to replace one  
 20 or two textbooks? Do you that type of inventory on a  
 21 regular basis?  
 22 A. Yes, that happens on a regular basis.  
 23 Departments do that on a regular basis.  
 24 Q. How's that done in your department?  
 25 A. Well, you know, basically going around and

- 1 counting how many books you have. I mean, it's  
 2 pretty --  
 3 Q. Is that a formal thing that you have to do? In  
 4 other words, is that something that your department  
 5 chair tells you to do or someone informs you that you  
 6 need to do that at a certain time each year?  
 7 A. I'm not sure your -- that it comes down as a  
 8 command from anybody on high.  
 9 Q. Right.  
 10 A. But it -- generally, if you haven't done it  
 11 before the beginning of a semester, you at least have to  
 12 do it at the beginning of a semester, because classes  
 13 begin and the five people in here are teaching U.S.  
 14 history, somebody needs to take -- do a count of the  
 15 number of history books. Otherwise, I go in and take  
 16 all of them and you guys are left with nothing. So the  
 17 department chair usually takes responsibility for that.  
 18 Maybe I've got 35 books stored in my room. So she'll  
 19 pass around a list and say, hey, Josh, how many of U.S.  
 20 history do you have? And I'll write down 35. And it  
 21 will go around to the rest of us, and then we'll go to  
 22 the book room and see any additional there. We'll try  
 23 to open up every cabinet and make sure we've got a sense  
 24 for how many there are.  
 25 Q. What happens once the semester starts if you

1 determine that you don't have enough textbooks or you're  
2 missing a supplemental book?

3 MS. LHAMON: I'm just going to object. That's  
4 an incomplete hypothetical and calls for speculation as  
5 to other people, but you should answer for yourself.

6 THE WITNESS: Yeah. Generally, you know,  
7 teachers will share stuff. So I'm using -- I've got a  
8 two volume supplemental text and I know a fellow teacher  
9 who could use those, so when I'm done I might just have  
10 a couple kids take them over to his room. Or, I use a  
11 book called "Born on the 4th of July" when we do the war  
12 in Vietnam. And every child gets one to take home. But  
13 if another teacher wants to use it and I'm teaching five  
14 U.S. history or four U.S. history, that takes up all of  
15 them, usually. And so I'll -- my kids will read it in  
16 the first few weeks of the semester and the other  
17 teacher will read it in the second part of the semester,  
18 and when I'm finished I have them sent over to that  
19 other teacher.

20 So usually teachers -- let me restate that.  
21 Hopefully teachers do it like that. And we try to do  
22 that.

23 BY MS. KOURY:

24 Q. Going back to the Leadership Council. You  
25 taught at Manual Arts before the Leadership Council was

1 still not enough textbook funds?

2 A. That's correct.

3 Q. And instructional material funds?

4 A. Right.

5 Q. Have you ever inquired as to where the money  
6 for textbooks and instructional funds comes from?

7 A. Have I ever asked anybody specifically?

8 Q. Or have you ever -- you stated generally that  
9 your understanding is that the textbook funds and the  
10 instructional materials funds comes from the district.  
11 Other than that general understanding, do you have any  
12 understanding of where that money comes from?

13 A. Well, I believe it comes -- I mean, somebody  
14 who's a voter in California and familiar with more or  
15 less what goes on in the state, I mean, I know it comes  
16 from the state. I mean, through property taxes.

17 Q. Have you ever been involved with how the  
18 district, LAUSD, processed the funds or just determines  
19 how much to allocate to Manual Arts in terms of  
20 allocating textbook funds or instructional materials  
21 funds?

22 A. I have a very rough and, probably, incomplete  
23 understanding of that, and that it happens on a per  
24 pupil basis.

25 Q. And that understanding is based on what?

1 established; right?

2 A. Yes.

3 Q. Did you see the impact of Leadership Council as  
4 being a positive one or a negative one or any impact?

5 A. I thought it was a positive change.

6 Q. With respect to textbooks, do you think it was  
7 a positive change?

8 A. I think it made not very much difference.

9 Q. What do you mean by that?

10 A. It didn't change the amount of money that the  
11 school was getting for textbooks. And the  
12 administration that we had before school Leadership  
13 Council, these are good, decent people who tried to  
14 allocate the money as well as they could and actually  
15 would call in the department chairs and say, listen,  
16 this is the formula that we're using, what do you think?  
17 So it wasn't done autocratically or anything like that.  
18 It's more a participatory system. But that's not to say  
19 that the people doing it before did it -- you know, they  
20 did the best job they could. I would say it's better to  
21 have more hands involved in making these decisions, so  
22 in that sense it's better.

23 Ultimately it's not had a, I think, a big  
24 impact in changing, you know, how this comes down.

25 Q. In other words, the reality to you is there's

1 A. It's based on hope, I guess. You know, I  
2 couldn't tell you specifically if I've ever been in a  
3 meeting where that was discussed. I guess my assumption  
4 always is the way the district allocates money is based  
5 on the number of kids at a school.

6 MS. LHAMON: Joshua, I just want to remind you  
7 to listen to Vanessa's questions because the question  
8 two questions ago was whether you had been involved, and  
9 you answered your understanding of what the district  
10 allocation is.

11 THE WITNESS: Okay.

12 BY MS. KOURY:

13 Q. Other than the textbook issue which we've  
14 discussed, what other areas does the Leadership  
15 Council -- you indicated that they are involved in other  
16 areas. What other areas are they involved in?

17 A. Issues dealing with student discipline,  
18 calendar questions. What else? General school policy  
19 questions.

20 Q. Anything else in terms of budget, budget  
21 issues?

22 A. Not that I can remember.

23 Let me. I believe that Title 1 monies are  
24 discussed there. I'm not sure, though, if the School  
25 Leadership Council or School Based Management council

1 has the authority over that budget. I just don't know  
2 that.

3 Q. What student discipline? To what extent are  
4 they -- or when you were involved in the Leadership  
5 Council, did you have any role in that?

6 A. Over that, just in sort of a general way.

7 Q. How so?

8 A. Well, for example, maybe the school decided  
9 that they wanted to set up a tardy room first or second  
10 period because kids were coming into school late. When  
11 the School Leadership Council and School Based  
12 Management were created, that no longer was simply the  
13 purview of the school site administration, so that had  
14 to come before the School Based Management. And, you  
15 know, some people would -- and so that council would  
16 say, yes, we want to do that, or, no, we don't want to  
17 do that, and there would be a vote.

18 Q. Was it your understanding that they didn't deal  
19 with specific disciplinary issues? In other words, with  
20 individual cases.

21 A. I don't believe it was individual cases.

22 Q. Do you know now if the student -- I'm sorry --  
23 the Leadership Council is still involved with student  
24 discipline issues?

25 A. I believe it is.

1 Q. What do you base that on?

2 A. I don't believe there's any -- there's been any  
3 change in the contract over that, so nothing, to my  
4 knowledge, nothing has changed that would warrant a  
5 change over that, you know, purview over that policy.

6 Q. Since you stopped being actively involved in  
7 the Leadership Council, have you heard of any discipline  
8 issues arising in which the Leadership Council was  
9 involved in or dealt with? Did you understand that  
10 question?

11 A. I think so.

12 Q. Okay.

13 A. I think Leadership, yes, I think a couple of  
14 years ago we came up with a new tardy policy, three  
15 tardies.

16 Q. And you're out?

17 A. Something like that.

18 Q. Do you think the Leadership Council, with  
19 respect to student discipline issues, has had a positive  
20 impact, in your opinion?

21 A. Again, I think the impact has been relatively  
22 little.

23 Q. Why do you think that?

24 A. Why do I think this? I think that -- I'm not  
25 sure the Leadership Council has the means to come up

1 with some sort of change or innovation that really is  
2 going to get at the problem why kids are coming to  
3 school late. I think the problem is a more profound one  
4 than simply deciding that giving Johnny or Susie an hour  
5 detention after school for coming in late three times is  
6 going to do much, and I think it hasn't done much. So I  
7 think people are well-intended trying to deal with these  
8 things, but I think the problems are more profound than  
9 making simple policy changes within the school.

10 MS. LHAMON: Vanessa, I just want to note for  
11 the record that these questions are moving far afield on  
12 the subject of this lawsuit. With respect to interest  
13 of time, I'd appreciate it we could move on.

14 MS. KOURY: For the record, I totally disagree.  
15 I think the substance of this lawsuit involves issues of  
16 management of system of oversight and these questions  
17 deal with how local level entities are arranged in  
18 dealing with some of the problems that go to the heart  
19 of this lawsuit.

20 MS. LHAMON: Counsel's testifying, which is  
21 totally inappropriate.

22 MS. KOURY: I'm not testifying. I'm answering  
23 to your objection. You're claiming these questions are  
24 not relevant. I'm explaining to you, giving you an  
25 offer of proof of how they're relevant. You can take it

1 for whatever you want.

2 Q. When you stated that there aren't sufficient  
3 means, do you have any ideas as to what kind of means  
4 you would hope for something like the Leadership Council  
5 to have in order to deal with these problems?

6 A. I'm not sure I understand.

7 Q. You indicated that you don't think the  
8 Leadership Council has the means to deal with some of  
9 the problems that the students at Manual Arts encounter.  
10 Do you have any ideas as to what types of means you  
11 think that would assist the school in helping the  
12 students in this respect?

13 MR. FERNOW: Objection. Vague.

14 THE WITNESS: Excuse me?

15 BY MS. KOURY:

16 Q. Did you understand the question?

17 MR. FERNOW: I was just making my first  
18 objection of the day.

19 BY MS. KOURY:

20 Q. Did you understand the question?

21 A. I think I did.

22 Am I supposed to respond to the objection?

23 MR. FERNOW: No.

24 THE WITNESS: Well, yeah. Let me see if I  
25 understand and give you an answer.

1 We are -- because we're a Concept 6, year-round  
2 school, I remember a time that we used to go to school  
3 at eight o'clock and kids would come a little bit late.  
4 But now, since we become a year-round Concept 6 school,  
5 kids sign in, the first bell rings at 7:16 in the  
6 morning. That can't really be changed by the school  
7 Leadership Council. Those are decisions that come from  
8 on high.

9 So as we have pushed the time earlier, I think  
10 we've seen an increase in the number of kids coming to  
11 school late. Certainly school Leadership Council didn't  
12 want to do -- to make a change that would result in  
13 that, and yet I think everybody understood that as we  
14 went year-round that that would happen. And so, you  
15 know, I guess I would like for them, if they had the  
16 authority, to say, no, let's push it back to eight  
17 o'clock, you know, we'll see less kids coming in late.  
18 BY MS. KOURY:

19 Q. So in other words, the year-round, multi-track  
20 calendar has impacted some of the discipline issues?

21 A. I think in a big way, yes.

22 Q. Any other types of means that you think would  
23 assist or empower the Leadership Council to make some  
24 changes with respect to discipline issues?

25 A. Yeah. I mean, we have a school psychologist,

1 maybe even two, who I think -- one full-time and one  
2 part-time. And I think, you know, we have a budget for  
3 that, or we've created those positions. I'm not  
4 completely sure how. And I think those positions really  
5 speak to some of the more profound problems that young  
6 people face. So that rather than punishing Johnny and  
7 Susie, Johnny and Susie, who have had their brother shot  
8 and killed the night before, or the parents have a big  
9 argument, they can go and talk to somebody, and then  
10 you've taken steps to not have a discipline problem,  
11 having a child act out in class. I think those are the  
12 sorts of things that if the Leadership Council had  
13 brought more authority and money, we could have many  
14 more positions like that and having kids really, you  
15 know -- getting kids to talk about what's going on in  
16 their lives and not having those problems manifest in a  
17 classroom where a child then becomes defiant and  
18 unwilling to do their work or they put their head down  
19 on their desk and they just want to sleep or something  
20 like that.

21 Q. You mentioned earlier that the Leadership  
22 Council also deals with calendar questions; what do you  
23 mean by that?

24 A. Well, several years ago we decided to -- I'm  
25 trying to remember the sequence of this.

1 I believe it happened after we became a  
2 year-round school. We instituted what they call a block  
3 schedule.

4 Q. What is that?

5 A. So that the traditional school goes six periods  
6 a day, five days a week. What we do at Manual Arts is  
7 we have one day where kids go to all their classes, and  
8 for the other four days kids don't go for an hour class,  
9 they go for a two-hour class. They do three classes  
10 each day. It's sort of a modification of the schedule.  
11 And that had to be adopted by School Based Management,  
12 as well as the teachers, in a vote.

13 And then -- and things like you get minimum and  
14 shortened days at the end -- each school is allotted a  
15 certain number of minimum and shortened days, so the  
16 calendar committee and the School Based Management  
17 Council will try to allocate those in conjunction with  
18 the final exam schedule. That sort of is modified and  
19 changed every year. And that's the body that, again,  
20 gives the stamp of approval for that sort of stuff.

21 Q. Do you think that it's had a positive impact  
22 with respect to these issues, calendar questions?

23 A. I think it's helped, yes.

24 Q. Seems as if these issues are pretty pertinent  
25 to the multi-track calendar; is that true?

1 A. Sure.

2 Q. What do you mean by "sure"?

3 A. I mean, calendar questions, I guess, become --  
4 are, you know, a big issue at year-round schools.

5 Q. What about school policies? What type of  
6 school policies does the Leadership Council deal with?

7 A. You know, I said that and now I'm not sure what  
8 I meant by that.

9 Well, for example, one of the -- this is a  
10 school issue. It's not -- doesn't come from the  
11 district or the state; right? Some of those. Some  
12 issues are governed by the Ed Code or whatever. But we  
13 have a policy at Manual Arts that says no teacher will  
14 schedule a field trip in the last few weeks of a  
15 semester while teachers are preparing for final exams  
16 and then giving final exams. That's a school-wide  
17 policy that comes out of that body. Now, that body  
18 could change and they say, well, we don't want it the  
19 last three weeks, we want it the last two months. Or,  
20 you know, it doesn't make sense because we're missing  
21 out on a bunch of field trips. So they have authority  
22 over that seemingly mundane issue, but not mundane if  
23 you're the teacher losing your child to some field trip  
24 the day before a final.

25 Q. Do you think that the Leadership Council's role

1 with respect to these types of policies has had a  
 2 positive impact?  
 3 A. I think so, yes.  
 4 Q. Why is that?  
 5 A. Again, I think democracy is better than a  
 6 dictatorship. So that if you have a good administrator  
 7 making these decisions, that's fine, but I think it's  
 8 always better to have these decisions made by a more  
 9 participatory body.  
 10 Q. Do you think it's important that the  
 11 stakeholders are also participants?  
 12 A. Yeah, that's what I mean. I mean, you know,  
 13 parents have a voice there. To the extent that the  
 14 students do, I think it's important that they be there.  
 15 Q. You indicated earlier that you were the shop  
 16 steward, a union rep, for three years. Did you have in  
 17 your -- is that correct, shop steward?  
 18 A. Well, shop steward is a general term in  
 19 organized labor, but in teaching we call them the  
 20 chapter chairs. Often when you say that nobody knows  
 21 what that means. So you're the shop steward, but we're  
 22 called chapter chairs.  
 23 Q. With your involvement as a chapter chair, did  
 24 you have any training or any experience in the  
 25 facilities issues of Manual Arts?

1 MS. LHAMON: Vague as to "facilities issues."  
 2 MS. KOURY: That was vague.  
 3 Q. Did you have any role with respect to dealing  
 4 with facility construction or repairs at Manual Arts?  
 5 A. I had some, yes.  
 6 Q. What was the extent of that role?  
 7 A. We had -- we underwent a major renovation.  
 8 When was that? This was in the mid-nineties, right  
 9 before we went year-round. As the chapter chair, we had  
 10 the contractor and general contractors come in, and I  
 11 sat in on many of those meetings and offered ideas and  
 12 suggested how to remodel one of the buildings, which  
 13 they did. Drawing on my vast experience as a  
 14 architecture student from Cal Poly Pomona.  
 15 Q. Was your presence in those meetings and your  
 16 involvement in those renovations, was that involved on  
 17 the union contracts with the school district?  
 18 A. No. It was based on the respect the principal  
 19 had for me and just general relationship, because the  
 20 subsequent administration didn't involve the union rep  
 21 in those meetings at all.  
 22 Q. What was renovated during that major  
 23 renovation?  
 24 A. Air conditioning. Number one, air  
 25 conditioning. New lighting. I think they updated

1 the -- it was a very old, probably not to code -- the  
 2 interior rooms had these old-fashioned transoms which  
 3 you would open up, so they had to do away with those.  
 4 Those were a fire hazard. You know, they renovated  
 5 teacher restrooms. New coats of paint interior.  
 6 Q. Were you involved with maintenance issues as  
 7 well while you were or through your role as the chapter  
 8 chair?  
 9 MS. LHAMON: Vague as to "maintenance issues."  
 10 BY MS. KOURY:  
 11 Q. Do you understand the question?  
 12 A. I do understand the question, but I'm not  
 13 completely sure what you mean by "maintenance issues."  
 14 Q. Okay. When I mean maintenance issues, in terms  
 15 of if there were -- if you felt as if the campus was  
 16 dirty during the day, there was too much litter on the  
 17 ground, or the student restrooms were not working  
 18 appropriately or properly, did you have any involvement  
 19 in terms of the custodial services that were provided  
 20 for those types of issues?  
 21 A. Not directly, no. Not directly, no.  
 22 Q. Did you ever voice your opinion about those  
 23 types of issues through your role as the chapter chair?  
 24 A. I don't remember. It's not uncommon. It's  
 25 quite common, in fact, for teachers at a faculty meeting

1 to say, hey, something needs to be done about this. So  
 2 as a group teachers often chime in about, you know,  
 3 conditions on the campus. I don't remember specifically  
 4 meeting with the principal saying, listen, we need to --  
 5 in fact, I know I never did -- we need to have another  
 6 custodian doing this stuff or whatever. I did once call  
 7 in the health department to deal with the bathroom  
 8 questions.  
 9 Q. What was that about?  
 10 A. Well, that the -- I think we walked through  
 11 most of the restrooms, but I was particularly incensed  
 12 about the faculty restrooms, which were not getting  
 13 toilet paper, hand soap. I think those were the issues.  
 14 I felt like the school -- and I don't remember if I was  
 15 the chapter chair at that point. I might have been.  
 16 But I believe it was during the time of renovation. But  
 17 I just sort of, like, decided you know what, this has  
 18 gone on too long. Nobody's dealing with this. And I  
 19 called in the health department. We did a walk-around  
 20 and it put some heat on the school site administration  
 21 to deal with these problems.  
 22 Q. Was that the county health department? Do you  
 23 recall?  
 24 A. I don't remember.  
 25 Q. Previously to calling in the health department,

1 what steps had you taken in terms of your complaints  
 2 about the restrooms?  
 3 MS. LHAMON: Assumes facts not in evidence.  
 4 BY MS. KOURY:  
 5 Q. I'm assuming you took steps before calling the  
 6 health department; is that true? Did you complain to  
 7 anyone before you called the health department?  
 8 A. I'm sure I complained.  
 9 Q. But you can't specifically remember?  
 10 A. No.  
 11 Q. And was it with respect -- your complaint to  
 12 the health department was only with respect to the  
 13 faculty restrooms?  
 14 A. I think that's what motivated me, probably  
 15 after going in and not finding -- but I think we also  
 16 did a walk through the rest of the restrooms.  
 17 Q. Meaning you with the representative?  
 18 A. Health inspector, yes.  
 19 Q. Do you recall what, if anything, became of  
 20 that?  
 21 A. I think he issued a report or something -- he  
 22 did something of some sort of official capacity, put  
 23 some heat on to have this stuff taken care of. I don't  
 24 regularly go -- in fact, I maybe have been in the  
 25 student restroom once or twice in all the years I've

1 been there, but the faculty restrooms are tended to now,  
 2 so something happened.  
 3 Q. It improved?  
 4 A. Yes, things improved.  
 5 Q. I'm going to ask you to look at what we've  
 6 marked as Exhibit 2, which is your declaration.  
 7 A. Okay.  
 8 Q. And review that briefly, or just review it and  
 9 let me know when you've had a chance to.  
 10 A. Okay. Is there a particular page you would  
 11 like me to look at, or number?  
 12 Q. No, just if you could review the substance of  
 13 it.  
 14 A. The whole thing? Okay.  
 15 Q. You indicated earlier that you received this in  
 16 the mail from Ms. Latham.  
 17 MS. LHAMON: Mischaracterizes the testimony  
 18 slightly, aside from my name.  
 19 BY MS. KOURY:  
 20 Q. Is that true?  
 21 A. I believe I, yes, got it in the mail.  
 22 Q. And have you received anything else from the  
 23 ACLU regarding this lawsuit other than your declaration?  
 24 MS. LHAMON: I just instruct you not to answer  
 25 since I became your counsel, but you can certainly

1 answer when you received anything other than that.  
 2 THE WITNESS: Yes.  
 3 BY MS. KOURY:  
 4 Q. Have you received -- well, what did you  
 5 receive?  
 6 THE WITNESS: Can I say?  
 7 I got a copy of that.  
 8 BY MS. KOURY:  
 9 Q. Which is the complaint?  
 10 A. I'm sorry, yes, the big, thick thing.  
 11 Q. And have you received anything else?  
 12 A. And a copy of my agreement that --  
 13 MS. LHAMON: Instruct you not to answer because  
 14 that's since --  
 15 THE WITNESS: I'm sorry. I'm sorry.  
 16 MS. LHAMON: -- we had the attorney/client  
 17 relationship.  
 18 BY MS. KOURY:  
 19 Q. Did you receive any news articles?  
 20 A. No.  
 21 Q. You had indicated before as well, when  
 22 Ms. Lhamon and you had a subsequent telephone  
 23 conversation, I believe, which was a couple of months  
 24 ago, at which time you -- your understanding is that  
 25 they became your attorney; did that happen at the end of

1 the conversation, beginning of the conversation?  
 2 A. I don't remember.  
 3 Q. Do you remember if there were some conversation  
 4 that led up to your agreement?  
 5 A. I think she asked me if --  
 6 MS. LHAMON: Just instruct you not to talk  
 7 about what the topic was, but you can answer yes or no.  
 8 THE WITNESS: Yes. Yes.  
 9 BY MS. KOURY:  
 10 Q. I don't want to know anything that happened  
 11 after you said, yes, I want her to be your lawyer, your  
 12 understanding she became your lawyer, but anything  
 13 before that. Could you tell me the substance of that  
 14 conversation?  
 15 MS. LHAMON: Instruct you not to answer because  
 16 the attorney/client privilege begins, as you know, at  
 17 the beginning we talk representation. That entire  
 18 conversation is covered by the privilege.  
 19 THE WITNESS: Okay.  
 20 BY MS. KOURY:  
 21 Q. Do you know prior -- I'm sorry.  
 22 Do you know if any other employees at Manual  
 23 Arts or any other teachers at Manual Arts are involved  
 24 in the lawsuit?  
 25 A. Involved in the lawsuit? That I don't know.



1 Q. Do you know if any of the other teachers or  
2 employees at Manual Arts have an understanding of what's  
3 going on in the lawsuit?

4 A. I believe there are a couple of other teachers  
5 who have been interviewed.

6 Q. What do you mean by that?

7 A. About conditions at the school.

8 Q. What teachers?

9 A. I believe two other teachers in the social  
10 studies department.

11 Q. Do you know their names?

12 A. I think Matt Aide is one. I'm not sure I know  
13 the other person.

14 Q. What is your understanding based on that  
15 they've been interviewed regarding the conditions?

16 A. That's all I know, is that I believe two other  
17 teachers in the social studies department were  
18 interviewed about the conditions at the school.

19 Q. How do you know that or why do you think that?

20 A. How do I know that? That's a good question.  
21 I'm not sure. I believe it was, I learned this, in  
22 talking to that other attorney that I was playing phone  
23 tag with. I'm not sure who told me that.

24 Q. Do you remember ever talking to Mr. Pearl about  
25 this lawsuit?

1 A. Not at the moment, no.

2 Q. Are you sure?

3 A. Well, let me ask about this. If something else  
4 occurs --

5 Q. I get to ask the questions. Just kidding.

6 A. If something occurs to me that, oh, yeah, this  
7 thing doesn't happen, am I precluded from saying that  
8 later on? You're talking to a guy almost 50 years old.  
9 I don't remember everything anymore.

10 Q. Again, I'm asking you to answer the questions  
11 as fully and completely as you can.

12 A. Yeah.

13 Q. And if something occurs to you throughout this  
14 deposition that's not in your declaration, some sort of  
15 concern that you have regarding the conditions at Manual  
16 Arts, feel free to interject.

17 A. Okay.

18 Q. So sitting here right now, though, there's  
19 nothing else other than what's in your declaration?

20 A. Right.

21 MS. LHAMON: Would you mind if we take another  
22 break?

23 MS. KOURY: Not at all. Do you want to take a  
24 lunch break?

25 (Brief recess.)

1 A. Only that he told me he would be doing the very  
2 same thing next week.

3 Q. Do you know if he was also interviewed about  
4 the conditions at Manual Arts?

5 A. He never indicated to me that he -- he's never  
6 taught at Manual Arts.

7 Q. Do you know if he was interviewed at all by  
8 anyone at the ACLU?

9 A. I don't know.

10 Q. Other than having this discussion with him  
11 about going through the same thing that you're going  
12 through right now, have you had any other discussions  
13 with him about the lawsuit?

14 A. Not really, no. We talk about other things.

15 Q. Now that you've had a chance to review what  
16 we've marked as Exhibit 2, your declaration, other than  
17 what's written in your declaration, do you have any  
18 other concerns or -- concerns about the conditions at  
19 Manual Arts that you would want to assert in this  
20 lawsuit?

21 A. More than I've stated here you're saying?

22 Q. Yes. Other than what's stated in the  
23 declaration, keeping that aside, is there anything else  
24 that you would want to assert in this lawsuit regarding  
25 the condition at Manual Arts?

1 BY MS. KOURY:

2 Q. Do you know who the principal is at your school  
3 right now?

4 A. Yes, I do.

5 Q. What's his name or her name?

6 A. His name is Ed Robellard.

7 Q. And how long has he been the principal?

8 A. He's been the principal since the beginning of  
9 the school semester, since July.

10 Q. Who was the principal before him?

11 A. Wendall Greer.

12 Q. And how long was Wendall the other principal?

13 A. He was the principal like seven years.

14 Q. How about the vice-principal, who's the  
15 vice-principal right now?

16 A. We have a number of assistant principals.

17 Q. Do you know how their roles are broken up as  
18 assistant principals?

19 A. I know that each one has sort of a defined area  
20 of responsibility. I'm not sure what those areas are.

21 Q. How many are there?

22 A. I believe we have one, two, three -- four  
23 assistant principals.

24 Q. And what are their names?

25 A. Ms. Schneider, Mr. Garcia, Ms. Ra'oof.

1 MS. LHAMON: Do you want to spell that for the  
2 record?  
3 THE WITNESS: R A apostrophe oof, O F F or O O  
4 F. And then Mr. Armendarez, Armendez, something like  
5 that. Armendarez. Armendarez. He's just starting.  
6 MS. LHAMON: Want to try spelling that also or  
7 no?  
8 THE WITNESS: A R M E D A R E Z.  
9 MS. LHAMON: Thank you.  
10 BY MS. KOURY:  
11 Q. Is that five? Four?  
12 A. Four APs and one principal, I think.  
13 Q. Do you interact with any of these assistant  
14 principals?  
15 A. Yes.  
16 Q. All of them?  
17 MS. LHAMON: Vague as to "interact." Does he  
18 pass them in the halls or does he interact with them in  
19 their official capacity?  
20 MS. KOURY: The latter.  
21 Q. Do you interact with them in their official  
22 capacity?  
23 A. Generally, no. I'm no longer a chapter chair.  
24 Q. Do you know how -- you indicated earlier that  
25 they have various roles. Do you know how their roles

1 are divided? Or, I should say, which areas each of them  
2 deals with?  
3 A. I don't.  
4 Q. When you were a chapter chair, how did you have  
5 to interact or which assistant principals did you have  
6 to interact with?  
7 A. Well, the one that I interacted the most with  
8 was a woman by the name of Sharon Duees (phonetic).  
9 Q. She's no longer an assistant?  
10 A. She's no longer there.  
11 Q. What was her role?  
12 A. She was second in command.  
13 Q. And what kinds of issues did you have to deal  
14 with or what brought you to her? Why was it that you  
15 had to interact with her?  
16 A. We sat -- we would interview prospective  
17 teachers. She might be involved in a Step 1 grievance  
18 hearing.  
19 Q. Is that a grievance from a teacher?  
20 A. Yes. So as a chapter chair I would represent  
21 that teacher in the first step of a grievance hearing.  
22 Or, a disciplinary action by administration towards a  
23 teacher, and I would go in, again, represent that  
24 teacher.  
25 Q. Anything else?

1 A. Generally, that was it.  
2 Q. As a chapter chair, one of the things that you  
3 did was interview prospective teachers?  
4 A. As a -- yes. As part of an interview team,  
5 which came about through our School Based Management  
6 plan.  
7 Q. What years was this, that you were part of the  
8 interview team?  
9 A. I would say like '91, '92, '93. '91 through  
10 '93, '91 through '94.  
11 Q. Meaning around '91 through '93 or '91 through  
12 '94?  
13 A. Right.  
14 Q. Who else was on the interview team?  
15 A. There would always be an administrator.  
16 Q. A school administrator?  
17 A. A school site administrator. I'm sorry. A  
18 union rep.  
19 Q. Which was you?  
20 A. Which was me, yeah. And at least somebody from  
21 the department that we were interviewing for. So if  
22 there was somebody -- if we were interviewing for an  
23 English position, the English department chair would be  
24 in there, or at least a teacher representing the English  
25 department, and science, whatever the department was.

1 Q. Did the interview team have any other  
2 responsibility besides just interviewing prospective  
3 teachers? In other words, were you involved at all in  
4 recruiting teachers?  
5 A. Not recruiting, no.  
6 Q. Other than recruiting teachers, what else?  
7 A. We would then collectively decide who we would  
8 choose.  
9 Q. You were just interviewing teachers for Manual  
10 Arts; is that right?  
11 A. Yes.  
12 Q. About how often during the three or four years  
13 you were a part of the interview team would you  
14 interview prospective teachers?  
15 A. I would say I did it at least a dozen times,  
16 maybe more.  
17 Q. A dozen times throughout that three-year span?  
18 A. It could have been more.  
19 Q. Was there ever -- would there ever have been an  
20 occasion, that you're aware of, that a teacher was  
21 interviewed and you weren't part of the team?  
22 A. I'm sure.  
23 Q. Was there some other union representative  
24 there?  
25 A. There was another union rep there.

1 Q. What did you look for when you were  
2 interviewing teachers to decide whether you wanted this  
3 person at Manual Arts or not?  
4 A. The thing that I was most concerned about?  
5 Q. Yes.  
6 A. Was their attitude towards young people.  
7 Q. Why?  
8 A. Why? I think that's the thing that you don't  
9 learn, and that is that if you -- if you like being  
10 around young people and you like interacting with them,  
11 that doesn't come. You either -- you either have that  
12 up front or you don't. You can lose that, but it's, I  
13 think, more important than your knowledge of the subject  
14 area. So for me that was always the key thing. You  
15 know, is this person going to be a "mench" or not, as we  
16 say in teacher lingo.  
17 Q. I'm sorry, what was that?  
18 A. A mench means a good person.  
19 Q. And did you have any conversations with the  
20 other people on the interview team that indicated or  
21 that you would -- this is what happens when I don't eat  
22 lunch. I can't speak.  
23 Did you have any other conversations with the  
24 other people on the interview team that led you to  
25 believe that they also felt that this was important?

1 MS. LHAMON: Objection. The question's  
2 compound because the team wouldn't be composed of the  
3 same people each time. He's testified to at least 12  
4 times he was on such a team over a three-year period.  
5 MS. KOURY: I'm going to back up a second.  
6 Q. Is that true, that each time had different  
7 people on it? In other words, the same persons were not  
8 on each interview team?  
9 A. That's right.  
10 Q. Did you ever have a conversation with anyone on  
11 any of the interview teams that led you to believe that  
12 those persons on that interview team similarly felt that  
13 this attitude towards young was important in  
14 interviewing candidates?  
15 A. We would always finish up the interview.  
16 Usually we tried to keep the same team interviewing for  
17 the same position so that if we're a team of four  
18 interviewing for one particular English position, we  
19 thought it was important to try to get those same four  
20 people looking at the prospective teachers for that  
21 position so that we weren't comparing apples and  
22 oranges, or it was the same group. And we would do the  
23 interview and we would go around and see what people  
24 thought. Invariably we would all come up with the same  
25 sort of view of the people. It was pretty -- after you

1 do it for a while you can -- you get a good sense for  
2 what people are like, whatever.  
3 Q. But in terms of the criteria you were looking  
4 for, you indicated that their attitude towards young  
5 people was important to you. Did you feel as if it was  
6 also important to other people on the interview teams?  
7 A. I always felt that it was, yes.  
8 Q. What was that based on?  
9 A. Our discussions. And generally the people in  
10 these interviews were themselves good teachers, people  
11 who were sympathetic towards young people, so that we  
12 were coming from sort of the same perspective on this.  
13 Q. Other than an attitude or having a good  
14 attitude towards students and young people, what other  
15 criteria did you look for while you were interviewing  
16 prospective candidates?  
17 MS. LHAMON: Just going to object again on the  
18 use of time. Mr. Pechthalt is a percipient witness in  
19 this case. This doesn't seem the most appropriate use  
20 of his time in this deposition.  
21 MS. KOURY: For the record, his declaration  
22 consists of many allegations with respect to the  
23 qualifications of teachers. The fact that he  
24 interviewed prospective candidates and he has experience  
25 in determining that qualification I think directly

1 relates to the allegations, but I'm not going to waste  
2 any more time responding.  
3 Q. Go ahead, if you remember the question.  
4 A. Well, since I sat in on those interviews as a  
5 chapter chair, I would want to know if this person  
6 was -- would be willing to come, be active at our union  
7 chapter.  
8 Q. Why was that important?  
9 A. Well, we have a very active union chapter at  
10 our school, so, you know, I didn't -- I wanted people  
11 who felt that, you know, they wanted to be active and  
12 could get involved.  
13 Q. Other than their attitude and their willingness  
14 to become involved in the union, is there anything else  
15 that you look for in determining whether the prospective  
16 candidate was qualified to work at Manual Arts?  
17 A. Well, knowledge of subject was important, but  
18 we wouldn't necessarily have to interview for that  
19 because we would get the teacher's resume and we'd look  
20 that over. But if somebody was moving from one subject  
21 to another, you would say, you know, you'd ask questions  
22 maybe about that.  
23 Q. Was there a screening process that occurred  
24 before you interviewed these people? In other words,  
25 did someone else look at the resumes and determine

1 whether to bring this person for an interview, or were  
 2 you part of that process?  
 3 A. Generally the way it happens is if there's an  
 4 opening in the English department, the administration  
 5 receives, you know, eight resumes or three resumes, and  
 6 then the assistant principal would set up interviews  
 7 with all those people.  
 8 Q. So in other words, you interviewed everyone for  
 9 which you received a resume?  
 10 A. I don't remember ever -- I don't remember. It  
 11 doesn't mean it didn't happen. I don't remember saying  
 12 let's not interview that person. I don't remember  
 13 having, you know, 15 applicants for one position. It  
 14 was usually, you know, three, four, five, something like  
 15 that.  
 16 Q. Do you know where the assistant principal got  
 17 the resumes from?  
 18 A. Well, they received them from the teachers.  
 19 The teachers would -- you know, my experience in the  
 20 district is that you go to the personnel office and you  
 21 apply for a position, and then they will send you out to  
 22 schools that have openings, or you may also on your own  
 23 initiative contact schools. In fact, that's the way I  
 24 did it. So it could come from the hill, as we say, or  
 25 the teacher, him or herself, could stop by, drop off an

1 A. I think I've done a couple. Not as the union  
 2 rep, but as a member of the social studies department.  
 3 Q. Do you recall the last time you were part of an  
 4 interview team?  
 5 A. You know, I don't know if it was the last one.  
 6 I remember one for a math position.  
 7 Q. Do you remember about when that was?  
 8 A. I think it was around that time.  
 9 Q. '94ish?  
 10 A. Yeah.  
 11 Q. You just testified that you believe that it was  
 12 important to the interview teams, generally speaking,  
 13 that the teachers were veteran teachers, which would  
 14 include a credential. How important if you had to rank  
 15 it?  
 16 A. I think it was important, very important.  
 17 Q. What do you base that on, your understanding  
 18 that that was important to you as well as the other  
 19 interview teams?  
 20 A. Well, I think, you know -- I felt then, and I  
 21 feel now, the more experience you have in the classroom  
 22 you're in a better position to be an effective teacher.  
 23 It's not the only issue, but I think it's an important  
 24 issue.  
 25 Q. Did you ever interview teachers that had

1 application.  
 2 Q. Right.  
 3 A. Resume, not application.  
 4 Q. Other than what you've already mentioned, was  
 5 there anything else that you looked for in determining  
 6 whether this candidate should teach at Manual Arts?  
 7 A. That was generally about it.  
 8 Q. What about credentials? Did you determine  
 9 whether this person had a credential or not in  
 10 evaluating whether or not to hire them?  
 11 A. Well, I think credentialing was an issue. I  
 12 mean, I think we -- we looked for experienced teachers  
 13 whenever we had the choice. If we had the choice  
 14 between a veteran teacher, we would go with the veteran  
 15 teacher.  
 16 Q. When you say "a veteran teacher," do you think  
 17 that that necessarily means he or she has a credential?  
 18 A. That's what I mean by that.  
 19 Q. I may have already asked this, and I apologize  
 20 if I have. But are you involved at all in interviewing  
 21 now?  
 22 A. No, not now.  
 23 Q. And since the time that you stopped in what you  
 24 think is maybe '93, '94, have you at all been involved  
 25 in interviewing teachers?

1 teaching experience but didn't have a credential?  
 2 A. That had teaching experience but had an  
 3 emergency credential, right. I was one of those  
 4 teachers.  
 5 Q. And did you --  
 6 A. Oh, yes.  
 7 Q. Do you think that would qualify someone for a  
 8 position at Manual Arts, if they had teaching experience  
 9 but were still on an emergency credential?  
 10 A. Well, when you say would qualify somebody --  
 11 Q. Do you remember -- I'm sorry. Go ahead.  
 12 A. I was just going to say that usually you're  
 13 faced with an opening, so you're, you know -- if you  
 14 know an opening is coming, then you can maybe interview  
 15 a few weeks or a month or two ahead of time. We may  
 16 have done that. But usually you're dealing with  
 17 something that's happening right now. Somebody just let  
 18 you know that they're going back to grad school or med  
 19 school or having a baby. So, you know, it happens  
 20 pretty quickly.  
 21 You're usually in a position to interview a  
 22 number of people quickly and making a decision pretty  
 23 quickly. So you try to assess the various candidates  
 24 and choose the person who you think is going to do the  
 25 best job over the longest period of time, and having a

1 credential is in that. I wouldn't say it's the only  
2 element. Obviously for me, a veteran teacher, who's an  
3 ogre I'm not interested in. So if somebody's got an  
4 emergency credential, maybe doesn't have any teaching  
5 experience but they just graduated from UCLA, and  
6 they're beginning the district mentoring program but  
7 they've got an emergency credential, but I can see their  
8 perspective on young people is a good one and young  
9 people will relate to them, I think in the long run that  
10 person is going to be an addition to the school.

11 Q. So it sounds like, and correct me if I'm wrong,  
12 you're not really webbed to labels, per se, but it's  
13 more a case-by-case situation?

14 A. I think case by case is important. I do think  
15 case by case is important, but I think in general  
16 classroom experience is helpful and necessary. It's not  
17 imperative, but I think it's -- I think it should be  
18 imperative, frankly.

19 Q. Credentialed candidates, in your opinion, have  
20 classroom experience, per se? In other words,  
21 regardless of the fact that they haven't been hired or  
22 previously taught at a school, the fact that they have a  
23 credential indicates to you that they have had classroom  
24 experience?

25 MS. LHAMON: Assumes facts not in evidence and

1 not sure the principal has this task, but each assistant  
2 principal is assigned a department. They then evaluate  
3 the teachers in that department.

4 Q. You being a teacher --

5 A. Thank you.

6 Q. -- I take it, there is a particular assistant  
7 principal who evaluates you; who is that?

8 A. Well, the current assistant principal,  
9 Ms. Schneider, has never evaluated me because she just  
10 started. I will be evaluated this year.

11 Q. How about last year, how often were  
12 you evaluated by the assistant principal?

13 A. Because I'm a veteran teacher and they're not  
14 worried I'm doing crazy things in the classroom, I'm  
15 only what they call Stulled, S T U L L E D. I'm only  
16 stulled, which is an evaluation every two years, though  
17 contracturally they could do it every year if they chose  
18 to. The last one to evaluate me --

19 That was your question, I think.

20 Q. Yes.

21 A. -- was Irene Anton.

22 Q. And how long ago was that?

23 A. This is like three years ago.

24 Q. As you indicated before, you're due this year  
25 for another evaluation?

1 incomplete hypothetical.

2 THE WITNESS: What does that mean now?

3 MS. LHAMON: That means you can answer. If I  
4 don't instruct you not to answer, you can answer any  
5 question.

6 THE WITNESS: My understanding of the  
7 credentialing process is that you have to have classroom  
8 experience before you get a credential, so it's -- you  
9 have to do student teaching.

10 BY MS. KOURY:

11 Q. So it's that aspect of the credential that you  
12 find important?

13 A. Yes. And, you know, standing up in front of  
14 35, 30 young people going: Now what's up? And, you  
15 know, figuring out what they're having to do that day, I  
16 think you need to have done that. It's better to have  
17 done that than not.

18 Q. Have you been involved in firing teachers at  
19 all?

20 A. No.

21 Q. How about evaluating teachers?

22 A. No.

23 Q. Do you know who, in terms of the school site  
24 administration, does that, evaluates teachers?

25 A. Each, I believe, each assistant principal. I'm

1 A. Yes.

2 Q. What consisted of the last evaluation that you  
3 had? What was the process?

4 A. She came in and observed me.

5 Q. For how long?

6 A. Ten, 15 minutes, something like that.

7 Q. Other than observing you, anything else?

8 A. And then she talked to me.

9 Q. For how long?

10 A. I think we had a conversation before and a  
11 conversation after.

12 Q. Do you recall what the conversation was about?

13 A. We talked about what was going on in the  
14 classroom.

15 Q. In becoming evaluated, do you also give her  
16 feedback about what's going on in terms of your thoughts  
17 on conditions?

18 A. Generally one doesn't talk about the  
19 conditions. You know, you talk about what you're doing,  
20 whatever.

21 Q. After she observed you and you had a couple  
22 conversations with her, what else happens in terms of  
23 your evaluation?

24 A. Then you get a written evaluation, which you --  
25 you can grieve if there's an aspect of it that you feel

1 was unwarranted, but mine was a fine evaluation, so  
2 there was -- it was a -- you know, I'm a pretty good  
3 teacher.

4 Q. Have you ever grieved an evaluation?

5 A. No.

6 Q. Do you know who you would grieve it to?

7 A. I would take it to the union rep. You grieve  
8 it to the principal.

9 Q. Does the evaluation impact your salary?

10 A. No.

11 Q. What you just described to me, the evaluation  
12 process, the last one that you had, is that generally  
13 how it works for a Stulled evaluation?

14 A. Yes.

15 Q. When you indicated you're a veteran teacher, is  
16 that a term of art? In other words, is that something  
17 that you sort of have specific criterion and you become  
18 a veteran teacher, or is that just something that you --

19 MS. LHAMON: Objection. The witness has  
20 already testified his definition of what a veteran  
21 teacher is, having a teaching credential.

22 BY MS. KOURY:

23 Q. Is that true? In other words, when you say  
24 you're a veteran teacher, any teacher that walks in the  
25 door that has credentials, would you qualify him or her

1 Q. Do you know what type of -- you indicated  
2 that's a year-by-year evaluation for emergency permits.  
3 Do you know what the process of that evaluation is?

4 A. Well, I went through it many years ago. I  
5 think you -- that was many years ago. I think an  
6 administrator comes in, usually several times. They  
7 look at what you're doing. They indicate it on, you  
8 know, on a form, and they meet with you and they talk to  
9 you about it. I guess they let you know if they're not  
10 going to recommend that you be rehired. That's your  
11 emergency credentialed teacher.

12 Q. What you just described to me, was that based  
13 on what your understanding when you were an emergency  
14 credentialed teacher?

15 A. Yes.

16 Q. Do you have any knowledge of what it's like  
17 now?

18 A. I think it's pretty similar.

19 Q. What's that based on?

20 A. Talking with other teachers with emergency  
21 credentials, knowing teachers that have not been brought  
22 back the second year.

23 Q. Do you think the Stulled evaluation you  
24 received every two years is sufficient evaluation  
25 process for you?

1 as a veteran teacher?

2 A. Well, I guess it's a combination of experience  
3 and having a credential. It's a gentler -- it's a  
4 kinder, more gentler way of saying an older teacher.  
5 I've fallen into that category now.

6 Q. Is there some sort of policy or procedure at  
7 Manual Arts that you all of a sudden qualify to be  
8 Stulled as opposed to otherwise evaluated?

9 A. Yes.

10 Q. What is that?

11 A. Emergency credentialed teachers are not  
12 Stulled.

13 Q. What are they?

14 A. They're evaluated on a year-by-year basis. You  
15 sign a year contract. I'm not sure if it's called a  
16 Stull. I don't believe it is. If you're an emergency  
17 credentialed teacher, then you're evaluated every year,  
18 and then the district makes a decision to hire you back  
19 or not or the school site administration makes that  
20 decision.

21 Q. What about a first-year teacher that has full  
22 credentials but it's their first year at teaching at  
23 Manual Arts, do you know what kind of evaluation they  
24 receive?

25 A. I believe it's a Stull.

1 MS. LHAMON: Objection. Mischaracterizes the  
2 testimony slightly to the extent that I don't think he  
3 testified that he actually did receive a Stull every two  
4 years. I think he said that was the process and it's  
5 been about three years since he had one.

6 THE WITNESS: Do I think it's sufficient? I  
7 think it's an inadequate way of assessing teachers,  
8 completely inadequate.

9 BY MS. KOURY:

10 Q. Why is that?

11 A. I think an education system that is really  
12 concerned about what adults are doing in a classroom  
13 with young people needs to have an administrator  
14 engaging with a teacher, and maybe not just an  
15 administrator, but there needs to be much more dialogue  
16 and discussion about what teachers are doing in  
17 classrooms.

18 Q. When you say there needs to be more of a  
19 dialogue, who would you want that dialogue between? In  
20 other words, between teachers, among teachers and  
21 administrators, or other officials, whether they be at  
22 the school district, state?

23 A. Well, at least within the current system it's,  
24 you know, management and labor, principal and the  
25 teacher, so at least, you know, assuming that that's not

1 going to change anytime soon. In fact, there's a real  
2 discussion about what's going on in the classroom. You  
3 know, people are really engaging each other about what's  
4 happening in the classroom.

5 Q. Would you want that in an ideal world or, in  
6 your opinion, do you think that needs to continue to  
7 happen at the school site? Or would you want someone  
8 other than school site administrators to evaluate  
9 teachers?

10 MS. LHAMON: Object to the question as  
11 compound. Are you asking about the ideal world or are  
12 you about his opinion for this question now?

13 BY MS. KOURY:

14 Q. Your opinion you limited your last response to  
15 the way the system is now. I'm asking you not to limit  
16 yourself to the way the system is now, but in your  
17 opinion what would you like?

18 MS. LHAMON: Thank you.

19 THE WITNESS: I've not spent a lot of time  
20 thinking about what it would look like in an ideal  
21 world, but I would say that I would imagine that there  
22 wouldn't be a simple labor/management relationship in  
23 this process of evaluation; that it would be a much more  
24 collective effort involving other teachers, perhaps  
25 students. I don't quite know how I would create that.

1 and evaluating them, do you think that that would be  
2 beneficial?

3 A. I would not like to see that.

4 Q. Why not?

5 A. I think that's threatening. It's threatening  
6 enough to have somebody come in when you know that you  
7 could lose your job even if it's not going to happen  
8 tomorrow. And I think you want to do this in a sort  
9 of -- how do I say? -- kind of a more nurturing  
10 environment. So I think somebody from the state coming  
11 in would be perceived -- teachers would sort of raise up  
12 the drawbridge, and I don't think that's -- you're going  
13 to engage somebody like that. People are going to be  
14 very defensive. I think you're more likely to actually  
15 have a discussion with people when people are going to  
16 be more willing to talk about their shortcomings or  
17 things that they need to work on in an atmosphere where  
18 you don't feel like somebody's going to smash you over  
19 the head, but, in fact, you can discuss I'm having  
20 trouble with this, can I go to a workshop? A more  
21 healthier kind of -- I don't know of any other workplace  
22 I've worked in that has that, but I'm sure there must be  
23 some like that. Maybe here.

24 It's like that here, isn't it?

25 Q. Absolutely.

1 BY MS. KOURY:

2 Q. In other words, do you think it would be  
3 beneficial to have other teachers evaluating each other  
4 as well as having students evaluate teachers?

5 A. I would certainly think it's important that  
6 kids evaluate teachers. Rather than use the term  
7 evaluation -- because one treads on sort of, you know,  
8 tricky ground here, because I wouldn't want teachers  
9 firing other teachers. I'm a union man. But I do  
10 believe that under a different sort of dynamic, that  
11 teachers could be involved in assisting, in helping  
12 other teachers, especially teachers who are having  
13 difficulties in the classroom. So, again, I haven't,  
14 you know, I haven't worked out how exactly this would  
15 happen, but sort of a peer assistance program, I think,  
16 could really be helpful.

17 Q. When you stated that you think the evaluation  
18 process the way it is now is completely inadequate, are  
19 you indicating that you would want an -- other than what  
20 you've just testified to, are you indicating that you  
21 would also want an administrator or someone other than  
22 the teachers and students providing more feedback to the  
23 teachers in evaluating them?

24 A. Sure.

25 Q. What about state officials reviewing teachers

1 Along those lines, with mentoring programs,  
2 have you been involved in any mentoring programs at  
3 Manual Arts?

4 A. Yes. Now that you ask, I was a mentor for a  
5 young woman who was finishing up her credential at UCLA.  
6 Actually, a couple of people now that you mention that.

7 Q. Was that through an organized mentoring program  
8 or is that sort of informal?

9 A. Yeah. This is not the district's official  
10 mentoring program, but this was a -- and maybe I'm  
11 pumping myself up here to call it a mentor. I was the  
12 teacher where these student teachers came and observed  
13 me and then took some, little by little, took more  
14 responsibility for what was going on in the classroom.  
15 So a role model or -- I don't -- something like that. I  
16 guess that's mentoring.

17 Q. Other than this, what you just testified to,  
18 have you been involved in any other types of mentoring?

19 A. Not in an official way.

20 Q. Are you familiar with -- you indicated earlier  
21 the district has a mentoring program.

22 A. Yes.

23 Q. Are you familiar with it?

24 A. Yes.

25 Q. Have you heard anything about it from the

1 teachers at Manual Arts in terms of positive or negative  
2 feedback?

3 A. I mean, I have a general sense of it. That's  
4 the best I can do.

5 Q. How about peer systems? Are there any peer  
6 systems at Manual Arts?

7 A. Well, that -- the peer assistance, the official  
8 peer assistance, is just a new addition to our contract.  
9 And I don't know of anybody, and I'm not sure I would  
10 know of anybody, who's receiving that now. It's a  
11 component of -- it's sort of what happens to somebody  
12 who gets an unsatisfactory evaluation. So  
13 contractually now we have a follow-up step is a year of  
14 peer assistance before they drop the axe.

15 Q. When you say "contractually," you mean through  
16 the teacher's union?

17 A. Through the collective bargaining agreement  
18 between the district and the teacher's union. That was  
19 voted in last year, so I'm not really sure that that  
20 program is up and running. But if it's not, it will be  
21 running soon.

22 Q. Are you familiar with any other peer  
23 assistance-type programs?

24 A. No, I'm not.

25 MS. LHAMON: Do you want to take a lunch break

1 LOS ANGELES, CALIFORNIA WEDNESDAY, NOVEMBER 15, 2001  
2 1:40 P.M.

3  
4  
5 FURTHER EXAMINATION

6  
7 BY MS. KOURY:

8 Q. Did you have a nice lunch?

9 A. Fine, thank you.

10 Q. I want to remind you you're still under oath.

11 A. Okay.

12 Q. Is there anything that happened over the lunch  
13 that refreshed your memory as to any of the questions  
14 that were asked beforehand that you want to add to the  
15 record?

16 A. Not right now, no.

17 Q. Before we left for lunch we were discussing  
18 some programs that you are involved in or have knowledge  
19 about regarding. For example, we were discussing, I  
20 believe, a peer assessment.

21 A. Uh-huh.

22 Q. I'm sorry. A peer assistance program. And you  
23 mentioned that other than the new program that was  
24 implemented through the contract through the collective  
25 bargain agreement, that there were no other peer

1 now?

2 MS. KOURY: Off the record.  
3 (Lunch recess.)

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1 assistance programs that you're aware of.

2 A. That are called pure peer assistance. There  
3 are a district mentoring program.

4 Q. And you're not involved in that; is that right?

5 A. No, I'm not.

6 Q. Are there any other types of support for  
7 teachers or programs that support teachers that you're  
8 aware of at Manual Arts?

9 A. Not that I'm aware of, no.

10 Q. And do you have an understanding of what a full  
11 credential is?

12 A. Yes.

13 Q. What's your understanding of a full credential?

14 A. It's a -- well, we call it a clear credential.  
15 It's a credential that you're issued by the state once  
16 you've completed all the required course work and you've  
17 done your supervised teaching, get this final  
18 credential.

19 Q. You mentioned earlier that you have a single  
20 subject credential. Are you familiar with a multiple  
21 subject credential?

22 A. I think so, yes.

23 Q. Do you know if any teachers at Manual Arts  
24 would have multiple credentials, multiple subject  
25 credentials?



1 A. I think some people do, yes.  
 2 Q. What about CLAD? You also have a CLAD  
 3 credential?  
 4 A. I also have a CLAD, yes.  
 5 Q. Do you know if any other teachers at Manual  
 6 Arts have CLAD as well?  
 7 A. I'm certain they do.  
 8 Q. How about B CLADs?  
 9 A. I'm familiar with it. I don't have one, but  
 10 I'm sure that teachers at Manual have the B CLAD. I  
 11 couldn't tell you who.  
 12 Q. Are you familiar with the SB 1969 certificate?  
 13 A. I used to be familiar with that.  
 14 Q. What do you mean by that?  
 15 A. I used to remember that. I can't remember what  
 16 it was, honestly. But I used to know. You asked me two  
 17 years ago I could have told you.  
 18 Q. Do you know if teachers at Manual Arts have  
 19 these certificates, these SB 1969 certificates?  
 20 A. I think so. I'm pretty sure that they do. I  
 21 think this was -- I think this was the precursor to the  
 22 CLAD or something. Honestly, I can't remember now.  
 23 Q. What about internship, district internship  
 24 credentials, is that familiar to you?  
 25 A. Yes.

1 Q. And do you know if any teachers at Manual Arts  
 2 have this type of credential?  
 3 A. You're asking whether they've earned that  
 4 credential through the district intern program? Because  
 5 once they get the credential, it's the same as any other  
 6 credential. Yes.  
 7 Q. Do you know if any teachers are currently in  
 8 internship programs?  
 9 MS. LHAMON: Vague as to "internship programs."  
 10 You mean the district internship program?  
 11 MS. KOURY: Yes. Thank you.  
 12 THE WITNESS: Offhand, I'm not sure I know who  
 13 is or who isn't.  
 14 BY MS. KOURY:  
 15 Q. Are you familiar at all with the district  
 16 internship program?  
 17 A. Yes.  
 18 Q. How are you familiar with it?  
 19 A. Talking to teachers who have gone through it.  
 20 Q. Is it your understanding that there's a handful  
 21 of teachers that have gone through it since the time  
 22 you've been there, or do you have any sort of  
 23 understanding of how many teachers have gone through the  
 24 district internship credential program?  
 25 A. I only have a general idea of how many have

1 gone through it, and I think -- do you want me to tell  
 2 you that?  
 3 Q. Sure.  
 4 A. I think quite a few have gone through it.  
 5 Q. Have you heard any feedback as to whether it's  
 6 a positive program or whether the teachers felt that it  
 7 wasn't so good?  
 8 A. I think from the people I've talked to they've  
 9 given it pretty decent marks, except when it comes to  
 10 the -- what they get about the teacher union. That's  
 11 the --  
 12 Q. What do you mean by that?  
 13 A. Generally, that program sort of bad-mouths the  
 14 teacher union.  
 15 Q. How do they do that? Do you know? Or what  
 16 have you heard?  
 17 A. Oh, discouraging people from getting involved  
 18 and like those are troublemakers.  
 19 Q. Like yourself. I'm just kidding.  
 20 A. You got it.  
 21 Q. That's a joke.  
 22 What about emergency credential teachers, are  
 23 they allowed to participant in the teacher's union?  
 24 A. Yes.  
 25 Q. And do you know if there's any university

1 internship credential programs?  
 2 A. The program that I know of is the credentialing  
 3 program at UCLA. I'm not sure it would be called an  
 4 interning program in the way the district has it, where  
 5 you actually are working full time and then attending  
 6 classes on the weekends. That's the way the district  
 7 program works, I believe. UCLA's program is a standard  
 8 credentialing program, although there's -- they have  
 9 people go and do student teaching.  
 10 Q. You mentioned earlier that there are a couple  
 11 teachers in this program at Manual Arts that watched you  
 12 as part of the program.  
 13 A. Right. One is no longer at Manual Arts. She's  
 14 now a full-time, regular teacher at L.A. High. And the  
 15 other teacher, she actually wasn't in the program, now  
 16 you're asking me this question. She has now gone and  
 17 enrolled in that UCLA program. She taught for a year as  
 18 an emergency credential, decided that she wanted to get  
 19 into that UCLA program because it's a good program, so  
 20 she's returned there, which means that she'll at some  
 21 point come back and do student teaching either at Manual  
 22 Arts or some other school.  
 23 Q. When they do student teaching at Manual Arts,  
 24 have you had teachers -- let me rephrase that question.  
 25 Have you known teachers at Manual Arts to do

1 their student teaching there?  
 2 MS. LHAMON: That question is vague as well.  
 3 MS. KOURY: I'm going to try a third time.  
 4 Q. Have there been student teachers at Manual Arts  
 5 since you've been there?  
 6 A. Yes. Yes.  
 7 Q. And what -- are they alone in the classroom?  
 8 A. Oh, no. No. No.  
 9 Q. Is there a fully credentialed teacher with  
 10 them?  
 11 A. Yes.  
 12 MS. LHAMON: Calls for speculation.  
 13 BY MS. KOURY:  
 14 Q. Have you ever been involved in that?  
 15 A. Yes.  
 16 MS. KOURY: Could we take a quick break?  
 17 MS. LHAMON: Sure.  
 18 (Brief recess.)  
 19 BY MS. KOURY:  
 20 Q. What was your involvement with teacher  
 21 assistants while you've been at Manual Arts?  
 22 A. So I had one of the teachers who's in this  
 23 credentialing program through UCLA, and she sat in my  
 24 class and observed, and as the -- I think maybe she was  
 25 there eight weeks. And over the course of eight weeks,

1 little by little she assumed more and more  
 2 responsibility for running the class.  
 3 Q. Other than this particular teacher that you're  
 4 just telling me about, have there been any others that  
 5 you've worked with?  
 6 A. No, not in an official way.  
 7 Q. Are you familiar or do you know if there are  
 8 any teachers at Manual Arts that have credential  
 9 waivers?  
 10 A. I don't know what that is.  
 11 Q. Do you know what percentage of teachers at  
 12 Manual Arts have clear teaching credentials currently?  
 13 A. I think I do know.  
 14 Q. What is that?  
 15 A. I think it's roughly two-thirds of the  
 16 teachers, give or take a few percentages points.  
 17 Q. What is your understanding based on? How do  
 18 you know that?  
 19 A. In-depth research on my part. No. One of the  
 20 things that happened as a result of this last contract  
 21 was the district gained more authority in determining  
 22 track placement and class selection. Previously it was  
 23 simply based on a -- based on seniority, district  
 24 seniority. I'm giving you a \$25 answer to a \$2  
 25 question.

1 So now the district and the school site  
 2 administration can, in fact, say you're a credentialed  
 3 teacher and we have a shortage of credentialed teachers  
 4 on B or C track, and so we're going to move you to B or  
 5 C track; and in the past they didn't have that kind of  
 6 authority to do that, and this was done in an attempt to  
 7 balance the number of credentialed and emergency  
 8 credentialed teachers on each track.  
 9 Q. I'm sorry, I didn't mean to interrupt you.  
 10 A. Just because the district, and I would agree,  
 11 there was a problem with more credentialed teachers on a  
 12 particular track than on another track.  
 13 Q. When did you say this began?  
 14 A. This just happened this contract year, 2001/  
 15 2002. So we were given those statistics, the teachers  
 16 were.  
 17 Q. And you think this is a good thing, then, from  
 18 what you just indicated?  
 19 MS. LHAMON: Vague as to "this."  
 20 MS. KOURY: I'm sorry.  
 21 Q. The shifting or the allocation of credentialed  
 22 teachers among the tracks, you're a proponent of that?  
 23 A. I am a proponent of moving to make more  
 24 equitable each track. I was not a proponent of that  
 25 provision of this contract. In fact, opposed it. But

1 because I thought that rather than giving up a -- rather  
 2 than conceding seniority rights, that if the teachers  
 3 had been put in charge of this, the teachers themselves  
 4 could have made a decision how we do this. It could  
 5 have been -- we didn't have to give it back to  
 6 management to resolve this problem. Labor could have  
 7 worked out a more equitable solution because we're  
 8 concerned about educating kids and we want to do right  
 9 by the kids. So we didn't have to make this sort of  
 10 concession.  
 11 Q. So now instead of the teachers being able to  
 12 decide which ones will be on which tracks, they're sort  
 13 of told by the administration?  
 14 A. There is still seniority, but the  
 15 administration does have more prerogative in assigning  
 16 class selection and track.  
 17 Q. How is it going to work, or do you have an  
 18 understanding of how it's going to work now such that  
 19 the percentage of clear credentialed teachers on each  
 20 track is going to reflect the amount of the percentage  
 21 of clear credentialed teachers you have throughout the  
 22 school?  
 23 A. They're moving towards that. I don't think  
 24 they believed or anybody believed that in the first year  
 25 of the contract that they would successfully achieve

1 that balance, but that over the next couple of years  
 2 they could do that. So I think that's a fair assessment  
 3 of what they thought they could achieve.  
 4 Q. Do you think generally, having been at Manual  
 5 Arts as long as you have, that the teachers are  
 6 qualified, the ones that you have?  
 7 MS. LHAMON: Vague as to "qualified."  
 8 THE WITNESS: Pardon?  
 9 MS. LHAMON: I said it was vague as to  
 10 "qualified." I was just making an objection.  
 11 THE WITNESS: I would say the vast majority of  
 12 teachers are qualified.  
 13 BY MS. KOURY:  
 14 Q. Is that currently true?  
 15 A. Currently, yes.  
 16 Q. And I used the term "qualified," but you  
 17 answered the question. But what do you have in mind in  
 18 terms of qualified?  
 19 A. Knowing their subject and having a good  
 20 perspective about working with young people.  
 21 Q. Anything else?  
 22 A. I think those are the two elements I would say,  
 23 you know. Being credentialed is a part of that.  
 24 Q. Do you think that having two-thirds of all  
 25 teachers at Manual Arts on clear credentials is too low

1 a number of clear credentials? In other words, do you  
 2 think that that -- having one-third of the teachers at  
 3 Manual Arts on emergency permits is too high a number?  
 4 MS. LHAMON: Calls for expert testimony, but  
 5 you can answer to the extent you know.  
 6 BY MS. KOURY:  
 7 Q. Did you understand that question?  
 8 A. You're asking for my opinion, it seems to me.  
 9 Q. Right.  
 10 A. My view is that everybody should be  
 11 credentialed. When you go to the dentist, you don't  
 12 want almost a dentist putting holes in your mouth, and I  
 13 would theresay educating young people is as important as  
 14 being a dentist. We want people properly trained and  
 15 credentialed to being doing this job of interacting with  
 16 young people for 12 years of their lives. So I think  
 17 you want a hundred percent credentialed teachers and  
 18 that anything short of that is not satisfactory. I  
 19 don't think, you know -- so that's what I would say. In  
 20 fact, that is what I did say.  
 21 Q. Do you think, generally, that the State of  
 22 California has a shortage of fully credentialed  
 23 teachers?  
 24 MS. LHAMON: Calls for speculation.  
 25 THE WITNESS: I believe they do, yes.

1 BY MS. KOURY:  
 2 Q. You had indicated earlier that you're not  
 3 involved in recruiting teachers at Manual Arts; is that  
 4 true?  
 5 A. Right.  
 6 Q. And do you have any knowledge as to how LAUSD  
 7 recruits for teachers?  
 8 MS. LHAMON: Assumes facts not in evidence.  
 9 THE WITNESS: I really don't know how they do  
 10 it. I've a vague sense of how they do it.  
 11 BY MS. KOURY:  
 12 Q. Do you think that Manual Arts, the amount of or  
 13 the number of clear credentialed teachers that you have  
 14 at Manual Arts, is lower than at other schools in  
 15 California?  
 16 MS. LHAMON: Calls for speculation.  
 17 THE WITNESS: I don't know.  
 18 BY MS. KOURY:  
 19 Q. I'm going to ask you to look at your  
 20 declaration, specifically paragraph 6. Reads or states  
 21 that:  
 22 "Manual Arts has a huge number of emergency  
 23 credentialed teachers. Probably around a  
 24 third of the teachers at the school work on  
 25 emergency credentials."

1 Did you write that?  
 2 A. Yes.  
 3 Q. When you say "yes," you testified earlier that  
 4 you had spoken on the telephone to Ms. Lhamon and then  
 5 she typed this up; is that correct?  
 6 A. Oh, yes, that's correct.  
 7 Q. Is that still your opinion today?  
 8 A. Yes.  
 9 Q. And it goes on to say that:  
 10 "I think having good, experienced teachers is a  
 11 right every kid should have. Poor kids and  
 12 children of color have as a right to quality  
 13 teachers as middle-class white kids."  
 14 MS. LHAMON: Objection. Mischaracterizes the  
 15 testimony.  
 16 THE WITNESS: "As much right."  
 17 MS. KOURY: I'm going to continue:  
 18 "But in this state we clearly do not have a  
 19 marketplace that is attractive enough to bring  
 20 experienced teachers into the field, and in  
 21 addition, we're not providing a training  
 22 mechanism that keeps people from being forced  
 23 into working before their time."  
 24 Q. Do you still agree with that?  
 25 A. Yes, I do.

1 Q. When you state: "I think having" --  
 2 (Telephone interruption.)  
 3 BY MS. KOURY:  
 4 Q. I think having good, experienced teachers is a  
 5 right every kid should have," is it your understanding  
 6 that -- based on this declaration it seems to be your  
 7 understanding that poor children don't have the same  
 8 quality of teachers as middle-class, white children --  
 9 is that correct?  
 10 A. I would say that's true.  
 11 Q. So my question is: Do you think that -- and  
 12 you've indicated earlier -- that every teacher, every  
 13 student or, I'm sorry -- that credentialed -- having a  
 14 credential is important to the quality of a teacher.  
 15 A. That's one element of it, yes.  
 16 Q. Do you think that other schools have a higher  
 17 percentage of credentialed teachers than does Manual  
 18 Arts?  
 19 A. I believe schools in more affluent  
 20 neighborhoods have a higher percentage of credentialed  
 21 teachers.  
 22 Q. Is that what you were thinking when you drafted  
 23 or when you told Ms. Lhamon --  
 24 A. Yes.  
 25 Q. -- this opinion, which she then transcribed

1 into your declaration?  
 2 A. Yes.  
 3 Q. What schools were you thinking of?  
 4 MS. LHAMON: Assumes facts not in evidence.  
 5 BY MS. KOURY:  
 6 Q. Were you thinking of any particular schools --  
 7 A. Yeah, I was.  
 8 Q. -- or schools in general? What?  
 9 A. Beverly Hills School District.  
 10 Q. Any particular schools within Beverly Hills  
 11 School District?  
 12 A. All of them.  
 13 Q. Is it your understanding that they have a  
 14 higher percentage of fully credentialed teachers?  
 15 A. I believe they have a higher percentage.  
 16 Q. What percentage?  
 17 A. I don't know.  
 18 Q. In indicating here that "every student deserves  
 19 good, experienced teachers," in making a comparison from  
 20 schools in richer areas to schools in poorer areas, what  
 21 would you want in terms of teacher quality?  
 22 A. I would like to see credentialed, good teachers  
 23 in all schools.  
 24 Q. Would it satisfy you if there was a standard  
 25 requiring each school to have 80 percent fully

1 credentialed teachers?  
 2 A. I would certainly think that sort of as a  
 3 transition to a hundred percent credential that would be  
 4 fine.  
 5 Q. Do you have an understanding of how many  
 6 teachers on emergency permits at Manual Arts are  
 7 currently trying to get their credentials?  
 8 A. They all are. That's part of the -- you have  
 9 to be moving to complete your credential to get an  
 10 emergency credential. So there is a continuing --  
 11 there's an aspect of it that requires that you finish  
 12 this in X period of time.  
 13 Q. Would you be in favor of requiring teachers  
 14 within a district to be transferred to other schools in  
 15 order to create more of an equality among schools within  
 16 a district of the amount of credentialed teachers that  
 17 they have, fully credentialed?  
 18 A. I wouldn't support a mandatory transfer system.  
 19 Q. What would you support?  
 20 A. I would support an incentive system to do that.  
 21 Q. What do you think would entice teachers to --  
 22 you indicate in your declaration here, and I'm reading  
 23 from paragraph 6:  
 24 "But in this state, we clearly do not have a  
 25 marketplace that is attractive enough to bring

1 experienced teachers into the field. In  
 2 addition, we're not providing a training  
 3 mechanism that keeps people from being forced  
 4 into working before their time."  
 5 What did you mean by that?  
 6 A. Well, there are two parts of this. The first  
 7 is that I have some problems with the dynamics of the  
 8 marketplace. I think one aspect of it is that if  
 9 salaries are high enough, you get people moving into  
 10 that job category. And when the wages are not  
 11 attractive enough, then you have a labor shortage.  
 12 Pretty standard sort of stuff. And clearly, when you  
 13 have a huge teacher shortage, the kind that California  
 14 has, according to the articles I've read in the L.A.  
 15 Times over the last few years, clearly wages are not  
 16 attractive enough to pull in people into the teaching  
 17 profession. That's the first part.  
 18 The second part is that I think that the system  
 19 of bringing people actually into the classroom needs to  
 20 be dramatically improved.  
 21 Q. What do you mean?  
 22 A. And that is a system that doesn't require and  
 23 need emergency people short of getting a credential to  
 24 come into the classroom, having had limited or zero  
 25 classroom experience, and that you -- that all teachers

1 should have a mentoring program like an apprenticeship  
 2 program so that you spend many hours in the back of the  
 3 room of a really top-notch teacher or teachers; and that  
 4 over a period of time you learn how to do the job well;  
 5 and that then those people are screened properly so that  
 6 people who shouldn't be around young people are screened  
 7 out of getting into teaching. So a program like that,  
 8 an apprenticeship/mentoring program, would be created,  
 9 which would mean that you would have, you know, fewer  
 10 problems in the long run and teachers who -- you know,  
 11 there are teachers who shouldn't be in front of a  
 12 classroom. You wouldn't have that problem.

13 Q. "A marketplace that is attractive enough to  
 14 bring experienced teachers," which is written in your  
 15 declaration, right now you testified that you thought  
 16 higher salaries would make the market more attractive.  
 17 Is there anything else besides higher salaries?

18 A. And working conditions.

19 Q. What do you mean by that?

20 A. To spend time at a public school in a city like  
 21 Los Angeles is a pretty -- can be a very demoralizing  
 22 experience, which is sending a message to the people who  
 23 work there, as well as the young people who attend  
 24 school there. I've spent a few hours walking around the  
 25 campus at UCLA. A lot of grassy area, pleasant places

1 like to see improved in order to attract teachers?

2 A. Well, the facility as a whole. I mean --

3 Q. What specifically?

4 A. I used to be the sponsor of this History Club,  
 5 so as part of the sponsor I found out a little bit about  
 6 the history of Manual Arts, which was built in 1910 for  
 7 about 1200 kids. It had a, you know, beautiful garden,  
 8 all these really nice, attractive things. And today the  
 9 school has at any given time 2600 to 3,000 kids on  
 10 campus, with about 4,000 kids enrolled in the campus.  
 11 And if you try to get across campus during nutrition or  
 12 lunch, you're trying to walk through a sea of humanity.  
 13 It's a campus that has four outdoor basketball courts  
 14 for a student population of 3,000 at any given time. We  
 15 don't have a baseball field because we don't have the  
 16 room. The track doesn't meet -- it's not a 440 track.  
 17 That's the standard size track. It's not a standard  
 18 size track.

19 Until recently we didn't have a bleachers,  
 20 proper bleachers. We have temporary bungalows that have  
 21 become permanent. And over the years we've lost grassy  
 22 area. And anything that made the campus attractive  
 23 we've lost as more and more kids have been squeezed onto  
 24 this campus. So that's just for starters.

25 I mean, the science teachers teaching in

1 to eat and meet with people, library facilities,  
 2 beautiful rooms, good maps. Everything is state of the  
 3 art. Very little is state of the art in public schools.

4 It takes a lot of sort of -- a lot of internal  
 5 fortitude to every day get up and go to a campus that's  
 6 overcrowded, where conditions are less than adequate,  
 7 and to do that, spend your entire life doing that as a  
 8 job, much less being warehoused there as a student.

9 Q. So, I take it, from what your answer is, that  
 10 there is conditions in terms of the facilities --

11 A. Working conditions, yes.

12 Q. -- specifically at Manual Arts that you would  
 13 improve in order to make it more attractive to teachers?

14 A. Right.

15 Q. What specifically at Manual Arts in terms of  
 16 facilities would you like to see or would you think  
 17 would attract a teacher or attract yourself or attain  
 18 you?

19 MS. LHAMON: I think you're mischaracterizing  
 20 his testimony slightly.

21 MS. KOURY: Let me ask a question.

22 Q. You just compared or you just gave an analogy  
 23 to UCLA's when you went through, it seems to me, the  
 24 facilities at UCLA, are state of the art. Are there  
 25 specific facility issues at Manual Arts that you would

1 classrooms that are inadequate.

2 Q. How are they inadequate?

3 A. These are science rooms that were built in the  
 4 1930s. I think not every science teacher has access to  
 5 a lab. They have to sort of juggle their schedule for  
 6 somebody to be able to go to a lab.

7 Q. Generally, when you stated it seems the campus  
 8 is overcrowded, do you feel as if there's not enough  
 9 space outside; in other words, not in terms of inside  
 10 the classrooms, but outside in terms of play area, for  
 11 lack of a better --

12 A. Yeah. I think there's not -- I think the  
 13 classes are overcrowded within the classroom, and  
 14 outside the school is overcrowded, and so we don't have,  
 15 you know, we don't have the sort of space that kids have  
 16 or I had when I was in high school to, you know, relax  
 17 with your friends.

18 Q. Are you familiar with any statewide programs to  
 19 recruit teachers to hard-to-staff schools?

20 A. I'm not familiar.

21 Q. Have you heard of any programs at Manual Arts  
 22 that are directed at trying to recruit teachers?

23 A. Now that you're asking that question, I guess I  
 24 am familiar with -- I think it's probably a federal  
 25 program. I benefited from that. So that I -- I'm

1 pretty sure this isn't hard-to-staff schools or schools  
2 in poor communities. So I got a what they used to call  
3 a federally insured student loan or some national -- I  
4 think it was called a National Defense Student Loan. I  
5 don't think it's called that anymore. And I think if I  
6 taught in a school -- like there was a roster of  
7 schools, and if you taught in one of those schools, they  
8 would forgive that loan over a period of time. So  
9 that's an incentive program to teach in poorer  
10 communities.

11 So I don't know if that program exists. I know  
12 it existed when I first came into teaching.

13 Q. How about recent statewide programs such as  
14 increasing beginning teacher's salaries, are you  
15 familiar with that?

16 A. I'm familiar with increasing -- yes, that's  
17 right. The additional money came from the state, right.  
18 So that was an incentive to attract teachers. Not  
19 necessarily in hard-to-staff schools, that was an  
20 across-the-board incentive to attract teachers.

21 Q. What about other programs such as assisting  
22 teachers in down payments for homes, have you ever heard  
23 of those state programs?

24 A. My understanding, those are just to attract  
25 teachers as a whole, not necessarily --

1 A. Yes.

2 Q. Do you think that the teachers that are on  
3 emergency permits -- you indicated earlier they're also  
4 in the process of getting their credential.

5 A. Right.

6 Q. Do you think that the process of getting their  
7 credential qualifies them to teach in the classroom?

8 A. Well, I'm not sure I understand your question.  
9 I mean, does it qualify them in a technical sense or  
10 does it qualify them in my own personal opinion sense?

11 Q. In your own personal opinion.

12 A. How do I say this? I think it qualifies them,  
13 but it's -- I think it's not the way I would like to see  
14 it happen. I think it's sort of training under fire. I  
15 think that's not a good way to learn a job. I mean, if  
16 you're a teacher struggling to figure out what you're  
17 doing from one day to the next, you may be a fine  
18 teacher in a few years, but then you've had three or  
19 four years of students who had a teacher who wasn't  
20 really up to snuff. You may be well-intended, you may  
21 be -- had all the right instincts, but I think some kids  
22 are being shortchanged in the process. So you may  
23 ultimately be qualified, but I think in the interim  
24 you're probably -- we could do better than that.

25 Q. When you say "we could do better," do you just

1 Q. Are you familiar with any teachers at Manual  
2 Arts that are involved in any state programs, such as  
3 forgiveness of loans or down payments for homes, any  
4 other types of programs?

5 MS. LHAMON: I just want to remind you not to  
6 cut him off while he's in the middle of an answer.

7 THE WITNESS: The only one I know about the  
8 loan, because this is not something -- hey, did you get  
9 yours waived? You don't talk about that.

10 MS. KOURY: I can understand why.

11 THE WITNESS: But, you know, I may know  
12 somebody that bought a home through some sort of teacher  
13 program. You know, they -- I guess maybe they had to  
14 put a smaller down payment. I'm not really sure. I  
15 don't really know.

16 BY MS. KOURY:

17 Q. Do you think that -- also in your declaration,  
18 paragraph 6, I believe, it states:

19 "We have such a huge shortage of teachers in  
20 this state that virtually anyone that passes  
21 the CBEST will get into a classroom without  
22 necessarily having done an apprenticeship  
23 first."

24 Were you referring to teachers that are on  
25 emergency permits?

1 mean attracting more teachers so that you don't have to  
2 hire teachers on emergency credentials?

3 A. That's right. Society as a whole could do  
4 that.

5 Q. Do you know if most teachers at Manual Arts  
6 that teach on an emergency permit stay at Manual Arts  
7 after they receive their credential?

8 A. I haven't heard those statistics. I've heard  
9 some statistics about teachers leaving the profession  
10 after a few years, generally.

11 Q. But not specific to Manual Arts?

12 A. Not specific to Manual Arts.

13 Q. Do you know if any teachers have left Manual  
14 Arts this school year, meaning -- actually, last school  
15 year -- meaning 2000/2001?

16 A. Uh-huh, I know of somebody who left, couple of  
17 people who have left.

18 Q. Do you know why they left?

19 A. One young man --

20 MR. FERNOW: Before the answer is given, I just  
21 want to state objection for the -- on behalf of LAUSD;  
22 that we believe that the reason that someone left  
23 employment, if they did, is private information, and  
24 that those former employees have a right to privacy.

25 MS. LHAMON: And I agree with that objection.

1 I just want to remind you it was a yes-or-no question.  
 2 THE WITNESS: I'm sorry.  
 3 MS. LHAMON: It's okay.  
 4 THE WITNESS: Yes, I know.  
 5 BY MS. KOURY:  
 6 Q. I'm going to ask you the follow-up: Why did  
 7 they leave?  
 8 MS. LHAMON: I am going to instruct you not to  
 9 answer on the basis of those teacher's privacy issues.  
 10 MS. KOURY: You're instructing him not to  
 11 answer that?  
 12 MS. LHAMON: I am.  
 13 MS. KOURY: Based on what?  
 14 MS. LHAMON: The teacher's privacy interest.  
 15 MS. KOURY: Is that a statutory privacy right?  
 16 MS. LHAMON: California law on privacy is  
 17 extensive and not just statutory, as you know.  
 18 MS. KOURY: I'm not familiar with any right  
 19 that would prevent him from answering that or protective  
 20 order in this case, but if you want to set that record,  
 21 I'll move on.  
 22 Q. Do you know if, generally, if -- how many  
 23 teachers do you have in mind or do you know that left  
 24 last school year?  
 25 A. I'm thinking of two.

1 Q. Do you know -- why have you stayed at Manual  
 2 Arts all these years?  
 3 A. I really dig what I'm doing.  
 4 Q. Why is that? Or what do you mean by that?  
 5 A. I like working with young people and educating  
 6 kids and interacting with kids. I like teaching  
 7 history. I like getting kids interested in history.  
 8 It's a great job. If you like young people and you like  
 9 to teach, it's a great job.  
 10 Q. You obviously have the right attitude; right?  
 11 A. You have to have that. I'm a failed comedian.  
 12 Q. What keeps you at Manual Arts, per se?  
 13 A. Well, my frivolous answer is that I finally got  
 14 a filing cabinet, so now I can't leave. But I've  
 15 invested a lot. I've invested all my teaching career  
 16 there. Actually, this may be a throwback to an earlier  
 17 era of a workplace: there was a sense of community. I  
 18 guess people have a sense of community for two weeks and  
 19 they're moved on to another job. But you really --  
 20 there is a real sense of community, at any school. It  
 21 is a unique type of workplace. The teachers that I have  
 22 worked with, they have worked more than 30 years. We  
 23 have teachers who have spent their entire adult lives  
 24 working there with young people. You know, you see  
 25 one -- I mean, if you are there 20 years like I have,

1 you see a generation of students. Parents and their  
 2 kids. You really have a lot emotionally and physically  
 3 invested in that school. So I think it's -- I like my  
 4 work, I live near where I teach and, you know, I'm a  
 5 lifer.  
 6 Q. Do you think that the turnover of teachers at  
 7 Manual Arts is high?  
 8 A. I will tell you this based on just sort of a  
 9 general notion. Again, I've not looked at statistics on  
 10 this. My sense of it is that when I first came there,  
 11 there was a higher -- in fact, I know -- there was a  
 12 higher turnover. Then things started to stabilize a  
 13 little bit. I think they've been more stable than they  
 14 were previous.  
 15 Q. In paragraph 7 of your declaration it states:  
 16 "We often have teacher vacancies while school's in  
 17 session at Manual Arts." Were you referring to  
 18 teachers -- to teacher turnover when you wrote that  
 19 sentence or were you referring to the fact that there's  
 20 just a need?  
 21 A. I think I was referring to the semester  
 22 beginning and there being a vacancy and not a proper  
 23 teacher teaching that class. That's what I meant.  
 24 Q. Were the teacher vacancies at the beginning of  
 25 the year, is that because of teacher turnover or just

1 because more courses are implemented each year?  
 2 A. It's generally not because more courses are  
 3 implemented. That could be a possibility, if the  
 4 student population had grown and you needed more  
 5 teaching positions. That's not been the case at Manual  
 6 Arts. We've been sort of capped out, which means we  
 7 begin every school year with the maximum kids that our  
 8 facility can hold, and we're allotted the maximum number  
 9 of teachers that the district will assign us. So those  
 10 numbers have been fairly stable.  
 11 But generally it has to do with somebody either  
 12 leaving teaching or -- that, yeah, now you have a  
 13 vacancy. Right? You had Mr. Smith teaching a chemistry  
 14 class and he's moved on, and now no one is there to  
 15 teach that class and they've not been able to fill that  
 16 position. Another possibility is that, you know,  
 17 somebody went out on leave or something and now there's  
 18 a vacancy there and it's not being filled.  
 19 Q. It's written "we often have" -- I won't repeat  
 20 it. The same sentence referring to -- what do you mean  
 21 by "often"? How often do you think?  
 22 A. Well, I think almost every school year there  
 23 are positions that are unfilled, we go through a  
 24 semester without either an emergency credentialed  
 25 teacher or a credentialed teacher who is assigned solely

1 to teach that class; that we have classes like that. We  
 2 may have one or two, but I've become, I guess, acutely  
 3 aware of it because I now go -- am subbed during my  
 4 conference period, which means I'm called to fill in  
 5 some of these classes during my conference period.  
 6 Q. Generally, not asking for specific instances or  
 7 names, do you know why teachers have left Manual Arts in  
 8 the past three years?  
 9 A. Do I know why?  
 10 Q. Yes. In other words, generally is it because,  
 11 you know, you can think of a few teachers that have left  
 12 because, as you've indicated earlier, they've gone on to  
 13 some other professional school, such as med school, or  
 14 they geographically made a decision to move?  
 15 MS. LHAMON: Objection. Two objections. One,  
 16 it calls for speculation. The other is it's vague as to  
 17 "generally." It's not clear to me Mr. Pechthalt will  
 18 know what the majority of -- the reason the majority of  
 19 teachers left, left was. I have no objection to you  
 20 asking general questions about the reasons why people  
 21 have left or asking about reasons he has heard without  
 22 tying those reasons to a specific person. I just wonder  
 23 if he has the information about the reason the majority  
 24 of the teachers left.  
 25 THE WITNESS: In some cases I know why somebody

1 has left and in some cases I don't, you know.  
 2 BY MS. KOURY:  
 3 Q. For those cases you do know why, could you tell  
 4 me generally what the reasons have been?  
 5 A. You know, one is that they move on to something  
 6 else.  
 7 Q. Professionally?  
 8 A. Yeah. Another is it's too frustrating there.  
 9 They move on. You know, they leave to go to another  
 10 school site.  
 11 Q. Is that about it?  
 12 A. Uh-huh.  
 13 Q. What does the term "permanent teacher" mean to  
 14 you?  
 15 A. Credentialed teacher.  
 16 Q. So in your declaration, when you wrote, or  
 17 where it states "permanent teacher," you mean  
 18 credentialed teacher?  
 19 A. I think that's what I meant.  
 20 MS. LHAMON: Can you identify the places where  
 21 the term is used?  
 22 MS. KOURY: It's used in paragraph 7 and in  
 23 paragraph 8.  
 24 MS. LHAMON: Can you say --  
 25 MS. KOURY: Specifically, the --

1 MS. LHAMON: I want to know the lines.  
 2 MS. KOURY: Specifically, the bottom of  
 3 paragraph 7, page 3.  
 4 MS. LHAMON: Where I see that, I don't see  
 5 "permanent teacher." I see "teacher permanently  
 6 assigned to a class." I may not be seeing it.  
 7 MS. KOURY: That's one place where it was used.  
 8 And also paragraph 8.  
 9 Q. Let's start with paragraph 7. When you  
 10 indicate "teacher permanently assigned," do you mean --  
 11 A. It could be either emergency or clear  
 12 credentialed teacher. What I mean is somebody who  
 13 begins the school year with that roster of students and  
 14 is carrying those kids through that year teaching that  
 15 subject. That's what I meant.  
 16 Q. For the last school year, 2000/2001, how many  
 17 classes are you aware of that began the school year,  
 18 began the track, that session, without a permanently  
 19 assigned teacher as you've just defined permanently  
 20 assigned?  
 21 MS. LHAMON: I just want to object to the  
 22 question as vague. The tracks begin at multiple periods  
 23 in the year, so the question is do they begin the school  
 24 year? That's different from when they begin a track.  
 25 MS. KOURY: I apologize. I meant the school

1 year. Let me ask a question before you answer that.  
 2 Q. When you said "permanently assigned," your  
 3 definition of that was having a teacher on the roster at  
 4 the beginning of the school year?  
 5 A. Having the teacher there for the school year,  
 6 yes.  
 7 Q. Using that definition, how many classes are you  
 8 aware of that didn't have a permanently assigned teacher  
 9 last school year?  
 10 A. Again, my knowledge is sort of limited because  
 11 the ones that I am aware of are the ones that I actually  
 12 went to do some subbing in, so that I have one  
 13 conference period on one track and, you know, I don't  
 14 know about the other five periods of the day or about  
 15 the other track. So I'm only speaking through a very  
 16 sort of narrow lens here. But I know of two classes  
 17 like that, that I was -- that I went to do some subbing  
 18 in.  
 19 Q. Did you hear of any other classes that lacked  
 20 permanently assigned teachers?  
 21 A. Offhand, I don't know. I can't remember if I  
 22 heard of, but I certainly knew about those two.  
 23 Q. And those were social studies classes?  
 24 A. No, they were not.  
 25 Q. What classes?



1 A. One was a special ed. class and one was a  
2 science class.

3 Q. Do you know why there wasn't any teacher  
4 permanently assigned to those two classes?

5 A. I don't really know why.

6 Q. Those two classes that you just mentioned, were  
7 those the classes that you were referring to in  
8 paragraph 7 of your declaration where you indicate that,  
9 quote, "I have substituted several times in some of the  
10 special education classes during my conference period"?

11 MS. LHAMON: Do you see that? It's in the top  
12 of the paragraph, line 12.

13 THE WITNESS: Yes. Yes.

14 MS. LHAMON: I want to object that the  
15 declaration was dated July 29th, 2001, which is the  
16 current school year and not last school year. I think  
17 his last answer was referring to the last school year.

18 MS. KOURY: It was.

19 Q. And were you not referring --

20 A. To social studies. And I believe those social  
21 studies are now filled. I was talking about the special  
22 ed. class, and I knew -- and I know of a science class  
23 that was like that.

24 Q. The social studies -- I'm sorry, the special  
25 ed. class and the science class were for the 2000/2001

1 Q. And that science class that you're referring to  
2 is what you describe in paragraph 8 of your declaration?

3 A. Yes, there you go. Yes, that's right.

4 Q. Going back to the 2000/2001 school year. You  
5 indicated there was a special ed. class that you were  
6 aware of and a science class that you were aware of that  
7 weren't permanently assigned, and you didn't hear of any  
8 other classes that didn't have permanently assigned  
9 teachers for that school year?

10 A. Right.

11 Q. What about this school year, 2001/2002 school  
12 year, you indicated that there are special education  
13 classes that you're aware of that don't have permanently  
14 assigned teachers; is that true?

15 A. I'm trying to think. 2001/2002, I've been back  
16 on track since the end of October, and since then I'm  
17 not aware of any classes that fit into that category.

18 Q. So chances are you were referring, in your  
19 paragraph 7 of your declaration, you were referring to  
20 the end of 2000/2001 school year?

21 A. Yes, I believe so.

22 MS. LHAMON: Just to the extent that you can --  
23 we can have a clear record, I know it's hard to  
24 remember, but this declaration is dated July 29th.

25 THE WITNESS: Right.

1 school year; correct?

2 A. Yes.

3 Q. The special ed classes that you're referring to  
4 in paragraph 7 of your declaration, what school year was  
5 that for?

6 A. That was the 2000/2001.

7 MS. LHAMON: The 2000/2001 or the 2001/2002  
8 school year? One of the reasons this may be difficult  
9 is the school year starts at different times for  
10 different tracks. It's my understanding the B track is  
11 off track in July, but if that's not right -- some track  
12 begins at the beginning of July.

13 THE WITNESS: B track starts at the beginning  
14 of July. July, August. And then we go off September.  
15 Then we're off September, October. So you know what, I  
16 can't tell you for sure because -- I do remember the  
17 classes, but I don't remember if they were at the end of  
18 the --

19 BY MS. KOURY:

20 Q. 2000 and 2001?

21 A. That's right. Or the beginning of the 2001 --

22 Q. -- 2002.

23 A. I think the science class, because I know I  
24 made a big stink about it at the time, I think that was  
25 at the end of the school year, the 2000/2001.

1 MS. LHAMON: And the declaration says in  
2 paragraph 7, line 12, "during the past two weeks," so it  
3 would be the two weeks prior to July 29th.

4 THE WITNESS: Right.

5 MS. LHAMON: If you remember which school year  
6 that is, it would be helpful to say. If you don't --

7 THE WITNESS: After July 5th that would have  
8 been the new school year.

9 BY MS. KOURY:

10 Q. When you end? When was the end of your last  
11 track for the 2000/2001 school year?

12 A. For my track it's the end of June, the last  
13 week of June.

14 Q. Okay.

15 A. We get a few days off, 4th of July, and we come  
16 right back. So I think we were back July 5th.

17 Q. July 5th started your 2001/2002?

18 A. Yes.

19 Q. And then you went off track?

20 A. And then we go two months. We have a two-month  
21 break, so we go July, August. We go off track at the  
22 end of August, beginning September. We have September,  
23 October off. We come back towards the end of October.

24 Q. When you indicate in your -- I'm sorry, were  
25 you going to say something?

1 A. No, I was going to yawn.

2 Q. It's that exciting.

3 In paragraph 7 again, to reiterate this again,  
4 but you state: "We often have teacher vacancies while  
5 school is in session in Manual Arts." What were you  
6 referring to in terms of teacher vacancies?

7 MS. LHAMON: Asked and answered.

8 BY MS. KOURY:

9 Q. Let me specify, are you referring to the lack  
10 of permanently assigned teachers as you've defined it  
11 already?

12 A. Yes.

13 Q. In paragraph 7 you also state:

14 "We also had chronic problems finding  
15 credentialed special education teachers in the  
16 past few years. When a teaching position is  
17 unfilled, sometimes an off-track teacher fills  
18 in for the class during the teacher's  
19 off-track time."

20 What do you mean by a chronic problem?

21 A. The special ed. department has had problems  
22 keeping --having credentialed teachers in that  
23 department, so that's been a struggle to bring in  
24 credentialed people into that department. That's been  
25 an ongoing problem in the special ed. department. We

1 A. I remember talking about that incident, you  
2 know, over lunch or whatever. I don't think people  
3 complain as much as lament a situation.

4 Q. Do you know for the '99/2000 school years if  
5 there are any classes that lacked a permanently assigned  
6 teacher?

7 A. I can't remember. I think this has been a  
8 problem, though, for a long while, but I can't  
9 specifically give you the name of a class or anything.

10 Q. When you say it's been a problem, other than  
11 the two classes which you've already testified to that  
12 were lacking permanently assigned teachers for the past  
13 school year, 2000/2001, what's the extent of the  
14 problem? How many classes are lacking permanently  
15 assigned teachers in any given year?

16 MS. LHAMON: Calls for speculation.

17 MR. FERNOW: Join.

18 THE WITNESS: Well, again, because I'm -- I  
19 sort of only know about certain element, because I go  
20 out and I sub in these classes, I can tell you  
21 concretely about what happens Period 4 on such-and-such  
22 a day in such-and-such a room. So the rest of my  
23 knowledge is sort of based on general discussion.

24 BY MS. KOURY:

25 Q. So in writing -- I'm sorry, were you finished?

1 have a large special ed. department. There was a second  
2 part of that question.

3 Q. If there was, that was my fault. I should only  
4 ask one part.

5 The special ed. class that you mentioned and  
6 that you referred to in your declaration that didn't  
7 have a permanently assigned teacher, do you know if one  
8 was assigned eventually?

9 A. I don't know.

10 Q. What about the science class you referred to?

11 A. I don't know either. I sure hope so.

12 Q. How long did you substitute?

13 A. I just did one period. The special ed. class I  
14 think I went a couple of times over a couple week  
15 period. That would be to cover for a couple of hours at  
16 a time or maybe an hour. Only once with the science  
17 class. I talked to people about it right away. I hope  
18 they hired somebody.

19 Q. Have you ever received complaints from parents  
20 that the school lacks permanently assigned teachers?

21 A. I've never heard any complaints. I've never  
22 heard any complaints from parents. I encourage those  
23 kids to tell those parents.

24 Q. Have you heard complaints from other teachers  
25 that the school's lacking permanently assigned teachers?

1 A. That's it.

2 Q. So in writing this paragraph, paragraph 7, in  
3 your declaration, you were just basing this on your  
4 experience that you've already described, the two  
5 classes that lacked permanently assigned teachers and  
6 your general discussions at the school?

7 A. Yes.

8 Q. And towards the end of paragraph 7 it states:

9 "Using a series of substitute teachers to fill  
10 a vacant teacher position is the worst of all  
11 worlds because really no learning takes place  
12 in a classroom when many different teachers  
13 come for only a short period of time for each  
14 one."

15 Did you have any specific class in mind when  
16 you stated this?

17 A. Both that special ed. and that science class.

18 Q. Any others?

19 A. Not off the top of my head, no. But the  
20 problem of not having a permanent teacher and having a  
21 series of subs, this is not -- I mean, this happens, I  
22 think, fairly frequently. So it's not, like, you know,  
23 this was any great insight on my part. I mean, it's --  
24 I apologize --

25 Period.

1 Q. I'm sorry?

2 A. No. No. He was waiting for me.

3 Q. I apologize if I've asked this, but you stated  
4 that you substituted in these two classes, the science  
5 class and the special ed. class, for two weeks; is that  
6 correct?

7 A. Not continuously for two weeks.

8 Q. On and off?

9 A. Well, again, you know, this is sort of what  
10 happens with -- I mean, as a teacher -- maybe it's not  
11 clear.

12 Secondary teachers have a conference period,  
13 and you can go and you can be asked to go and cover a  
14 class during your conference period. So you give up  
15 your conference period and you're paid as a substitute  
16 teacher for that conference period. So you go and  
17 you -- you know, they call you up at the office and say  
18 could you cover room 148, Mr. Johnson's science class or  
19 special ed. class? So you go off and you do this. So  
20 that's -- you know, you can make your trip around  
21 campus. But you're still teaching your regular classes,  
22 it's just that you've given up your time to correct  
23 papers and do other stuff.

24 So that -- it wasn't -- I wasn't every day in  
25 that classroom for two weeks. Maybe I was in there

1 Q. Your understanding was that there was never a  
2 teacher assigned to that classroom at the beginning of  
3 the school year, the science class?

4 A. I can't say there wasn't one assigned, but my  
5 understanding at the time is that for the bulk of this  
6 semester they'd had nothing but people filling in for  
7 that period.

8 Q. Other than asking the students, did you get any  
9 information from anyone at the school?

10 A. Yeah. So then I went and asked the department  
11 chair about it, who is a friend and long-time teacher,  
12 and he said, yeah, that's -- he recognized it, and they  
13 were trying to find somebody. But it had gone on, you  
14 know. I mean, those kids were -- had just been shafted  
15 for the whole semester, whatever it was, whatever the  
16 science course was. I was in no position to teach  
17 science. I mean, I'm no expert at all in science.

18 Q. Did he indicate why the problem had happened?

19 A. He didn't really go into the details of it. I  
20 just told him I thought this was a bad deal.

21 Q. In your declaration you actually stated, in  
22 paragraph 8, that, quote:

23 "I was incensed by the situation because the  
24 students had had to go for so long without  
25 having a teacher permanently assigned to their

1 Monday from 10:30 -- from 11:30 to 12:30 and they called  
2 me back on Wednesday to do it again.

3 Q. Do you know what other teachers were in those  
4 two classrooms?

5 A. Do I --

6 Q. Do you know what other teachers were in those  
7 two classrooms when they lacked a permanently assigned  
8 teacher?

9 A. In the science class I asked the kids.

10 Q. That science class you're referring to, I'm  
11 actually -- I was only referring to the --

12 A. Special ed.?

13 Q. I'm sorry. And science class.

14 A. Yeah. Because I -- I wondered what was going  
15 on. You know, it seemed like I couldn't -- there was a  
16 textbook. It didn't seem like anybody knew what was  
17 going on there, and it was just an absolutely packed  
18 class. And usually, you know, most classes there's a  
19 roster. You know, somebody's out, they stick it in a  
20 drawer, even if they've not left a lesson plan. And  
21 there was no, like, hint of anything. So I said, who's  
22 here? Kids began telling me, oh, no, we had a sub for a  
23 while and then somebody else came and somebody else  
24 came. I said, whoa, this is like -- this is not right.  
25 You guys can't accept that.

1 class."

2 What you just described -- I'm sorry. Did  
3 you -- you're referring to, in your declaration, to the  
4 fact that this science class didn't have a teacher, as  
5 you just described in your testimony; is that true?

6 A. Yes.

7 Q. Is there anything else that you meant by this  
8 sentence?

9 A. I think that's what I meant.

10 Q. Do you know of any other situations such as  
11 this one? In other words, this situation you just  
12 described where this science class lacked a teacher and  
13 also, from what you've described, they were getting  
14 substitute teachers on and off.

15 A. You know, offhand I can't remember. If I spend  
16 some time thinking about it, I might be able to come up  
17 with more classes. But, you know, right -- this sticks  
18 in my mind because this is -- this is fresh, still in my  
19 memory.

20 Q. Do you know if they -- you indicated earlier  
21 they didn't have a textbook, a science textbook.

22 A. I don't want to say they didn't have one. They  
23 may have had one, but it was clear to me that no one was  
24 using it. There wasn't a consistent program using this  
25 that I could come in and say, listen, what page are you

1 guys on? You know, we're on 148. All right, let's get  
 2 the book out and look at the next chapter. There was no  
 3 sense of that. Because when I do sub, I want, you know,  
 4 work in here, folks. This is not a party time. You  
 5 know, it's like -- I was just like -- I had no idea what  
 6 to do, you know, for these kids. I felt badly about it.  
 7 So I think I say in here -- I said, "All right,  
 8 ladies and gentlemen, we have homework to do. Let's get  
 9 that out and let's start working on that and let's use  
 10 this time." I think that was what we did.  
 11 Q. So you don't know if they had any tests in this  
 12 class, do you, in this particular group of kids?  
 13 A. I think they had nothing.  
 14 Q. And you're not sure if they, or do you know  
 15 whether they received any homework assignments in this  
 16 class?  
 17 A. I think they got nothing.  
 18 Q. And that's based on your time that you spent  
 19 substituting this class?  
 20 A. My assessment in those two hours what was  
 21 happening.  
 22 Q. Did you substitute this class more than once?  
 23 A. Only once.  
 24 Q. Do you consider --  
 25 A. I think I wouldn't have gone back a second

1 time.  
 2 Q. Do you consider that particular science class  
 3 and their lack of a permanently assigned teacher to be  
 4 one of the more egregious instances at Manual Arts --  
 5 MS. LHAMON: Objection. Calls for speculation.  
 6 MS. KOURY: I'm sorry. I'm going to cut your  
 7 objection off.  
 8 MS. LHAMON: I'm sorry. I didn't mean to cut  
 9 you off.  
 10 MS. KOURY: I lost my train of thought.  
 11 Q. -- egregious instance in terms of lacking a  
 12 permanently assigned teacher in class?  
 13 MS. LHAMON: Sorry again. I didn't mean to cut  
 14 you off. Objection. Calls for speculation.  
 15 MR. FERNOW: And I'll join.  
 16 BY MS. KOURY:  
 17 Q. Did you get that question?  
 18 A. I think I did. I thought it was egregious.  
 19 And I don't know if it's the most, but it's enough.  
 20 It's enough egregious.  
 21 Q. And I kind of asked this before, but can you  
 22 specifically recall any other instance such as this one  
 23 while you've been at Manual Arts?  
 24 A. Well, there was the special ed. class that also  
 25 seemed to me to have nothing but a series of subs coming

1 through. The department chair in that department sort  
 2 of came in and, I think, tried to provide some  
 3 assistance, but it seemed pretty clear to me that they'd  
 4 not had a permanently assigned teacher for that class  
 5 for some period of time. Again, I would have to -- I'd  
 6 have to think about this to come up with other names  
 7 because off the top of my head I can't think of others.  
 8 Q. Okay. So as you sit here today, you can't  
 9 specifically recall any others?  
 10 A. No.  
 11 MS. KOURY: Do you mind if we take a quick  
 12 break?  
 13 (Brief recess.)  
 14 BY MS. KOURY:  
 15 Q. Do you know how the process for obtaining  
 16 substitute teachers works at Manual Arts?  
 17 A. Yes.  
 18 Q. How does it work?  
 19 A. If you're going to be out ill, you can call the  
 20 district sub line, highly automated system now, and you  
 21 punch in all the numbers, and then you can either select  
 22 somebody that you've -- you can request somebody for a  
 23 sub -- to sub for you or you can just request a sub and  
 24 they'll assign one to you.  
 25 Q. Have you ever done that?

1 A. I've done it many times, yes.  
 2 Q. Have you done it recently, in this past school  
 3 year, 2000?  
 4 A. I did it last night.  
 5 Q. Is it your understanding that there's a  
 6 substitute that will be there today to replace you?  
 7 A. Yes. Because I had spoken to this person, and  
 8 he'd agreed to cover me today.  
 9 Q. You call the sub line and then how do you know  
 10 whether for sure a substitute teacher is going to  
 11 replace you?  
 12 A. The way the system works now, you punch in the  
 13 person you're requesting, employee number. Then they go  
 14 through their computer. They come back and say Joe Blow  
 15 is already requested tomorrow, so you can't have him. I  
 16 knew this fellow wasn't. So then you leave instructions  
 17 for him or her. So that's the way it happens.  
 18 Q. Were do you get the -- do you always prearrange  
 19 with the substitute teacher? In other words, for this  
 20 particular instance you had a conversation with this  
 21 person that's substituting for you beforehand. Have you  
 22 always done that when you acquire a substitute teacher?  
 23 A. Almost always. The only time I don't is if all  
 24 of a sudden I just got ill that morning or I got ill at  
 25 school. I don't think I've ever gotten ill at school

1 but maybe two times in 22 years I've been ill that  
2 morning. But short of that, I usually -- I make a -- I  
3 want a really top-notch person in there doing a good  
4 job.

5 Q. Do you have a list of employee numbers that you  
6 can choose from?

7 A. I do. And most teachers -- you know, there's  
8 kind of an informal network where we -- you know, if  
9 you've had a good experience with a sub, you -- somebody  
10 comes to you and says, listen, can you recommend  
11 somebody? So we have our own sort of in-house network.  
12 As well as at year-round schools, teachers who are after  
13 track can substitute also. So you don't necessarily go  
14 through the district's sub line, but you make  
15 arrangements with that person. And the school knows  
16 that Joshua Pechthalt, who's off track, is going to come  
17 in tomorrow and fill in for Mary Smith, and they've made  
18 that arrangement.

19 Q. If you're going through the district's sub  
20 line, does the district give you a roster of substitute  
21 teachers with their employee numbers?

22 A. I don't believe so, no. No, they don't.

23 Q. So you're sort of left to your own devices in  
24 terms of finding -- in terms of knowing these employees'  
25 numbers?

1 you take from when you need a substitute teacher:  
2 There's the substitute teachers that work for the  
3 district and there's also teachers that are off track  
4 that sometimes you can call upon?

5 A. Right.

6 Q. Have you ever had a problem finding a  
7 substitute teacher?

8 A. A couple of times, but not very often. I've  
9 not been out sick very often.

10 MR. FERNOW: Till tomorrow.

11 THE WITNESS: Till tomorrow, that's right.

12 BY MS. KOURY:

13 Q. Do you know if other teachers or have you heard  
14 other teachers at Manual Arts complain that they've had  
15 a difficult time getting substitute teachers when they  
16 need them?

17 A. Well, complain --

18 Q. Lament.

19 A. Lament? You know, I don't remember any recent  
20 lamentations. But I know from my experience working on  
21 the floor, you know, if kids are not being led into the  
22 room, I go down and I let them in, make sure the hallway  
23 is taken care of. My job is the elder statesman of the  
24 floor, you know. You know, if somebody is being  
25 assigned to that room, somebody shows up an hour late,

1 A. Yes, that's right.

2 Q. Do you know how newer teachers come up with  
3 employee numbers if they need a sub?

4 A. I think they talk to other teachers, veteran  
5 teachers. I'm sorry. Was your question how they find  
6 out about particular subs, or how the system operates as  
7 a whole?

8 Q. Well, starting with particular subs. You  
9 indicated that they have to punch in the employee number  
10 of the substitute. I was just curious as to how  
11 teachers know the employee numbers of other substitutes.

12 A. Well, again, that's -- so that's part of the  
13 informal kind of exchange of information.

14 Q. But as far as you know, there's no formal  
15 exchange?

16 A. Right, there's no formal.

17 Q. And is it your understanding, are there -- are  
18 these substitute teachers, is that all they do, is  
19 substitute teach?

20 MS. LHAMON: Calls for speculation.

21 BY MS. KOURY:

22 Q. In terms of -- as far as you know.

23 A. That's all they do insofar as district  
24 employees, right.

25 Q. In other words, there's sort of two pools that

1 nobody comes at all, administration just sends in, you  
2 know, a teacher from each class, somebody to cover for  
3 that period so you see what's going on in your work  
4 area, broadly defined.

5 Q. I'm going to ask you to just read the first  
6 line of paragraph 9 of your declaration. It states:

7 "In addition to the teacher vacancy problem, we  
8 have a substitute shortage at Manual Arts.  
9 Very often when a teacher is absent no  
10 substitute shows up at the school to fill the  
11 absence for the day."

12 What did you mean by this? I know you -- well,  
13 I'll just ask that.

14 A. What I mean is that there are times when a  
15 teacher is absent, no substitute shows up. That's what  
16 I mean.

17 Q. I know that you just testified a moment ago  
18 generally that you're an elder statesman of the floor, I  
19 think you said, and you can sometimes see another class,  
20 the kids haven't gone into a classroom, whatnot. Is  
21 that what you're referring to, just your general  
22 observations that you don't see teachers in classrooms  
23 when the bell rings, presumably?

24 A. Right. And then also, you know, sort of the  
25 school knows about it because the administration will

1 come on the public address system and say can every, you  
2 know, teacher with a conference come down to the main  
3 office right now, we need to do sub coverages.

4 Q. How often does that happen?

5 A. It happens fairly regularly. Usually at the  
6 beginning of the day, but it can happen after lunch.

7 Q. And when they call you on the PA system and ask  
8 teachers in their conference time, are they asking them  
9 to substitute other classes?

10 A. That's what they're asking for. So many  
11 teachers go and try -- go to parts of the school where  
12 the PA doesn't work.

13 Q. Smart. I should try that when our work partner  
14 comes down.

15 And you know this because you've heard,  
16 presumably, you've heard it over the PA. Do you also --

17 A. My -- I'm sorry.

18 Q. Do you follow up? I mean, have you been in one  
19 of these meetings where they indicate, after they've  
20 made this announcement, that, yes, in fact, they do need  
21 someone to cover a couple of classes? In other words,  
22 to --

23 A. I don't know what you mean by "meetings."

24 Q. You indicated that they announce it over the PA  
25 system.

1 PA and gets teachers during their conference time to get  
2 substitute teachers?

3 MR. FERNOW: Objection. Vague.

4 MS. KOURY: Can you read back the question?  
5 (Record read.)

6 MS. KOURY: I'm going to rephrase that.

7 Q. Do you think it's a problem that teachers are  
8 using their conference time to substitute other classes?

9 A. I think it's not a good thing.

10 Q. Why is that?

11 A. Well, I think, first of all, teachers fought at  
12 the bargaining table to get conference time, which, if  
13 you're teaching 30 kids a period, five periods a day,  
14 you're, you know, you're interacting with 150 kids.  
15 You've got homework stacked up like that to correct and  
16 you need time to do that, or go and see about this or  
17 take care of other staffs, or possibly meet a parent or  
18 something like that. So that time is important and  
19 people need to use it. So generally, teachers see it as  
20 a huge imposition when they're called to cover a class.  
21 That's A.

22 B, you know, they try to do it as gently as  
23 possible. But, you know, the office manager comes over  
24 the PA and, you know, excuse me, blah-d-blah, we need...  
25 It's disruptive over the whole school. It's not their

1 A. Right.

2 Q. Will all the teachers on their conferences --

3 A. -- please come to the main office or call to  
4 the main office, you're needed for coverage.

5 Q. Have you taken them up on that call? In other  
6 words, have you gone to the main office?

7 A. Usually the day of my conference I make clear  
8 to the administration, hey, I'm available, give me a  
9 call, so I've already -- I'm usually doing the gig  
10 because --

11 Q. Meaning you're substituting?

12 A. I'm available, at least in the last few years.

13 Q. And how often --

14 A. Since we had the baby, you can't have enough  
15 money in your house.

16 Q. I understand.

17 How often do you do this, substitute for other  
18 teachers, after receiving a call on the PA system?

19 A. Well, again, nobody's ever had to request me  
20 because I -- my conferencing is not at the beginning of  
21 the day. That's usually the time that's most difficult.  
22 But I would say I've been doing, in a month, I've been  
23 averaging about seven to 10 hours a month of coverages.

24 Q. Do you think it's a problem that the  
25 administration has -- makes these announcements over the

1 intent, but that's the only way they can sort of bring  
2 in everybody because they've got, you know, classes  
3 where kids are either waiting or sitting inside and  
4 there's nobody, nobody adult there, so that needs to be  
5 taken care of.

6 Q. What do you think or what would you like to  
7 have done to resolve this problem?

8 A. Again, you're asking me for the best of all  
9 worlds.

10 Q. Sure.

11 A. I would like to -- I think every school should  
12 have a pool of subs on duty right there. That would  
13 allow teachers to have meetings, because that's, like,  
14 an important part of being a teacher, is interacting  
15 with other teachers and doing stuff, which is very  
16 difficult to do, and that you would have people there  
17 sort of full time doing that. Maybe they could do  
18 other -- be involved in other things, but, in fact, they  
19 would be part of that school community and be ready to  
20 fill in in classes. And I think that would be -- I  
21 don't -- I'm trying to think of an analogous deal, but I  
22 can't.

23 In any case, I think that would be a good  
24 system.

25 Q. You also indicate in your declaration that you

1 think it's a problem when teachers are absent and a  
2 substitute teacher replaces them for the day and fails  
3 to leave a lesson plan; is that true?

4 A. That the teacher who's going to be absent  
5 doesn't leave a lesson plan.

6 Q. Correct.

7 A. Right. It's a problem. It's more than a  
8 problem. It's, I think, it's not acceptable.

9 Q. What do you think should be done about that, if  
10 anything?

11 A. I haven't thought about it. I think somebody  
12 needs to say, listen, you -- you know, there are times  
13 when -- there are times when you wake up ill that  
14 morning and you know what you're going to do, but you  
15 haven't laid out a lesson plan and you're just -- you  
16 know, you're too sick to get out of bed. So the  
17 administration, to their credit, asks for people to  
18 provide, like, generic lesson plans, but I've never had  
19 anybody ask me for that, or maybe they put it in some  
20 folder somewhere.

21 I think in some schools the department chair  
22 sort of oversees what's going on, and if I'm out, the  
23 department chair visits that class and says, listen,  
24 how's it going? You have things? No. I need  
25 something. And they go to a department filing cabinet

1 BY MS. KOURY:

2 Q. If you could without guessing.

3 A. This is really a shot in the dark insofar as  
4 guessing. I do know from my experience just bopping  
5 around the floor of my building. And there are what,  
6 like 10 classes. So I take it upon myself to open the  
7 doors and get the kids in the room. And if I -- I see  
8 what's going on, just a very quick look, and I can see  
9 somebody has left the lesson plan on the board. And for  
10 the most part, the teachers on our floor have done that,  
11 but I wouldn't say in every case they have. And there  
12 are times when they don't. So I would say  
13 three-quarters of the time people do.

14 Q. Keeping in mind what you've testified about and  
15 what's in your declaration with respect to the lack of  
16 permanently assigned teachers and also substitute  
17 teachers that are not giving the students a lesson plan  
18 because one doesn't exist for that day, have you heard  
19 any complaints from students and/or parents throughout  
20 the past couple of years about these issues?

21 A. I'm not sure I've heard specifically about  
22 that. Kids will complain about a lot of stuff, you  
23 know. They complain about their regular teacher. They  
24 feel sympathetic to you, they'll come to you and say  
25 Mr. Blah Blah is no good. So if you have a good

1 and pull out a lesson plan or some readings or an  
2 activity, so they sort of fill in. That doesn't happen  
3 at our school. But I think there is some attempt to  
4 have people sort of think about this ahead of time and  
5 produce sort of generic lesson plans.

6 Q. Do you think it would be a good idea if  
7 teachers at Manual Arts were required to turn in their  
8 generic lesson plans? For example, at the beginning of  
9 the year.

10 A. I think would be a good idea if the people had  
11 the time to develop those generic lesson plans. You  
12 know, I think it's a good idea to have stuff prepared  
13 ahead of time.

14 Q. How often do you, in your experience, how often  
15 does it happen that a teacher is absent and a substitute  
16 teacher is in a class where the regular teacher has  
17 failed to leave any sort of lesson plan?

18 A. I think the majority of the cases when somebody  
19 is absent they leave a lesson plan. In the majority of  
20 cases.

21 Q. So you think this is sort of a --

22 A. I wouldn't -- yeah, go ahead.

23 Q. If you had to give a number per -- every six  
24 months, how often does this happen? Could you do that?

25 MS. LHAMON: Calls for speculation.

1 relationship with kids, then they come and they see you  
2 as an allie. They want to tell you about their problems  
3 and stuff.

4 So specifically about this, I can't remember,  
5 no.

6 Q. Have you heard other teachers complain about  
7 the two issues I mentioned? Do you need me to repeat  
8 them?

9 A. Sure, you can repeat them.

10 Q. The lack of permanently assigned teachers and  
11 also having substitute teachers teaching a class without  
12 a lesson plan.

13 A. About the permanently assigned teachers, I know  
14 I talked to other -- after the English -- I'm sorry --  
15 about the science thing, I talked to a bunch of science  
16 teachers, and I could see that they were concerned about  
17 this, yes. And about lesson plans, nobody has  
18 complained to me about it.

19 Q. What did the -- I'm sorry.

20 A. But I was going to explain why that is.  
21 Teachers are not comfortable sort of beating up on each  
22 other. So, you know, it's not looked upon as kosher to  
23 bad-mouth fellow teachers. Probably there's a same  
24 thing among lawyers.

25 MR. FERNOW: Oh, no.

1 THE WITNESS: I take that back. Strike that  
2 from the record. I can see that's a different deal.

3 MR. FERNOW: Among police officers, yes.

4 THE WITNESS: There you go.

5 BY MS. KOURY:

6 Q. Do you think that they would view it as beating  
7 up each other to complain about the lack of permanently  
8 assigned teachers?

9 A. No, the permanently assigned teachers is  
10 something we talk about in a department. We need to get  
11 somebody in there, blah blah blah. Because that's not  
12 an attack against an individual teacher. The other  
13 question about teacher X and teacher Y not leaving a  
14 lesson plan and not doing their job properly, that's  
15 something that's a little bit -- people are hesitant to  
16 raise in a public way because people are defensive about  
17 that sort of stuff.

18 Q. You mentioned that you had talked to some  
19 science teachers about this issue, the lack of  
20 permanently assigned teachers, after you had this  
21 instance with a science class. What did the teacher  
22 say? Do you recall?

23 A. I think everybody's sort of, yeah, yeah, it's a  
24 bad deal, we need to get somebody. You know, I raised  
25 it with these people because I know the people in the

1 A. I think we've been -- I think we were year  
2 of -- Wendall Greer came -- I think since '94. Seven  
3 years plus, maybe a little bit more.

4 Q. And how many tracks are there?

5 A. There are three.

6 Q. A, B and C?

7 A. Yes.

8 Q. You teach on --

9 A. -- B track.

10 Q. Manual Arts was not a year-round, multi-track  
11 school when you first started; right?

12 A. That's right.

13 Q. Had a traditional calendar?

14 A. Yes.

15 Q. Do you know how many students are on each  
16 track?

17 A. I think there are a little over 1300, more or  
18 less.

19 Q. Are you familiar with the process of how  
20 students are assigned to each track?

21 A. Some of it, I think, depends -- I'm not  
22 completely familiar, no. I think I understand some of  
23 how that happens.

24 Q. Do you know if it happens at the school level  
25 or at the district level?

1 department. They're good people. You know, I was just  
2 like raa-raa, revved up about it. So I came in and  
3 said, "Hey, what's going on in there?" Was trying to  
4 get more information. I don't think it was their call.  
5 I mean, I think, you know, they don't hire. School  
6 administration hired. And maybe they had a reason why  
7 that situation existed. I don't know. Certainly those  
8 teachers would like to have, you know -- people in the  
9 department are very -- you know, they want their  
10 department to do well, for kids to, you know -- how do I  
11 say it? I mean, they take pride in what goes on in  
12 their department.

13 Q. Right. You indicated earlier that you didn't  
14 know what happened with that situation in the science  
15 class. Did they indicate to you, these other teachers,  
16 whether -- did they give you any sort of information as  
17 to why it was so difficult to hire a permanently  
18 assigned teacher to this class or what was being done to  
19 hire one?

20 A. The department chair may have given me an  
21 explanation, but I couldn't tell you what it was. And I  
22 know he wasn't -- he thought it needed to be remedied,  
23 that situation.

24 Q. Earlier you mentioned that Manual Arts became a  
25 multi-track school in the mid-nineties, did you say?

1 A. I don't know -- yeah, I know some of it happens  
2 at the school level.

3 Q. What's your understanding of how it happens?

4 A. Well, initially, for example, we had the magnet  
5 program on A track. So if you were in the magnet and  
6 you have a college incentive magnet that's housed within  
7 our campus, and so if you got into that program, then  
8 you had to get onto A track.

9 Q. Does that program still exist?

10 A. Yes, it does. And I believe the rest -- so  
11 maybe if you were on a particular program you would  
12 follow that program onto a particular track. I can't  
13 think of other programs. We do have now a bunch of,  
14 like, academies, but I'm not -- it's not clear to me  
15 that those are across all tracks.

16 And then I believe the -- in general, it's  
17 based on your zip code, where you live.

18 Q. What is your understanding? How is it that you  
19 have this understanding? In other words, where is this  
20 information coming from that you have that you just  
21 testified?

22 A. Closely guarded secret. I don't know. I  
23 just --

24 Q. Just your general understanding?

25 A. Just what I heard.



1 Q. Do you know if a student can change tracks if  
2 they want to? In other words, they're assigned on one  
3 track but want to change another track.

4 A. I think they have to have a reason for it. You  
5 just can't go from one track to the other.

6 Q. Have you ever heard of a student wanting to  
7 change a track and being unable to do so?

8 A. I don't remember.

9 Q. Having taught both on the traditional track and  
10 now on the year-round school track, do you prefer one  
11 over the other?

12 A. There are aspects of being -- for a teacher --  
13 being on a year-round calendar that are better. In  
14 general, I think it's not good, but there are things  
15 about it that I appreciate.

16 Q. I understand.

17 What is it as a teacher that you find to be  
18 better about a year-round track?

19 A. On the traditional calendar year, if you guys  
20 can remember back to the time you were in high school,  
21 you went for, like, nine months, nine and a half months,  
22 and then you had your two and a half months summer  
23 vacation, or three months when I was in high school.  
24 That is a long stretch of time to go as a teacher. So  
25 back in the days, as we say, by the end of the school

1 you come back, you have to, you know, set it all up and  
2 be ready to go the next morning.

3 We no longer have any time where -- even in the  
4 early days of year-round there were days where we had  
5 all the teachers there but no kids, and we had a couple  
6 days of downtime so people could clear out their rooms  
7 and the new teacher would set up. Now we don't have  
8 that. So we were in meetings and the next day you're  
9 supposed to stand up in front of a class and start  
10 teaching those kids with not one minute set aside for  
11 you to actually set up your room. That ain't a way to  
12 run a school district.

13 Q. When Manual Arts was on a traditional calendar,  
14 did you have one room permanently assigned to you for an  
15 entire year?

16 A. Usually, not always.

17 Q. Go ahead. I'm sorry.

18 A. Well, just that I was, in my first few years, I  
19 was sort of -- as I accrued more seniority, I'd sort of  
20 move up from not just a nice room to a better room.  
21 That's pretty common. Generally, people had a room for  
22 the year, yeah.

23 Q. You just indicated before, though, that under a  
24 traditional calendar year you had more time to set up  
25 for a room, and you indicated that on a year-round

1 year, everybody was dragging. It was just, you know,  
2 nine months of teaching is exhausting. Now we go four  
3 months on, two months off. So you can go hard four  
4 months and you get a break. And you come back, you're  
5 fresh, you go hard four months. You're off. So for a  
6 teacher I think it's a lot more energizing.

7 The downside of it is you feel like you're a  
8 hamster on a treadmill. You never set up shop  
9 permanently. One person's coming in, another one's  
10 going out. Three teachers occupy two classrooms.  
11 You've squeezed in at least a third more kids into the  
12 previously existing facility. So everything is sort of  
13 used. I mean, there's -- an ancient school like Manual  
14 Arts, now you're running -- you know, there's no  
15 downtime. And the school is always in operation; right?  
16 The old days would be closed more or less for the summer  
17 and they'd come and do repairs, and that's a thing of  
18 the past. In the old days you'd set up your room, you  
19 know, set up your room, you'd make it, you know,  
20 special, whatever, and you'd leave for the summer and  
21 lock your files away and know that you would come back  
22 to that room and, you know, you'd be up and running in a  
23 moment. Now that doesn't happen. Now you have to spend  
24 the last couple of days sort of packing everything up  
25 and clearing out because somebody's coming in. And when

1 schedule you're continuously, it seems like, moving from  
2 room to room; is that true?

3 A. How do I explain this? You're not moving from  
4 room to room during a school day, but that happens also.  
5 But you have three teachers now occupying two rooms.  
6 One of those teachers will be off track. And so I am in  
7 a triad with two other teachers, and we go from Room 277  
8 to 279. And whenever I come back on track, I go to a  
9 new room. And then I have four months there. I go off  
10 track and I come back to the room next door. So we're  
11 sort of like three people going in and out of these two  
12 rooms.

13 Q. When you were on a traditional calendar, did  
14 you have your own room, then, you weren't sharing it  
15 with other teachers?

16 A. If I shared it, it was -- I had to vacate my  
17 room during my conference period and somebody might come  
18 in just for that one class. But generally, I had a room  
19 for the year and might have it for a couple of  
20 consecutive years. Again, I'm sure the same is with law  
21 offices or whatever. You know, somebody leaves, you try  
22 to get a little bit better room. So I was always, like,  
23 that room is available the next year, so I would try to  
24 get that room. But I could have stayed in that same  
25 room.

1 Q. And in terms of not having enough time to  
2 set up a room, is that, on a traditional calendar, did  
3 you feel you had more time because of the summer  
4 vacation in between? Or why was it, I should say?

5 A. Yeah. I mean, number one, yeah, you could come  
6 up in the last few days of summer vacation and set up on  
7 your own time. But usually we had one or two days of  
8 downtime before the kids came back. We'd be in  
9 meetings. You'd set up your room. So built into the  
10 system was sort of preparation time getting the school  
11 up and running. And then at the end of the school year  
12 you might have a pupil free day and so you could pack  
13 stuff up and, you know, take your posters down and put  
14 your files away and stuff like that. We seem to have  
15 lost all those things.

16 Q. Why is that?

17 A. Well, I think part of it has to do with some  
18 state mandates. I'm not sure why.

19 Q. What do you mean by that?

20 A. Well, a number of years ago schools were, in  
21 L.A., Manual Arts, we had a number of teacher planning  
22 days, and we seemed to have lost them somewhere in the  
23 last few years. I think as a result of this -- the  
24 state's move to extend the school year and have kids in  
25 class for more minutes during a school year. Students

1 A. I prefer to work four months, or whatever, and  
2 then have a break and then do another semester, have a  
3 break, rather than go straight through. I think I have  
4 more energy this way. Insofar as what I think is better  
5 for the school and for the kids, I think a year-round  
6 calendar is not a plus. I think it's made worse the  
7 educational programming that we had there. It's made it  
8 more difficult to carry on.

9 Q. Were you done?

10 A. Yes.

11 Q. Okay. Do you think that the students or have  
12 you heard from parents or from students that they also  
13 appreciate the break as you indicated that you do? In  
14 other words, not going for solid for nine months and  
15 taking a two-and-a-half to three-month break.

16 MS. LHAMON: I'm unclear on the question.

17 BY MS. KOURY:

18 Q. Have you heard it from your students or from  
19 students' parents?

20 A. I haven't heard from the parents. I think  
21 students would like to have a break every third day. So  
22 this is not a problem for them. And I do think the  
23 getting up early and coming to school early is a  
24 problem. That is a problem, and they've expressed that.

25 Q. You're referring to what you testified to

1 sitting at their desks has sort of displaced the time  
2 the teacher's use for preparing their rooms and  
3 preparing for school.

4 Q. The lack of time to prepare your room or the  
5 lack of prep days, as you sort of indicated, is not  
6 really, it doesn't seem like, really caused, in your  
7 mind, by the year-round calendar, or is it?

8 A. I think the year-round calendar made that  
9 situation worse, and then it was made even worse on top  
10 of that. So I would say the year-round calendar  
11 exacerbated some of those conditions, if that's the  
12 right word.

13 Q. Given the choice between a traditional calendar  
14 and a year-round calendar, from your perspective as a  
15 teacher, do you have a preference?

16 MS. LHAMON: Objection. Vague as to  
17 "year-round calendar."

18 BY MS. KOURY:

19 Q. Would the year-round calendar that you're  
20 familiar with at Manual Arts, given the presence between  
21 what you have now and what you had before Manual Arts  
22 went on year-round calendar, which one do you prefer?

23 A. Well, I have to give you sort of two answers on  
24 this.

25 Q. Okay.

1 earlier about them having to wake up at seven -- I mean,  
2 having to be in class at 7:16?

3 A. 7:16, 7:20. Because that is a component of our  
4 year-round schedule.

5 Q. In your observations, having taught at Manual  
6 Arts on a traditional calendar and now teaching on a  
7 Concept 6, do you think now the students perform better  
8 in a Concept 6 situation where they do break every four  
9 months?

10 MS. LHAMON: By "perform better," are you  
11 saying by comparison to a traditional calendar?

12 BY MS. KOURY:

13 Q. In comparison to your experience at Manual Arts  
14 under a traditional calendar.

15 MS. LHAMON: I'll object to the question as  
16 overbroad.

17 THE WITNESS: It's hard for me to gauge this.  
18 In the last few years I think we've become -- we've been  
19 made acutely aware of, you know, Stanford 9 scores.  
20 Well, when I came into teaching, and up until about  
21 three, four years ago, we didn't have a Stanford 9.  
22 There wasn't a mechanism for measuring kids in the way  
23 there is today. We had CTBS exam, which was a very  
24 different kind of exam. So there was no sort of --  
25 administration didn't say, well, here are these numbers.

1 Look, you guys aren't doing your job. We didn't have  
2 this.

3 I will say that, you know, I cannot remember a  
4 time when either I or the other teachers haven't  
5 lamented, you know, kids not doing better. And my sense  
6 is that if you looked at the teachers from a hundred  
7 years ago and you look at teachers two hundred years in  
8 the future, teachers will always lament.

9 BY MS. KOURY:

10 Q. A lot of lamenting.

11 A. A lot of lamenting. We're big on lamenting  
12 over there.

13 Q. Are you familiar with the notion that at the  
14 end of a break there's sort of a period of time where  
15 students have to gear back up in terms of refreshing  
16 their memory as to what they learned before they took a  
17 break?

18 A. Yeah.

19 Q. Is there sort of a term for that?

20 A. Review.

21 Q. That's good enough.

22 Do you find that the review time for students,  
23 comparing the time when you taught in traditional  
24 calendar to now on a Concept 6, is minimized or reduced?

25 A. Well, the problem is made worse on the

1 of this problem, and they claim the scores are down on  
2 track B, etcetera.

3 You know, kids, you can tell them many, many  
4 times this is not, you know, this is not the end of  
5 semester, this is only a break and we're coming back to  
6 finish the semester. Many kids think this is a new  
7 semester. All those absences and tardies, that was  
8 then, how come I am seeing it on my progress report now?  
9 It's hard to wrap kids' heads around the idea that we've  
10 just refigured how the semester happens. And then, you  
11 know, you're teaching sort of a body of knowledge, you  
12 know, in one semester, and, you know, it's -- I mean,  
13 I'll use my class as an example. We were finishing up  
14 the Civil War and two months later we come back, and  
15 after review, Abolitionist Movement stuff. It's taking  
16 some time that we would not have had to devote if we had  
17 just continued in school for four consecutive months.

18 Q. Have you ever taught on the ARC track?

19 A. No.

20 MS. LHAMON: Just going to interpose a late  
21 objection. I'm assuming by that you mean has he taught  
22 for a full semester or a full year rather than  
23 substitute teaching.

24 MS. KOURY: Right. That's exactly what I  
25 meant.

1 particular track that I'm on.

2 Q. Why is that?

3 A. Because our breaks come right in the middle of  
4 our semesters. So tracks A and C have four consecutive  
5 months of a semester. Then they have a break, sort of a  
6 natural break at the end of the semester, and then they  
7 come back for the second semester. Track B begins by  
8 going two months. Then the mid-term we go off two  
9 months and the kids come back and they finish the two --  
10 the back end of the semester. And then they go right  
11 into the next -- two months of the next semester. So we  
12 go four months in a row, but it's always the back end  
13 and the beginning of a semester. Yeah, the back end and  
14 the beginning of a semester.

15 Q. Why does that make it --

16 A. Is that clear? Maybe it's not clear.

17 Q. But why does that make a difference, which end  
18 it's on, if they're still going -- I'm sorry.

19 A. I'm sorry.

20 Q. -- if they're still going four months straight?

21 A. Well, I think it's not a huge problem, that  
22 aspect of it, although other teachers would disagree  
23 with me. In fact, we've been talking about this  
24 recently. The district is now floating a proposal to  
25 deal with the problem, on track B in particular, because

1 THE WITNESS: We did have one year where we  
2 sort of -- before we went year-round -- where we went on  
3 a calendar, which is essentially the A track calendar,  
4 but the entire school was on it, so everybody went on  
5 and off together. But it was essentially the A track  
6 year-round calendar without having year-round school.  
7 That was fine. That spoke to my concern earlier, which  
8 was working for a block of time and having a break and  
9 coming back fresh and working for another block of time.

10 BY MS. KOURY:

11 Q. Did you think the students as well as the  
12 teachers benefited from that break? In other words,  
13 because it was a four-month block of time you could --  
14 and then start up two months later.

15 A. I think the students benefited. I mean, if  
16 teachers are, you know, feeling good and full of energy,  
17 I think kids get more out of that teacher.

18 Q. Does that A and C track diminish the problem  
19 you just described before, which is that it doesn't  
20 break up the semester mid-semester?

21 A. I think that element is probably better than A  
22 and C track. For me it's not a big problem, but --

23 Q. What do you mean?

24 A. Well, again, I said that other teachers feel it  
25 is a big problem in their classes, and I think it's

1 generally recognized that that break in the middle of B  
 2 track is not a good thing. I find it just, like, you  
 3 know, so, hey, our semester is the two ends of each  
 4 thing, and I just think about it in that way.  
 5 Q. Do you know how many instructional days per  
 6 year you have at Manual Arts?  
 7 A. Instructional days? I know how many  
 8 instructional hours per class, approximately.  
 9 Q. Hours per class?  
 10 A. Uh-huh.  
 11 Q. But not days?  
 12 A. Well, I think of it in terms of hours.  
 13 Q. How many instructional hours are there per day?  
 14 A. For me it ends up being anywhere from about 72  
 15 to 80 per semester, instructional hours per class.  
 16 Q. Do you know whether students now at Manual Arts  
 17 cover the same material in their classes as other  
 18 students in the similar classes do on traditional  
 19 calendars?  
 20 MS. LHAMON: Calls for speculation.  
 21 THE WITNESS: I'm not sure. I do know that it  
 22 was difficult -- again, let me just tell you from the  
 23 area that I know the best, and that is teaching U.S.  
 24 history. We're supposed to teach in one academic year,  
 25 sort of renew the American Revolution and whiz through

1 the 18th, 19th and get into the 20th century in a school  
 2 year, and that was difficult during a traditional  
 3 calendar year. Now it's nearly impossible. So that you  
 4 have to sort of leap over big chunks of time because the  
 5 semesters are -- you don't have -- you have hours, but  
 6 you're sort of pinched at either end. So it's difficult  
 7 to get through that. I don't know any teachers who  
 8 actually make it teaching social studies.  
 9 BY MS. KOURY:  
 10 Q. And do you know teachers teaching social  
 11 studies on traditional calendars that are better able to  
 12 make it?  
 13 A. You know, I can't say. I can only remember  
 14 from the time that I was teaching there. I can only  
 15 remember to my previous experience in a traditional  
 16 calendar year.  
 17 Q. And your recollection from that is that it was  
 18 easier?  
 19 A. I think it was easier, absolutely.  
 20 MS. KOURY: Can we take a quick break?  
 21 (Discussion held off the record.)  
 22 MS. KOURY: I'm sorry. Where were we?  
 23 (Whereupon the record was read as follows:  
 24 "Q. And your recollection from that is that  
 25 it was easier?"

1 BY MS. KOURY:  
 2 Q. Do you know if there are any inner session  
 3 classes that are offered to the students at Manual Arts?  
 4 A. There are some, yes.  
 5 Q. Are you familiar with them?  
 6 A. Some.  
 7 Q. Could you describe to me what types they are?  
 8 A. Right now I know a teacher doing an inner  
 9 session math class. I think when I went off track last  
 10 time I was asked about doing an inner session history  
 11 class.  
 12 Q. Did you do it?  
 13 A. No, I didn't.  
 14 Q. Do you know if somebody else did?  
 15 A. I know of another history teacher who taught an  
 16 inner session class. I don't know if it was the one I  
 17 was being asked to teach.  
 18 Q. Other than those two classes that you just  
 19 mentioned, are you familiar with any other types of  
 20 inner session classes?  
 21 A. I'm not -- I don't know specifically about a  
 22 class or a teacher. I know about that because I teach  
 23 in a building where we offer social studies and math, so  
 24 people I spend a lot of time talking to are math and  
 25 social studies teachers. So that's why I know that.

1 But, you know, there are inner sessions classes that are  
 2 scheduled. I mean, this is a fairly common deal.  
 3 Q. Do you encourage your students at all to take  
 4 any inner session classes?  
 5 A. Well, it's not -- you don't -- kids don't sort  
 6 of take them in our school in any case. They don't take  
 7 them because they want to take them. They take them to  
 8 make up stuff. So to encourage or not to encourage,  
 9 they know -- it's sort of -- that doesn't hold much  
 10 weight. They're told, listen, you have to make up that  
 11 world history class you didn't pass in the ninth grade,  
 12 so you have to go to inner session class. I do  
 13 encourage kids to go to adult school occasionally and  
 14 take classes that way.  
 15 Q. Are there any other educational-type programs  
 16 offered inner session such as tutoring or any refresher  
 17 courses or something to that effect?  
 18 A. There may be, but I can't think of any right  
 19 off the top.  
 20 Q. In paragraph 3 of your declaration it states:  
 21 "It's also hard for teachers to communicate all  
 22 the course material in the compressed Concept  
 23 6 multi-track schedule, according to which we  
 24 have fewer total school days than traditional  
 25 calendar schools have, although we have the

1 same or more instructional minutes that these  
2 schools have."  
3 Are you referring to just to -- what are you  
4 referring to when you say "it's also hard for teachers"?  
5 Are there specific conversations that you've had with  
6 teachers or generally your understanding?  
7 A. Yeah. I mean, it's based on, you know,  
8 conversations with teachers over the years that it's  
9 difficult to do the required course material in a  
10 compressed period of time.  
11 Q. You already testified about this before we took  
12 the last break. Other than what you already testified  
13 to, is there any other specific recollection that you  
14 have about teachers complaining that it's harder to  
15 communicate all the course material?  
16 A. I don't have anything to add, no, not at this  
17 time.  
18 Q. Is that also true for the next sentence, which  
19 states: "All of us at Manual Arts face the problem of  
20 squeezing a full curriculum into the Concept 6  
21 calendar"?  
22 A. Are you asking if I agree with that formulation  
23 there?  
24 Q. Well, first of all, do you?  
25 A. Yes.

1 Q. And in that statement are you referring to what  
2 you just testified to? In other words, just your  
3 general conversations that you've had with teachers  
4 through out the years.  
5 A. Yes, uh-huh.  
6 Q. Is there anything else to which you are  
7 referring?  
8 A. No, not off the top of my head.  
9 Q. What do you consider to be core subjects that  
10 are taught at Manual Arts?  
11 A. Are you saying core?  
12 Q. Yes.  
13 A. C O R E?  
14 Q. Yes. Or do you have an understanding of core  
15 subjects?  
16 A. I guess my sense of the core subjects would be  
17 math, English, science, social studies.  
18 Q. Do you know who determines how many core  
19 subjects are offered to students on each particular  
20 track?  
21 A. Well, the head counselor creates the master  
22 program, so he or she has the responsibility at our  
23 school site for creating that master program and  
24 determining how many classes there are in any particular  
25 subject area. She -- we have a she now -- hopefully

1 doesn't do it without the input of the department  
2 chairs, but that's sometimes a struggle.  
3 Q. Have you ever been involved in developing the  
4 master program?  
5 A. Only to the extent that as a teacher in a  
6 department I might say, listen, shouldn't we have  
7 another world history class third period? And then  
8 passing that on to the department chair. But I've never  
9 sat in any sort of semi-official way with the head  
10 counselor to work that out.  
11 Q. Have you ever actually said that to the  
12 department chair, hey, we need an additional history  
13 class?  
14 A. Well, I did for a number of years want us to  
15 have a Latin American and African American year-long  
16 elective, but that was sort of -- that was sort of  
17 chopped out of the schedule.  
18 Q. So despite your requests it didn't happen?  
19 A. Right. As powerful as that request was, it  
20 didn't seem to carry that much weight.  
21 Q. It just left to lament?  
22 A. I went into the lamenting booth. We have a  
23 special place.  
24 MS. LHAMON: You're joking about that?  
25 THE WITNESS: No, we don't have a lamenting

1 booth. You're giving me an idea.  
2 MS. KOURY: Thank you for clarifying that.  
3 Q. Do you know what factors the head counselor  
4 looks at when she creates or he creates that program?  
5 A. Well, I think they look at the number of  
6 students in a certain year --  
7 Q. I'm going to interrupt you only because I'm  
8 actually more curious to know: Do you know this  
9 because -- is this something that you have knowledge  
10 about, or is this just what you're presuming based on --  
11 A. It would be based on presumption.  
12 Q. Thank you for -- but I want to know what your  
13 involvement in that. If you don't know, feel free to  
14 tell me you don't.  
15 A. My knowledge is simply based on what the  
16 department chair reports back to the department. I sat  
17 and I met with this person and I said, you know, we need  
18 this and that, and she said, well, we're only going to  
19 do this and that. So it's based on, you know,  
20 discussions with the department chair and other  
21 teachers. But I've never sat with the head counselor to  
22 sort of plan that out.  
23 Q. So based on the conversations you had with the  
24 department chair and other teachers, your understanding  
25 is that the head counselor does look at student

1 enrollment?

2 A. I think so, absolutely.

3 Q. What about teacher availability?

4 A. I think that's an element, too. I mean, yeah.

5 Q. What about the collective bargaining agreements  
6 with the teachers?

7 A. I would say that that is -- I don't think -- I  
8 don't see how that would play a role in it.

9 Q. Is there anything else that you have an  
10 understanding that's an element in what the head  
11 counselor looks at?

12 A. You know, I mean, other factors -- I mean, off  
13 the top of my head, I can't think of anything else.  
14 But, you know, the general needs of the school. I mean,  
15 if you're running a -- if you have a basketball program  
16 and that's your teacher who teaches a particular class,  
17 maybe you've lost that teacher because they're doing  
18 that or something. So I'm not quite sure how you would  
19 describe that. But how you're allocating your teachers,  
20 teacher allocation. I don't know if that's a category.

21 I just made that up. It sounds good, though.

22 Q. Do you know how students are enrolled for core  
23 subjects? In other words, the subjects that you  
24 indicated: math, English, science and social.

25 A. Their counselor does that for them. It

1 track?

2 A. Again, I can't remember that. I don't remember  
3 that, hearing that from kids.

4 Q. Earlier you testified that there is a magnet  
5 program or an honors program.

6 A. It's called a magnet program.

7 Q. Is that the same thing as an honors program or  
8 is there a separate honors program?

9 A. Maybe they're used synonymously these days, you  
10 know. For all practical purposes, it's like an honors  
11 program. Although there are separate advance placement  
12 courses that are not necessarily part of that magnet  
13 program.

14 Q. Do you know of any honors program or honors  
15 classes, leaving aside the magnet program?

16 A. I know some teachers teaching like AP, some AP  
17 classes, yes. And they're not in the magnet program.

18 Q. Other than the AP classes, do you know any  
19 other types of honors classes? So other than the magnet  
20 program, other than the AP classes, are there any other  
21 classes that you know of?

22 MS. LHAMON: At Manual Arts?

23 THE WITNESS: At Manual Arts, nothing that I  
24 know that is considered to be honors.

25 ///

1 happens -- that's how it happens.

2 Q. Do you know if they have to meet with their  
3 counselor in advance?

4 A. I don't know if they meet with their counselor.  
5 They do meet with -- I know there have been times when  
6 students will be called in to meet with their counselor,  
7 and I believe they sit down and the counselor says  
8 here's your program, what do you think about it?  
9 Student says, well, I already passed that, or something.  
10 Student might have some input into that. I'm not sure  
11 that happens every year.

12 Q. Do you know if the counselor automatically  
13 enrolls them in their core subjects, other than the  
14 instances when they have a conversation with their  
15 counselor?

16 A. That's my sense of how it operates.

17 Q. Have you ever heard of a student being unable  
18 to enroll in a core course?

19 A. In a core course?

20 Q. Right. In other words, in math, English,  
21 science or social studies.

22 A. Off the top of my head, I can't remember that.

23 Q. Have you ever heard of complaints from anyone  
24 that, you know, students are just not able to get into a  
25 core subject or enroll in a core subject on a particular

1 BY MS. KOURY:

2 Q. The magnet program, is that still on the A  
3 track?

4 A. I think, for the most part, it is on A track.  
5 I don't know of anybody on B track.

6 Q. Do you have any involvement with it?

7 A. No.

8 Q. Do you know how students qualify for it?

9 A. I think they apply to be in it. That's it.

10 Q. Have you ever heard any complaints from anyone  
11 that students that are qualified for the magnet program  
12 aren't able to enroll because of a lack of space?

13 A. I've not heard that complaint.

14 Q. Have you ever heard of any complaint of  
15 students trying to enroll in the magnet program and not  
16 being able to?

17 A. I've not heard that.

18 Q. Do you know how many students are in the magnet  
19 program?

20 A. You know, the number of 300 sticks in my head.  
21 It could be a few less, maybe more. I think it's  
22 something like that.

23 Q. You began telling me about AP classes. How  
24 many AP classes are there? I'm sorry, I'm going to  
25 withdraw that.

1 How many subject areas have AP classes? Do you  
2 know?

3 A. I can't give you a definitive answer. I know  
4 of some of the classes that are -- that have AP, that  
5 are AP classes, but there could be others that I just am  
6 not familiar with.

7 Q. Which ones do you know of?

8 A. Well, I know we have an AP world history. I  
9 believe there are a couple of AP -- I shouldn't say a  
10 couple. I believe there's an AP government class, U.S.  
11 history. I believe there's an AP chemistry class. We  
12 used to have a very successful AP Spanish lit class, but  
13 I'm not sure if that continues.

14 Q. Did you ever teach any of these classes?

15 A. No, I've not.

16 Q. Do you know how students enroll for an AP  
17 class?

18 A. How do they enroll for these classes? I'm not  
19 really sure. I think they go down and request it.

20 Q. Have you ever heard anyone complain that  
21 students who qualify for an AP class weren't able to  
22 take or enroll in it because there wasn't enough space?

23 A. I have heard from students, especially students  
24 who -- that club that I sponsor -- who have complained  
25 about the lack of AP classes across the school -- about

1 A. Sure.

2 Q. How about previously to '99, can you recall  
3 ever hearing them complain?

4 A. I can't remember that. I don't remember that.

5 Q. Of the handful of complaints you've heard over  
6 the last couple of years, can you specifically remember  
7 any or which classes these students wanted that weren't  
8 available to them, which AP classes?

9 A. I don't remember. If they said at the time, I  
10 certainly don't remember now anybody saying specifically  
11 this class or whatever. I just remember kids raising  
12 this as a problem, that there weren't AP classes  
13 available on their particular track. Usually that's B  
14 track.

15 Q. Do you know if the issue was raised to any of  
16 the administrators at the school?

17 A. You know, again, I've never been part of  
18 raising that with the administration, so I can't give  
19 you direct knowledge of a conversation. I do believe  
20 that the issue was raised with administration. I think  
21 it led to the creation or the effort to create an AP  
22 class on B track, so there is at least one now. I  
23 believe it's U.S. history.

24 Q. Do you know why there were so few AP classes on  
25 B track?

1 the spectrum of tracks. That I've heard.

2 Q. Thank you. But going back to the previous  
3 question that I asked you: You have not heard any  
4 complaints about a student not being able to enroll in  
5 an AP class that was available on a track?

6 A. That I've not heard. Well, again, I'm a B  
7 track teacher.

8 Q. Right.

9 A. And so I've not heard from B track students  
10 that they couldn't get into a B track AP class. I don't  
11 think we had any B track AP classes up until this past  
12 semester. And I've not heard from one saying they  
13 couldn't get into an AP class on another track.

14 Q. But you have heard of students complaining that  
15 there weren't AP classes offered on their track?

16 A. Right.

17 Q. How many complaints have you heard? I'm sorry.  
18 I'm going to ask that differently.

19 How many students have you heard complain about  
20 that?

21 A. I don't know. I can't quantify it. A handful.

22 Q. Over the years or just this year?

23 A. Well, I would say this is over the last couple  
24 of years.

25 Q. Meaning since '99?

1 A. I'm not sure why.

2 Q. Do teachers that teach AP classes have to have  
3 special credentials?

4 MS. LHAMON: Calls for speculation.

5 BY MS. KOURY:

6 Q. If you know.

7 A. Yeah, I don't believe they need a special  
8 credential. I think they have to go to some special  
9 training for that.

10 Q. Have you ever heard any of the teachers  
11 complain that there weren't AP classes on a B track?

12 A. I've not heard teachers complain about that.

13 Q. I think I already asked this, but I'm going to  
14 ask again.

15 You've never taught any AP classes?

16 A. No, I haven't.

17 Q. Do you know why the AP Spanish literature class  
18 no longer exists?

19 A. The teacher retired. It may exist, but I -- we  
20 all knew it existed when this particular teacher was  
21 there. She was an outstanding teacher. Twenty-six kids  
22 would take the AP exam in Spanish lit and 25 would get  
23 three -- whatever the number was. It was just  
24 outstanding. She retired a couple of years ago. Maybe  
25 a Spanish teacher's continuing that, but I don't know.

1 Q. Do you know the process for enrolling in  
2 elective classes at Manual Arts?

3 A. I think there is no process.

4 Q. Do you know how students get an elective if  
5 they want one?

6 A. I think it's by -- it's completely by the  
7 counselors deciding that Johnny, Susie need -- here,  
8 they'll be in that class. I will say that at an earlier  
9 time, when I taught the Latin American and African  
10 American classes a number of years ago, I would, in  
11 fact, put out -- this is when we were a traditional  
12 calendar school -- I would put out fliers and get kids  
13 to sign up for this and submit lists, 50, 60 kids who  
14 wanted to take those classes. But now I teach a Latin  
15 American studies class. This is an elective course.  
16 And all of these kids had zero choice in taking this  
17 class. This has been assigned to them. I think they  
18 like the class, but it wasn't, like, they sat down  
19 and -- they're part of a program, so as part of that  
20 program the teachers who oversee this sort of program,  
21 they decide, well, let's have them take this course.

22 Q. Do you think it's a problem that they don't  
23 have a choice in the electives that they take?

24 A. I think it's a problem, yes.

25 Q. Why's that?

1 sort of assigned by counselors into that class. That's  
2 generally how it happens.

3 Another way of saying it is that I think  
4 counselors are trying to fill in a program for each  
5 child and, you know, sometimes this is just, like, kids  
6 are assigned something. So that's the way it happens.

7 Q. Is that because there's certain required  
8 classes and required electives that students have to  
9 take so the counselors are trying to -- the counselors  
10 oversee the student's schedule to ensure that they are  
11 getting the required classes and satisfying the  
12 requirements?

13 A. I know they're required to take certain  
14 classes, part of the core program, the courses they need  
15 to take to get a high school degree. I'm not aware of  
16 elective courses that they -- maybe they have to have a  
17 couple of electives in their four years of high school,  
18 but -- and maybe that's maybe they're assigned those  
19 courses.

20 Q. You're just not sure?

21 A. I'm just not sure. I do remember also, when I  
22 taught the mural painting class, that I would try to get  
23 kids who are artists or graffiti artists or taggers.  
24 That was sort of the idea of the class, to get kids,  
25 rather than destroy the school, you know, paint up the

1 A. Well, back when I was in high school, we  
2 actually -- we would ride our horses up.

3 We would actually -- like you would go and you  
4 would, you know, you would -- I took auto shop because I  
5 wanted to learn how to change my brakes and I took a  
6 painting class. You know, I had some commitment to it.  
7 I was interested. Somebody took a band class or  
8 somebody did this or that. And I think that's a much  
9 healthier way to get kids to do stuff, you know. It's  
10 like you tap into their interests rather than saying you  
11 will take this.

12 Q. Do you know how the counselors -- I apologize.  
13 Were you done?

14 A. Uh-huh. Yes, I was done.

15 Q. Do you know how the counselors decide which  
16 electives to sign the students up for?

17 A. Well, I think part of it has to do with -- like  
18 in the social studies department, if I lobby with my  
19 department chair and I say, listen, could you see about  
20 setting this class up? And if we're -- and if we manage  
21 to squeeze it into the master calendar, master schedule,  
22 there is then that opening. And so now, for example,  
23 with ninth graders they -- there are only certain  
24 required courses that they must take, so there is some  
25 spots for them to take an elective. So en masse they're

1 school. So I tried to recruit kids to that. And then  
2 kids were just assigned to it. They didn't know what  
3 end of the brush to hold and they resented being in it.

4 Q. You indicated that you helped students draw  
5 murals; was it on the school building?

6 A. Right.

7 Q. Was to alleviate the graffiti problem, in part?

8 MS. LHAMON: Assumes facts not in evidence.

9 MR. FERNOW: Join.

10 THE WITNESS: It was a way of trying to take a  
11 sort of negative behavior and turn it into something  
12 positive for the school and take a bleak and dreary  
13 school and do public art.

14 BY MS. KOURY:

15 Q. What happened with that program?

16 A. Well, let's see. We had one of our murals  
17 recognized in the Murals of Los Angeles, but we changed  
18 administrations and the administration that had  
19 supported this and given us money to do this, the new  
20 principal saw this as just stuff to paint over and so  
21 didn't really support it, so there was no support on  
22 that end of it. And then the other part of it was that  
23 I -- I was doing this as a social studies teacher out of  
24 a social studies room, which is not a proper art room.  
25 I didn't have a sink and it was just, you know -- I



1 couldn't do it properly. It needed to be carried on by  
 2 somebody trained as an art teacher, which I'm not  
 3 trained as.  
 4 Q. You said the new administration saw it as stuff  
 5 to paint over; do you mean that they'd paint over it?  
 6 A. They did paint over it, a lot of them.  
 7 Q. Are there any of the murals still up?  
 8 A. There are still some left there.  
 9 Q. I'm sorry, going back to the elective classes  
 10 that we were discussing. Do you know if any of the  
 11 elective classes are offered to students on one or more  
 12 but fewer than all of the tracks?  
 13 A. If they're offered on one or more but fewer?  
 14 Q. It's a tricky question.  
 15 A. I want to answer it properly.  
 16 Q. Let me ask it -- do you want me to ask it  
 17 again?  
 18 A. Sure. If you can break it into its component  
 19 parts.  
 20 Q. I'm going to strike it out and start all over.  
 21 Have you ever heard of any students saying they  
 22 wanted to take an elective class but it wasn't offered  
 23 on their track?  
 24 A. I've heard students make comments like that.  
 25 For example --

1 If you want an example.  
 2 Q. Sure.  
 3 A. I put up routinely in my room pictures of  
 4 murals, murals from Los Angeles, and some of the murals  
 5 we've had on campus, and kids want to talk about it. So  
 6 when they find out I was the mural painting teacher,  
 7 that sparks an interest in a number of kids who would  
 8 like to do that, but there is no class. So I think they  
 9 would like to have a -- if such a class existed, I think  
 10 you'd have many kids interested in taking a course like  
 11 that. I don't know if that really -- if I'm answering  
 12 your question.  
 13 Q. Other than what you've just testified to, and  
 14 the fact that you've heard general comments, have you  
 15 ever heard or can you recall a specific time when a  
 16 student's complained that there's an elective that they  
 17 wanted that wasn't offered on their track?  
 18 A. More than what I've said, no, I can't.  
 19 Q. Have you heard of anyone complain at the school  
 20 that students are not able to take an elective because  
 21 some elective that a student wants is not available on a  
 22 particular track?  
 23 A. I've not heard students complain about it, per  
 24 se.  
 25 Q. Have you heard teachers complain about it?

1 A. I've complained about it.  
 2 Q. What have you complained about specifically?  
 3 A. Well, I've complained about not -- you know,  
 4 that we have a program that, you know, we have -- we had  
 5 this Latin American/African American studies, year-long  
 6 course, which I thought was really great and spoke to  
 7 the sort of needs of our students, and it wasn't  
 8 continuing. Here I have a master's degree in Latin  
 9 American history and courses in African American history  
 10 and, you know, like I'm ready to go, and I've got books  
 11 already and spent years putting together course material  
 12 and we weren't doing it. So, you know, I complained  
 13 about that. But, you know, they didn't seem to be able  
 14 to squeeze it into the school program.  
 15 Q. But they are now?  
 16 A. They are now because of the teachers involved  
 17 in this program that I have some connection to called  
 18 CBOP.  
 19 Q. What was that again?  
 20 A. It's called -- the acronym is CBOP, and it's  
 21 probably something like College Bound...  
 22 Q. College Bound?  
 23 A. College Bound doesn't work from CBOP. It's  
 24 some program connected to UCLA.  
 25 MS. LHAMON: College Bound Opportunity Program?

1 THE WITNESS: Right. But that would be --  
 2 MS. LHAMON: CBOP.  
 3 THE WITNESS: There you go.  
 4 BY MS. KOURY:  
 5 Q. So CBOP is a group of teachers?  
 6 A. It's a program through UCLA, I think  
 7 specifically to address problems on B track and give  
 8 kids a sense they're being encouraged to go to college.  
 9 Q. How does it work, as far as you know?  
 10 A. I'm not sure how it works. I've been to -- the  
 11 teachers we meet occasionally and we talk about it, and  
 12 these are very good teachers, but it's not clear to me  
 13 that there's anything special about this. UCLA has not  
 14 made any commitment at all to any of these kids.  
 15 Q. When you indicate that it addresses problems  
 16 regarding the B track, what did you mean?  
 17 A. The question of lack of -- that the B track  
 18 didn't have the same advanced courses that the other  
 19 tracks had.  
 20 Q. Is that relating to anything other than what  
 21 we've already discussed with respect to AP classes, the  
 22 lack of AP availability?  
 23 A. There's no magnet program on B track.  
 24 Q. Anything else?  
 25 A. And I think, you know, sort of the construct of

1 B track, and that is that if you were a college-bound  
 2 student, like there are kids on A track who will spend  
 3 the summer months if they're on A track doing an  
 4 apprenticeship --  
 5 What is it called?  
 6 MS. LHAMON: An internship?  
 7 THE WITNESS: -- an internship at a place like  
 8 O'Melveny & Myers or other big places in big buildings.  
 9 Well, B track kids are not doing that. We do get them  
 10 some jobs at Magic Mountain at minimum wage, but it's  
 11 kind of at the other end of the achievement spectrum, I  
 12 would say.  
 13 So, yeah. So on a number -- I'm starting to --  
 14 my eyes are starting to glaze over here. I'm trying to  
 15 give you a serious answer in a frivolous way. Some of  
 16 these other perks about being on a traditional calendar,  
 17 or what for us is a traditional calendar, A track, where  
 18 you can do an internship where you spend a few months at  
 19 a university or something, or a few weeks, and see what  
 20 life is like, which would happen during the summer  
 21 months. This doesn't happen obviously for B track kids.  
 22 BY MS. KOURY:  
 23 Q. When you mentioned the magnet program that's  
 24 not available on the B track, do you think that that's a  
 25 problem, the magnet program isn't available on the B

1 track?  
 2 A. I think it is a problem.  
 3 Q. Earlier you testified that students have to  
 4 apply for the magnet program and have to qualify. So  
 5 isn't it the case that if a student applies because they  
 6 want to be in the magnet program and is accepted that  
 7 they're automatically on the A track and in the magnet  
 8 program?  
 9 MS. LHAMON: The question's argumentative.  
 10 MS. KOURY: I don't mean it to be. I apologize  
 11 if it comes off argumentative.  
 12 Q. But do you understand the question?  
 13 A. Yeah. I mean, I think the assumption is,  
 14 though, there is unlimited -- the fact that I haven't  
 15 heard a complaint doesn't suggest there is unlimited  
 16 space for kids to be in the magnet program. There's  
 17 only -- it's a finite program. It's housed within our  
 18 campus. Regular teachers. Some teach magnet, some  
 19 teach regular school, call it. But, you know, if half  
 20 the kids on B track wanted to get into magnet program,  
 21 the magnet program couldn't accommodate them. They're  
 22 assigned one counselor to oversee the kids there.  
 23 So I think, you know, if we had a -- if we had  
 24 a proper magnet program, even if it wasn't called the  
 25 magnet program, but a college incentive program, really

1 preparing kids for college in sort of a different way  
 2 than we would in the regular academic program, then kids  
 3 wouldn't have to -- you know, you wouldn't have to make  
 4 this leap into another track, which is, you know, maybe  
 5 your brother's on, your sister's on this same track or  
 6 whatever. So it would -- the easiest way to encourage  
 7 you to do this would be for you to just say, you know,  
 8 go over from this office to that. Listen, I'm on B  
 9 track, I'd like to take that AP or that magnet course in  
 10 chemistry. Okay. Here, sign up. You're over here now.  
 11 Rather than make this quantum leap to another track.  
 12 Q. When you testified, then, that you think it's a  
 13 problem that there's not a magnet program on the B  
 14 track, it's based on this sort of assumption that there  
 15 probably are, even though you've not heard of, students  
 16 that would want to be in the magnet program and would  
 17 qualify for it but probably couldn't because they can't  
 18 be on the A track because an A track couldn't house  
 19 them?  
 20 MS. LHAMON: Mischaracterizes -- sorry --  
 21 mischaracterized the testimony.  
 22 BY MS. KOURY:  
 23 Q. Is that accurate?  
 24 A. I would say that at a school without a --  
 25 without the same sort of academic program across the

1 board, that that's a problem. And sort of how ever you  
 2 want to measure it, based on student complaints, teacher  
 3 complaints, that the parent of the child on A and the  
 4 parent of the child on B and the parent of the child on  
 5 C has the right to expect the academically enriched  
 6 program on every track of that school.  
 7 So if there is a lessening of that academic  
 8 program, I think that is a problem.  
 9 Q. Do you know if children and parents of those  
 10 children on tracks B and C are given information about  
 11 the magnet program? In other words, informed of how  
 12 they could enroll or sign up for the magnet program.  
 13 A. There's a procedure by which parents are  
 14 informed. I think it happens sort of unevenly and  
 15 secondary it happens unevenly. Generally what happens  
 16 is that the students in my home room get a flier or get  
 17 a -- the district points out this high-gloss brochure  
 18 called Options. I think it's to encourage kids to find  
 19 out about the magnet program. So I hand them to my home  
 20 room students. And then they have to take it and give  
 21 it to mom or dad.  
 22 Very often the stuff you give them doesn't make  
 23 it into the hands of the parents, as surprising as that  
 24 is. So it's -- it happens like that, you know.  
 25 Q. Do you think that there aren't sufficient

1 elective classes that are offered to children on each of  
2 the tracks or on any of the tracks?

3 A. Yes, I think there's -- there aren't sufficient  
4 electives.

5 Q. Do you think that -- which track are you  
6 thinking of?

7 A. Well, again, I'm most familiar with B track,  
8 and I just -- you know, I think my experience in high  
9 school and the experience of kids going to high school  
10 in my school on B track, I think it's, you know, they're  
11 getting shortchanged.

12 Q. What is that based on? Other than what you've  
13 testified to today, is there anything else that you base  
14 this opinion on? In other words, I'm not -- I know  
15 you've already testified to some extent what you've  
16 heard, what you know the lack of availability of some of  
17 the elective courses. Is there anything else that you  
18 base this opinion on?

19 A. Just based on my own observation of my  
20 experience, sort of a middle-class school and 20 some --  
21 30 years ago, something like, and what it's like today.

22 Q. What specific classes do you think that the  
23 kids on B class now at Manual Arts are lacking that you  
24 think they should have?

25 A. Well, a few years ago we offered an auto repair

1 A. These are part of the core curriculum, they're  
2 required. When I was in school I used to take extra  
3 classes like that because I dug drawing or whatever.

4 Q. Are there sports classes available to students  
5 as electives?

6 A. There are PE classes that are required, and  
7 then if you're -- if you play football and you stay  
8 after for football, if you play soccer, whatever.

9 Q. And what about band? There's no band classes  
10 at Manual Arts?

11 A. I think there's an instrument class now. I'm  
12 not sure if it's on all tracks.

13 Q. Do you think that what you just -- you  
14 indicated earlier that you feel is -- there's a lack of  
15 availability of elective classes; do you think that that  
16 is as a result of something specific? What do you think  
17 that's a result of?

18 A. I think it's a result of a combination of  
19 things.

20 Q. Which are?

21 A. I think being on a year-round calendar has sort  
22 of pinched the flexibility that the school has in  
23 offering sort of a wide -- offering a spectrum of  
24 courses and electives. So it's pinched that. That's  
25 number one.

1 class, when the school was built, and that doesn't exist  
2 anymore. In fact, at one point in the school there were  
3 sort of three auto repair teachers and kids could come  
4 in and take beginning, middle and advanced and learn  
5 body work. You know, Manual Arts is in a working class  
6 community and learning how to repair autos could be a  
7 job for somebody. That no longer exists and that area  
8 has been made into a classroom now.

9 We had a class working with metal and  
10 electronics and sort of -- the parts of the school that  
11 actually spoke to the question of Manual Arts, most of  
12 that stuff has been eliminated. We've had a -- so  
13 that's one thing.

14 You know, when I was in school, if you wanted  
15 to learn to play tennis, you could take a PE class to  
16 learn how to play tennis. You could learn how to swim  
17 or you could take gymnastics. None of that exists. You  
18 could take choir. You could take band. You could learn  
19 to play an instrument in class. You could take an art  
20 class. I used to take a lot of art classes. Those  
21 courses now as electives don't exist.

22 Q. There are no art classes?

23 A. No, there are art classes, but these are sort  
24 of required fine arts classes that kids have to take.

25 Q. In other words, they're electives but --

1 In addition, you know, the state has also  
2 pinched us. So a number of years ago, for example, they  
3 cut back on the requirements for physical education,  
4 which meant fewer PE teachers. And now many of the  
5 people who do the coaching are people like I was, social  
6 studies teacher by day, tennis coach in the afternoon,  
7 rather than have somebody properly trained as a physical  
8 education instructor who would do PE, because physical  
9 education has -- from the state's point of view --  
10 receded as a priority.

11 In addition, as we've embarked on this  
12 year-round calendar and forced kids to come to school  
13 earlier, I think we've seen an increase in absenteeism  
14 and truancy and a higher failure rate among kids, and so  
15 kids are now being forced to repeat courses that had  
16 they -- they're repeating courses that they wouldn't  
17 have repeated before, they would have passed and they  
18 would have had this flexibility in their schedules to  
19 take other classes.

20 And then, finally, we've wiped out a whole sort  
21 of segment of the school in the, you know, what is  
22 generally termed the shops, and those are, you know, my  
23 day, they were wood and electric and metal, but today  
24 they're other things. And that seems to have become --  
25 that also seems to be a lesser priority as the school

1 has grown and the administration, of necessity, sort of  
2 gobbled up that available space to use for a history  
3 class or whatever. So now we have, you know, an  
4 academic class, like English being done in the old auto  
5 repair shop, you know. I mean, completely inadequate  
6 sort of facility for teaching a class.

7 Q. What about extracurricular activities,  
8 including sports? What extracurricular activities  
9 can -- are you familiar with that students at Manual  
10 Arts can participate in?

11 A. They can, if they're good enough, they can play  
12 basketball or they can participate on the football  
13 teams. We have a baseball team. We have a soccer  
14 program. There are cheerleaders or yell leaders. I'm  
15 not sure if there's a distinction there.

16 Q. I'm sure there is.

17 A. I believe there is a band.

18 Q. What about -- I'm sorry.

19 A. We have a teacher who's a science teacher who  
20 now leads that band. I had to cover his class the other  
21 day while he warmed up the band.

22 Q. How did they sound?

23 A. You know, they're small, but they're mighty.  
24 Three most powerful musicians you've seen. You haven't  
25 asked me this, but I'm going to tell you. We have like

1 tracks."

2 When you stated -- do you still agree with this  
3 statement?

4 A. Yes.

5 Q. And in stating "the breadth of an educational  
6 program," were you referring -- what were you referring  
7 to?

8 A. Well, I was comparing even my own experience at  
9 the school during a traditional calendar year and what  
10 it's like now at a year-round school, and the things  
11 that I was just mentioning: How I think the program,  
12 the academic program, has been squeezed, higher failure  
13 rate, forcing kids to --

14 Q. I'm going to interrupt you. I don't need you  
15 to repeat any of the testimony.

16 A. Okay.

17 Q. So if you want to refer to that, that's great,  
18 and that's in the record. But is there anything other  
19 than -- and I understand you have already testified to  
20 that. Is there anything aside from what you're  
21 indicating here in your declaration? Is that everything  
22 that you've already testified to?

23 MS. LHAMON: I'm sorry.

24 MS. KOURY: That wasn't clear.

25 MS. LHAMON: Are you asking him if there's

1 three or four -- I don't know -- maybe we have a dozen  
2 kids if we're lucky. We go to these football playoffs.  
3 You go there and, you know, whatever the school is march  
4 out 150 kids in a beautiful uniform and play great, and  
5 then our half a dozen kids and they're trying their  
6 damndest. But it's just so -- it's -- you know, you  
7 just want to hug those kids and say, come on, you're  
8 doing a great job. It's tough. It's tough.

9 Q. Earlier you had mentioned tennis as well.

10 A. When I gave up tennis, there went the tennis  
11 program, basically. Somebody is now trying to get it  
12 back off the ground.

13 Q. Is there some sort of fine arts extracurricular  
14 activity, such as like drama or anything in that regard?

15 A. I don't believe there's a drama department. I  
16 think there's an English teacher who teaches a drama  
17 class, and I don't think that's available on B track.

18 Q. Can I point your attention to your declaration,  
19 and specifically paragraph 3? You state:

20 "The multi-track system does not have a  
21 positive impact on kids, primarily because  
22 schools on multi-track schedules are unable to  
23 provide the breadth of an educational program  
24 that the schools would otherwise be able to  
25 provide if they operated on a single track or

1 anything separate that supports the statement that you  
2 read to him in the declaration?

3 MS. KOURY: Yes.

4 THE WITNESS: Is that being on a multi-track  
5 school shortchanges school, is there anything -- is  
6 there anything that I want to add to that?

7 BY MS. KOURY:

8 Q. When you say "shortchange," are you referring  
9 to everything you've already testified to?

10 A. Yes. Yes. Yes.

11 Q. Is there anything aside from what you've  
12 already testified to that would support that statement  
13 that you just made, shortchanged and also what you've  
14 written here in your declaration, "the lack of breadth  
15 of an educational program"?

16 A. I wouldn't add anything to the question of the  
17 breadth of the program, but insofar as the being  
18 shortchanged part, I could add things.

19 Q. Go ahead.

20 A. I think maybe I've stated them in here.

21 Q. What are you referring to?

22 A. I've referred to how the facility itself is  
23 sort of beaten up because it's, you know, it's not --  
24 there's no downtime any longer. And I think that -- I  
25 think, you know, that robs kids of being in a pleasant,

1 comfortable environment. Which is not to say that kids  
2 and everybody aren't working their tails off to make it  
3 as presentable as possible, but I think it's just --  
4 there's only so much you can do in a school that's just  
5 never sort of given any time to rest, especially an old  
6 school.

7 I also -- I know that when I was coaching  
8 tennis I had to recruit teachers for one track or for a  
9 traditional calendar year, which was difficult enough.  
10 But to have to recruit kids to come who are off track,  
11 to come back on track to play a sport, I think it makes  
12 it much more difficult. And as a result I think we've  
13 seen a decline, a steady decline, in the number of kids  
14 participating in everything except for maybe basketball.  
15 The baseball coaches can't recruit enough kids. The  
16 football team is small. Just few number of kids that go  
17 out for track. Soccer team probably has kids that want  
18 to come out.

19 MS. LHAMON: I need a restroom break, if you  
20 don't mind.

21 (Brief recess.)

22 MS. KOURY: Back on the record.

23 We were having a discussion off the record that  
24 the deposition isn't going to conclude within the next  
25 hour, so we're going to adjourn -- it's five o'clock

1 right now -- until Friday, the 30th, at 9:30.

2 MS. LHAMON: Yes.

3 MS. KOURY: So just for purposes of the  
4 stipulation in this particular transcript I'm going to  
5 go ahead. Counsel, may we stipulate that the original  
6 of this deposition be signed under penalty of perjury;  
7 that the original be delivered to the office of the  
8 ACLU; that the reporter is relieved of liability for the  
9 original of the deposition; that the witness will have  
10 30 days from the date of the reporter's transmittal  
11 letter to sign and correct the deposition? And  
12 Miss Lhamon shall notify all parties in writing of  
13 changes in the deposition. And if there are no such  
14 changes communicated or signature within that time, that  
15 any unsigned and uncorrected copy may be used for all  
16 purposes as if signed and corrected.

17 MS. LHAMON: So stipulated.

18 MR. FERNOW: So stipulated.

19 MS. LHAMON: I want a certified copy and an  
20 ASCII.

21 THE REPORTER: Do you want a copy, counsel?

22 MR. FERNOW: A copy and an ASCII.

23 (Whereupon at the hour of five p.m. the  
24 deposition was adjourned.)  
25

1 Declaration  
2  
3  
4

5 I hereby declare I am the deponent in the within  
6 matter; that I have read the foregoing deposition and  
7 know the contents thereof, and I declare that the same  
8 is true of my knowledge, except as to the matters which  
9 are therein stated upon my information or belief, and as  
10 to those matters, I believe it to be true.

11 I declare under the penalties of perjury of the  
12 State of California that the foregoing is true and  
13 correct.

14 Executed on the day of , 2001  
15 at , California.  
16  
17  
18

19 W i t n e s s  
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25

1 I, Philip D. Norris, a Certified Shorthand Reporter  
2 for the State of California, do hereby certify:

3 That prior to being examined, Joshua I. Pechthalt,  
4 the witness named in the foregoing deposition, was by me  
5 duly sworn to testify the truth;

6 That said deposition was taken before me pursuant  
7 to notice, at the time and place therein set forth, and  
8 was taken down by me in shorthand and thereafter reduced  
9 to typewriting via computer-aided transcription under my  
10 direction;

11 I further certify that I am neither counsel for,  
12 nor related to, any party to said action, nor in anywise  
13 interested in the outcome thereof.

14 In witness whereof, I have hereunto subscribed my  
15 name this day of , 2001.  
16  
17  
18

19 Philip D. Norris  
20 CSR NO. 4980  
21  
22  
23  
24  
25