

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

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ELIEZER WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
ad litem; et al., each individually)
and on behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

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

Defendants.)
-----)

Case No.
312236

Pages 242 - 351
Volume II

DEPOSITION OF JOSHUA PECHTHALT
FRIDAY, NOVEMBER 30, 2001
9:45 A.M.

REPORTED BY: LAURA J. MELLINI
RPR, CSR NO. 8181

1 Deposition of JOSHUA PECHTHALT, the witness, taken on
2 behalf of the Defendant, on FRIDAY, NOVEMBER 30, 2001 at
3 9:45 A.M., at 400 South Hope Street, 15th Floor,
4 Los Angeles, California, before LAURA J. MELLINI,
5 CSR NO. 8181.

6
7 APPEARANCES OF COUNSEL:

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9 FOR PLAINTIFFS AND JOSHUA PECHTHALT:

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16 FOR DEFENDANT STATE OF CALIFORNIA:

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1 APPEARANCES OF COUNSEL: (Continued)
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1 LOS ANGELES, CALIFORNIA; FRIDAY, NOVEMBER 30, 2001
2 9:45 A.M.

3
4 JOSHUA PECHTHALT,
5 having been duly administered an oath
6 in accordance with Code of Civil Procedure
7 Section 2094, was examined and testified as follows:
8

9 EXAMINATION

10
11 BY MS. KOURY:

12 Q Good morning, Mr. Pechthalt. How are you?
13 A Good morning. You can call me Joshua, please.
14 Q I'm going to just ask you to state and spell
15 your full name for the record again.
16 A Okay. It's Joshua, J-o-s-h-u-a, Pechthalt,
17 P-e-c-h-t-h-a-l-t. Middle name is Irving, I-r-v-i-n-g.
18 I like not to disclose that too often.
19 Q I know this is the second day of your
20 deposition, but I'm just going to run through some of
21 the rules again to refresh your memory.
22 You understand that you're under oath, and
23 that the testimony you'll give has the same force and
24 effect as if you were testifying in a court of law.
25 A Yes, I do.

1 Q Even though we're here in the informal
2 setting, you're testifying as if we're in a formal
3 courtroom. Do you understand that?
4 A Yes I do.
5 Q You're subject to the penalty of perjury for
6 giving false testimony. Do you understand that?
7 A Yes, I do.
8 Q When you answer your questions, it's important
9 to give me a verbal response so that the court reporter
10 can record it. She, obviously, can't record nods and
11 shakes of the head. Is that okay?
12 A I understand.
13 Q If you have any difficulty understanding my
14 questions, please just let me know, and I'll make an
15 effort to rephrase it. Otherwise, I'll assume that
16 you've understood the question that I've asked.
17 Is that okay?
18 A Okay. That's fine.
19 Q Again, I'm entitled to the best of your
20 ability -- or your best estimate, but I don't want you
21 to guess. Do you understand that?
22 A Yes, I do.
23 Q When you receive the booklet at the end, you
24 can make changes that you feel are necessary. However,
25 be aware that various lawyers in this case will be free

1 to comment on any changes that you make at trial or at
2 any other proceeding in this case.
3 Do you understand that?
4 A Yes, I do.
5 Q Again, it's important that you respond to the
6 answers as fully and fairly as you possibly can. Is
7 that okay?
8 A Okay. That's fine.
9 Q If you need a break for any reason, just let
10 me know. I'll instruct the court reporter, and we'll
11 take a break.
12 A Okay. Thank you.
13 Q Again, if you remember something later on
14 during the deposition that triggers your memory as to
15 anything that I've asked previously or any answers that
16 you have been given previously, please feel free to let
17 me know, and we'll get that testimony on the record.
18 A Okay.
19 Q Do you have any questions?
20 A No, not so far.
21 Q Is there any reason why you're unable to
22 testify today?
23 A None. There's -- there are no reasons.
24 Q Didn't take any medication or alcohol?
25 A No.

1 Q Did you do anything to prepare for the
2 deposition today?
3 A Not really.
4 Q Did you talk to your attorney?
5 A I spoke to my attorney, yes.
6 Q How many times?
7 A I think two times.
8 Q Were they by phone? In person?
9 A One by phone, just -- one by phone and then
10 one this morning we talked.
11 Q How long was the phone conversation?
12 A Five minutes, three minutes.
13 Q And the conversation this morning?
14 A 15 minutes.
15 Q Did you talk to anyone else about the
16 deposition today?
17 A Just my wife that I was doing this, and the
18 teacher that is subbing for me that I was coming to do
19 this.
20 Q Did you review any documents in preparation?
21 A No, no.
22 Q Previously, the first contact that you had
23 with your attorney, Ms. Lhamon -- was that a phone call
24 that she gave to you at work or at home?
25 A I don't remember.

1 Q The last phone call that you received in
2 preparation for your deposition today -- was that at
3 work or at home?
4 A She called me at home.
5 Q Could you describe to me the layout of Manual
6 Arts?
7 A I'm not sure what you mean by that.
8 Q The facilities. Describe sort of -- is it
9 just one school building? Is it a couple school
10 buildings?
11 A There are three principal buildings. The
12 school is -- sits on Vermont, about a half a block south
13 of Martin Luther King Boulevard. It's on the north --
14 northwest -- the west side of the street. And so we
15 have three principal buildings. The one is called the
16 main building. One is the science building. No, we
17 have four buildings. One is called Doolittle Hall. One
18 is called Wilson Hall. Those are the four primary
19 structures. We have the cafeteria, teacher/student
20 cafeteria that's off from the science building.
21 Is this -- am I doing what you want?
22 Q Sure. I actually -- can I ask you a follow-up
23 question?
24 A Sure.
25 Q When you say there's four buildings and

1 classrooms in each of these buildings --
 2 A Yes, although the main building is primarily
 3 for library -- there are a couple of classes, but it's
 4 primarily sort of administrative functions of the school
 5 in the main building.
 6 Q The cafeteria -- is that just one cafeteria?
 7 A It's one -- yeah, it's a cafeteria and sort of
 8 built on to that is a faculty cafeteria.
 9 Q Does the faculty eat in a separate room from
 10 the students?
 11 A In a separate room, yes.
 12 Q Is the cafeteria a closed building? In other
 13 words, enclosed as opposed to just sort of a roof on
 14 top, but it's --
 15 A Yes, yes, it's an enclosed.
 16 Q Is there a gym?
 17 A There is boy's gym and a girl's gym.
 18 Q Are there lockers in the gyms?
 19 A There are lockers in the gyms -- in the gym.
 20 Q There are also locker rooms where they can
 21 change and shower?
 22 A Yes.
 23 Q Are there any portable classrooms?
 24 A There are -- I'm not clear by the -- by what
 25 you mean portable.

1 Q You mentioned last time that there were
 2 nonpermanent classrooms that have now become permanent.
 3 A Right.
 4 Q What did you mean by that?
 5 A There are classrooms that were set up on a
 6 temporary basis to be removed when we, for example,
 7 did -- we had a renovation there about seven, eight
 8 years ago -- six, seven, years ago. And those continue
 9 to be there. Although they were put on a temporary
 10 basis.
 11 In addition to that there are what we call the
 12 double bungalows, and these are bungalows that were
 13 erected before my time on what used to be a quad area,
 14 grassy area. And these were constructed as additional
 15 class space.
 16 In addition to that there are other bungalows
 17 that were -- that were set up, again, before my time,
 18 sort of as you're exiting the school and going out to a
 19 parking lot. What else?
 20 Then there's a shop area.
 21 Q What's in the shop area?
 22 A There's a print shop, a graphic arts shop.
 23 Same thing. There is, I believe, an electrical shop.
 24 Q Are these shop classes?
 25 A These are shop classes. I'm not sure that --

1 I mean, a number of shop classes no longer are being
 2 given. There's an odd -- there's a classroom in what
 3 used to be the auto shop that's been converted to a
 4 classroom. There used to be a wood shop and metal shop.
 5 And I believe those no longer are given.
 6 Q The portable classrooms that you began to
 7 describe that were put on the campus -- how do you know
 8 that they were put on the campus for a temporary basis?
 9 Did someone tell you that?
 10 A I was there -- I believe I was even the union
 11 rep at the time that that happened. And I know that
 12 they were temporary because, in fact, the teachers had
 13 to lobby -- we lobbied at the completion of renovation
 14 to keep those -- that classroom space there so -- the
 15 principal was going to have them removed, and we sort of
 16 mobilized the teachers because we needed more classroom
 17 space.
 18 Q Are they still used today for classrooms?
 19 A Yes, they are.
 20 Q What were the renovations that were going on
 21 seven or eight years ago?
 22 A They included the installation --
 23 installation? -- of air conditioning, I think, bringing
 24 to code sort of the internal hallways and rooms. I may
 25 have mentioned this the last time. We had had

1 old-fashioned transoms. Used to have a big stick to
 2 open them up.
 3 And for fire things, now they -- those were
 4 all sealed up so if there's a fire, you can't leap out
 5 into the hallway or whatever. And then they did -- they
 6 dropped the ceilings, and they put in fluorescent
 7 lights, and they painted the internal stuff, and they
 8 built a ramp, wheelchair ramp, up a building -- to the
 9 building -- one building. That's what I can remember of
 10 it.
 11 Q Is the AC still on campus? In other words,
 12 are all the classrooms air conditioned?
 13 A I believe all the campus -- all the rooms are
 14 air conditioned. I believe. All the ones I've been in.
 15 Q And the bungalows -- you said there are
 16 bungalows in the quad area, and that there is also
 17 bungalows towards the parking lot?
 18 A Right.
 19 Q Both those areas used for classrooms?
 20 A Yes. Not wholly.
 21 Q What do you mean by that?
 22 A One is used -- one of the classrooms was taken
 23 to be used as a book storage room.
 24 Q Is that the only one that you know of that's
 25 not used as a classroom?

1 A That's the only one that I can remember.

2 Q And the shop area -- you indicated that
3 there's paint and graphics. Art shop. Do you --

4 A There's -- yeah, there's what used to be a
5 print shop, but now it's broader than that. It's a
6 graphic arts shop.

7 Q Is it still used -- is it used to teach
8 graphic arts?

9 A Yes.

10 Q How about the electrical shop? Is that used
11 to teach electrical shop?

12 A Electrical shop, yeah, I believe so.

13 Q Where do the students eat lunch? Do you know?

14 A They eat lunch in a -- in a covered -- some
15 eat lunch inside the cafeteria, and others eat lunch in
16 a covered sort of quad area, the main sort of -- the
17 center of the campus. There's a covered area there with
18 benches, and kids sit there and eat.

19 Q Are kids allowed to go off campus to get
20 lunch?

21 A I believe 11th and 12th graders are allowed to
22 go off. They have to have signed permission by the
23 teachers who have classes after lunch. I think there's
24 also some sort of grade requirement, but so not everyone
25 can do it. There's a kind of select population.

1 that there's not a baseball field?

2 A Right.

3 Q Was there ever a baseball field on the campus?

4 A I'm not sure there was.

5 Q Do you have breaks other than for lunch? In
6 other words, a nutrition break?

7 A We have a nutrition break.

8 Q Is that the only one?

9 A Yes.

10 Q How long is that break?

11 A It's not very long. It's either 10 or 15
12 minutes.

13 Q What do you do during that break?

14 A I rush out of my room across the campus.

15 Q Where to?

16 A To the teachers' cafeteria, which is on the
17 other side of the campus. I say, "Don't get in my way
18 if you know what's good for you."

19 Q Do you have a sense of where the students go
20 during their nutrition break?

21 A They go to the same -- everybody goes to the
22 same sort of area they go for lunch. Kids line up
23 for -- we have outdoor windows that also dispense food
24 for the kids. And so they line up to get their
25 pastries. Some kids go into the student cafeteria, and

1 Q Have you ever signed off to allow students?

2 A Oh, sure.

3 Q Do you have a sense of about how many students
4 leave campus for lunch?

5 A I would imagine it's a couple of hundred.

6 Q Do you know how many students eat lunch at a
7 given time?

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

9 Q Yeah. Are the lunch breaks given in shifts?

10 A No.

11 Q So the entire campus has lunch at the same
12 time?

13 A Right.

14 Q Have you ever heard complaints from students
15 that there's not sufficient space for them to eat lunch?

16 A I haven't heard that.

17 Q Have you heard any complaints from parents
18 that there's -- that their kids aren't able to sit down
19 and eat lunch. There's not enough space?

20 A I've not heard that from parents.

21 Q How many fields are there on the campus?

22 A We have one primary athletic field.

23 Q Is that where the football games are held?

24 A Right.

25 Q You indicated in your last day of deposition

1 they line up for nutrition.

2 Q Are the windows that dispense food in the
3 cafeteria?

4 A There are windows that dispense food that are
5 external to the cafeteria; there are also windows that
6 dispense food that are part of another sort of
7 structure. I don't know if they cook the stuff there,
8 but they dispense it. It's called McManuals.

9 Q Oh, I get it.

10 A Sorry. It doesn't seem to make the food any
11 better, but it's called McManuals, and so they can get
12 the food there too.

13 Q You indicated in your last day of deposition
14 that you felt as if there isn't sufficient time for
15 repairs while being on the multitrack school?

16 A Right.

17 Q What did you mean by that?

18 A Well, when we were a -- when we were not a
19 year-round school, we would, you know -- school would
20 end middle of June, and we wouldn't come back until the
21 beginning of September. And so there were -- the campus
22 had two and a half months for repairs and, essentially,
23 for down-time.

24 There were some -- there would be some summer
25 school classes offered but, you know, electricians,

1 carpenters, painters, plumbers could come in and do what
2 needed to be done in the very old facility to prepare it
3 for the next school year. And we no longer have that
4 block of time.

5 Q During that time while you were on traditional
6 calendar and you had summer breaks, do you know what
7 type of repairs were done at the school facility?

8 A Do I know specifically that all those things
9 were done? No, I don't.

10 Q When you say all those things, you're
11 referring to what you mentioned before, electricianists
12 (sic), carpenters?

13 A Right, right.

14 Q Do you know if the campus had any repairs done
15 during those summer breaks?

16 A I imagine. I assume. I am pretty sure they
17 were done, but I can't tell you that I saw all those
18 things being done, no.

19 Q Did you have a sense when you started the new
20 school that there was a deep cleaning that occurred
21 during that summer break?

22 MS. LHAMON: Vague as to "deep cleaning."

23 BY MS. KOURY:

24 Q Do you understand what I mean by "deep
25 cleaning"?

1 A Yes.

2 Q What do I mean?

3 A The way I clean my house every Saturday.
4 Where they would, you know, buff the floors. Your
5 question was did they do that during the summertime?

6 Q Right. While you were on a traditional
7 calendar.

8 A Yes, they would do that.

9 Q So when you started the new school year, did
10 you notice that the campus had had a deep cleaning?

11 A Yeah.

12 Q When I say "deep cleaning," I mean what you
13 just mentioned, which is waxing the floor, cleaning the
14 rest rooms, removing any graffiti.

15 A Right. That was also part of it, yeah.

16 Q Other than what you just mentioned, is there
17 anything else that you feel in terms of not enough time
18 for repairs is occurring now that you're on multitrack?

19 A Not offhand, no.

20 Q Have you ever had a time since you've been on
21 multitrack that you noticed there was some sort of
22 facility issue, something in disrepair that needed to be
23 fixed, but wasn't being fixed as a result of the fact
24 that you were on multitrack?

25 MS. LHAMON: Calls for speculation about the

1 result.

2 MR. FERNOW: I'll join.

3 THE WITNESS: That means I still answer.

4 MS. LHAMON: Yes.

5 BY MS. KOURY:

6 Q Do you understand the question?

7 A I think I understand the question. I'm trying
8 to remember. Let me see if I know the question. You're
9 asking was something not repaired that wasn't repaired
10 because we were on a year-round calendar?

11 Q Right. Let me rephrase that.

12 A Yeah. I'm sorry.

13 Q Have you noticed that something that was in
14 disrepair was not fixed, and the reason for that was
15 because there was always population on campus? In other
16 words, there wasn't a sufficiently long enough break for
17 the repair to occur?

18 MS. LHAMON: Same objection.

19 THE WITNESS: I can't remember right now. I
20 mean, I don't want to say that I don't remember ever
21 that, but I'm trying to go back through, you know, 18
22 years of -- or 7 years of year-round school and trying
23 to remember, and nothing jumps out at me right now.

24 BY MS. KOURY:

25 Q Have you ever complained to an administrator

1 or to anyone about the fact that you felt something
2 needed to be repaired, and it wasn't being repaired?

3 A I've complained about certain repairs I
4 felt -- I won't -- I don't want to say that I don't feel
5 that the administration was unresponsive, you know. But
6 I can't -- I'm speaking for myself. Right. I mean,
7 part of what happens at any school is that if you're
8 active in the union, or you've established some sort of
9 position at the school by reputation or whatever, then,
10 you know, then you tend to get -- people respond more
11 quickly. So maybe if I were a beginning teacher, I
12 would have a different response. I'm not sure.

13 Maybe it's the same in your profession. If
14 you're a senior lawyer here and you say, "Listen, my
15 thing is not happening in my office here. Can somebody
16 take care of it," they respond more quickly than
17 somebody who just started a week ago. So it --
18 generally, I get a pretty quick response.

19 The one thing that I remember had to do with
20 the restrooms. I think I mentioned this also at the
21 last one, that at least the faculty restrooms were not
22 being serviced properly, and I had moaned and groaned
23 and complained about that, and finally called in the
24 health department to do a walk through the campus with
25 me. Then things were taken care of.

1 Q Other than that, has there been any other type
2 of repairs, as you sit here today, that you can recall
3 asking someone to fix or complaining to someone about
4 that wasn't repaired or fixed?

5 A Well, we have -- again, it's -- I've been in a
6 couple of rooms with air conditioning problems where
7 people came out actually, but they couldn't sort of
8 locate the problem. So it wasn't as if people weren't
9 responsive to it, but they couldn't -- no one's quite
10 been able to figure out what the problem has been so...

11 Q Other than that AC issue and the bathroom
12 facility issue that you mentioned earlier, has there
13 ever been a time where a roof in one of your classrooms
14 is leaking, or you see chipping paint or a broken window
15 occurs, and you want it to be fixed, and you've asked,
16 and it wasn't resolved?

17 A No, I cannot say that.

18 Q Have you ever heard a junior teacher or, I
19 guess, a beginning teacher complain or tell you, you
20 know, I've been asking for maintenance to fix X, Y or Z,
21 and they just haven't responded?

22 A I would say I've heard those kinds of
23 complaints, but I can't give you specifics on that. I
24 mean, I can't tell you teacher X talked about window Y
25 or whatever.

1 Q Generally, do you feel that the administration
2 and the maintenance issues are resolved -- I'm sorry, I
3 was not finished -- are resolved in a timely fashion?

4 A My experience has been that they're resolved
5 in a fairly timely manner.

6 Q You emphasized "my." Are you under the
7 impression that other people have a different
8 experience?

9 A I can't say. I mean, I'm telling you the
10 world I see and, you know, I've not surveyed the
11 faculty, and so my sense of it is, especially this
12 administration, wants to, you know, respond. So --
13 don't walk away. I'm just getting into my answer.

14 Q That was rude.

15 A That's okay.

16 Q Have you ever experienced a repair on campus,
17 some type of construction that you felt was interfering
18 with school time?

19 A Yes.

20 Q Tell me about it.

21 A Well, I will. We've had repairs where they've
22 like jack-hammered walkways for pipes and electrical
23 lines and computer, and they put in -- we were wired
24 for -- we're a digital high school. So they had to put
25 in this sort of special kind of line. I couldn't tell

1 Q Generally speaking, you've heard those
2 complaints. Have you heard them this year?

3 A I can't say I've heard them this year. I've
4 heard them. I can just say that in certain general
5 terms.

6 Q Can you specifically recall in your mind
7 hearing such a complaint, even if you can't recall
8 exactly who said it or what it was about?

9 A Well, usually thinking about this now, it's
10 had to do with things like heating and air conditioning.
11 The other things people can sort of live with, but if
12 it's a cold morning and the air conditioning -- or the
13 heating is not coming on, that's when people -- that's
14 when you hear the biggest number of complaints. So,
15 generally, it's around those sorts of things.

16 Q Do you ever give anyone advice about what they
17 should do, or have you ever given advice to a beginning
18 teacher when they're complaining, for example, about the
19 heating or the air conditioning?

20 A I mean, you know, more than, you know, get a
21 sweater. You know, talk to Mr. Kailer (phonetic), who's
22 the plant manager, you know. More than that, I don't
23 think I've -- I'm not sure what I would -- I'm not sure
24 what I would advise, but I'm not sure I have advised
25 beyond that.

1 you what it's called. A big line with a lot of things
2 flowing through it.

3 So they were, like -- you know, they had these
4 small earth pounder, digger things and, you know, it was
5 very disruptive. And if you had a classroom facing this
6 area, then you were particularly disrupted.

7 Q How many times has that happened that you've
8 had this type of experience with a jackhammer, either in
9 a walkway or trying to get to wire the computers?

10 A Well, this is -- we have had this sort of on
11 and off over the last few years. Now we're -- we've
12 been -- we've been wired so -- but I know currently, for
13 example, a couple of weeks ago we had -- there was a
14 broken pipe, and water was just flooding in sort of a
15 main walkway to the buildings.

16 And now it's a -- one of those heavy metal
17 grates that you drive over on the street when they've
18 got an open hole there. That's been sitting like that
19 now for a number of days. So my class is not -- doesn't
20 face that area. I'm sort of on another side of a
21 building. But they had machines there, and I'm sure
22 that that was disruptive to those classes facing that
23 area.

24 Q Any other types of repairs such as the ones
25 you've described that have interfered with class time?

1 A Offhand I don't remember.

2 Q Going back to the jackhammer problem with the
3 walkways, and you said that that was on and off for the
4 last few years?

5 A Uh-huh.

6 Q Meaning the last three or four?

7 A Yeah, since we have become, like, this digital
8 high school.

9 Q How often would they work on the walkways? In
10 other words, how long of a span of time were they
11 actually jackhammering?

12 A Right. Well, it's not like it was happening
13 every day for three years or whatever, but when this was
14 going on, it took many weeks to dig this up and run
15 these cables, and the school was being disrupted for
16 a -- I want to say a couple-of-month period. Maybe
17 longer. Maybe a week shorter than that. All of that
18 time not necessarily jackhammering, but putting in the
19 cable line and sort of -- the entire process I would
20 say. And maybe it took longer than a couple of months.
21 You know, it's hard to really remember.

22 Q When you say "a couple of months," do you mean
23 it took a couple of months throughout the three- or
24 four-year span, or did it take a couple of months each
25 year?

1 A You know, I want to give you a clear answer on
2 this, and you've insisted I be specific and precise
3 about this. I can't tell you -- I do know that we've
4 had that sort of disruption over a length of time. I'm
5 saying three to four years. I don't want to say that
6 it's been three or four years of constant disruption,
7 but it's been periodic, over three or four years.

8 And this is sort of the main artery of the
9 school so this is where stuff will happen. There's an
10 old heating system underneath there. And this is the
11 main area where the water -- the water pipes run that
12 connect the school. So this is where stuff will happen.
13 So maybe I'm more sensitive to it there. And if I were
14 in another part of the campus, I wouldn't know about it.
15 But it's not like it -- like it happened every week for
16 three or four years.

17 Q So when you say "periodic," was it a few days
18 here and there throughout the last --

19 A When they did the primary installation of
20 these cables, these cables for computers and, you know,
21 what is it? We have a DSL or -- where you get on the
22 Internet very quickly, and those take a certain kind of
23 cable. That was disruptive for a length of time. I'm
24 saying a couple months. I would have to go back and
25 survey the teachers and the administration to find out

1 specifically how long that took. But I know it didn't
2 take a couple of days or even a couple of weeks. That
3 went on for quite a long time, and that was disruptive.

4 And then the other is just other things like
5 plumbing things and things that I'm telling you now
6 where there was a leak in the pipe, and now there's this
7 open -- there's this great covering, and so that's sort
8 of the three or four years.

9 Q So the three or four years is not just the
10 jackhammer being used in order to wire the computers.
11 It's just a variety of different types of repairs that
12 have gone on?

13 A Right.

14 Q And the couple months is the actual wiring for
15 the computers?

16 A Right. As I'm saying, that may have taken
17 longer than that. Maybe I'm more sensitive to it
18 because you had asked me an earlier question, was I
19 aware of what was going on during the summer months with
20 the various things. One reason I wouldn't necessarily
21 be aware is I wasn't there during the summer months. I
22 just know I would come back, and school would be -- you
23 know, the electricity is fine, and the plumbing is fine.

24 So these were the things I was told were being
25 taken care of during that time period, and now because

1 I'm there during two thirds of the year, I'm more aware
2 of it.

3 I don't know if that's clear.

4 Q It is. Thank you. The heavy metal grate
5 that's over a broken pipe now -- is that being currently
6 fixed? Do you know?

7 A I'm sure something is being done, but that
8 grate has been there now for at least a week or more so
9 I'm not quite sure. I didn't look under.

10 Q That pipe breaking wasn't -- I'm sorry.

11 The heavy metal grate over that pipe occurred
12 because the pipe just suddenly broke. It wasn't a
13 planned repair by the school. Correct?

14 MR. FERNOW: Objection. Calls for
15 speculation.

16 THE WITNESS: Yeah, I would imagine it broke.
17 There was flooding there one day that I saw. I would
18 just assume that they would try not to do a repair like
19 that as a planned repair during the middle of this
20 time.

21 BY MS. KOURY:

22 Q When -- do you know when they do -- when the
23 school does planned repairs such as just general
24 maintenance of plumbing or electrical or carpentry?

25 A My understanding is that they -- when you're

1 on a year-round calendar, you get sort of teams of
 2 repair people who come on a periodic basis to do things.
 3 So I know -- the administration puts in people's boxes
 4 this sort of a checklist. You know, do you have any
 5 broken windows, write this down. Do you have the glides
 6 on the bottom of the chairs that need to be fixed or
 7 repaired. Are your tables balanced in your room.
 8 Whatever it is. And then you submit that.

9 And my understanding is that at certain times
 10 of the year carpenters come. And certain times plumbers
 11 come. And so they're sort of being moved around these
 12 various year-round schools to do these repairs.

13 The one that I'm most familiar with is the guy
 14 who's the locksmith. He's always preparing cabinets,
 15 and he's, you know, making new keys and...

16 Q How often do you fill out those forms that you
 17 were just describing?

18 A At most once a semester. It's either once a
 19 semester, which would be two times a year, or once a
 20 year. I haven't filled one out this semester.

21 Q Have you ever seen carpenters come to the
 22 school to do their repairs?

23 A I'm not sure I've seen carpenters.

24 Q How about plumbers?

25 A Plumbers. I think I've seen plumbers. I'm

1 traditional calendar, that the window that you were
 2 indicating before would have been repaired during the
 3 summer?

4 MR. FERNOW: Objection. Calls for
 5 speculation.

6 BY MS. KOURY:

7 Q Or is that something -- or go ahead.

8 A Well, I think there are sort of -- you know,
 9 there are -- I guess the way I see this is that there
 10 are sort of two levels of repairs. One, you know,
 11 there's an emergency that needs to be dealt with. You
 12 know, maybe you have a little hole in a glass. I have a
 13 little BB hole in one of the windows in one of my --
 14 glasses in one of the windows, and that's not of a
 15 critical nature.

16 So there are levels of repairs, the sort of
 17 regular kind of coming in and getting things up to
 18 snuff, that used to be done in the summertime.

19 And then there are the sort of emergency
 20 things that -- I'm giving you an answer here, and I
 21 forgot the question.

22 Q That's okay. It was a good answer.

23 Is it your understanding that the maintenance
 24 teams that come out that you were describing before are
 25 doing the second level of repairs that you were

1 not sure.

2 Q Do you know -- when you said that you fill out
 3 these forms, and your understanding is that then they
 4 send a team out to do these types of repairs, do you
 5 know when these teams come out?

6 A I really don't.

7 Q Do you have a sense of or had you heard anyone
 8 complain or had you complained that this type of
 9 periodic maintenance is disruptive to class time?

10 A I've had experience where it's been, you know,
 11 somewhat disruptive.

12 Q Tell me about it.

13 A You know, repairing a window, for example. So
 14 you're teaching a class, and the guy's out --
 15 (unintelligible sound) -- knocking out the pane of glass
 16 and putting it in, you know, it's not like it goes on
 17 for two hours or an hour, but it happens during the
 18 class time. Or when the air conditioning guy came, you
 19 know, we had to move all the tables, and he got up on
 20 his ladder and got up into the thing in the middle of
 21 the room. It's hard to really talk about the Civil War
 22 right then. Do you know what I'm saying?

23 Q I do.

24 A But I did anyway. I'm a darn good teacher.

25 Q Do you think that had you been on a

1 describing, which is not the emergency type, but the
 2 type of maintenance that would have been done had you
 3 been on a traditional calendar during the summer?

4 A My sense of it is that they do both.

5 Q So the repair to the window that you were
 6 describing before -- was that an emergency repair, or
 7 was that something that you would have expected had you
 8 been on a traditional calendar that could have waited
 9 for summer vacation?

10 A Well, this is hard to answer. You know, it's
 11 kind of like what you learn to live with kind of
 12 situation, right, which is that if you have a -- if
 13 there were a situation in your house and there's a crack
 14 in the window, you know, you sort of make a guess about
 15 how big a deal is it to repair right away. So there are
 16 certain repairs that, you know, you learn to live with.

17 Others -- you know, if the window is
 18 completely busted out, then I would call administration
 19 and say, "Listen, this really needs to be taken care
 20 of." The other, yeah. So this is more like this can be
 21 dealt with whenever these folks bop in here or whenever
 22 they have time. There are other things that are more
 23 urgent for them to be dealing with. I hope I answered
 24 that.

25 Q Do you think that the maintenance that the

1 school received while you were on traditional calendar
2 during the summer vacations, the what we've called deep
3 cleaning, were more effective than the team maintenance
4 that you now receive as a multitrack school?

5 A More effective?

6 Q Right.

7 A I'm not sure how -- I don't know if I could
8 say they were more effective. I would say that they
9 were less disruptive during the traditional calendar
10 year.

11 Q How is it more disruptive now? Have you seen
12 these team maintenance groups come through to clean? Is
13 that what you're referring to?

14 A You're asking specifically about the cleaning?
15 I'm sorry.

16 Q No, don't be sorry. I'm asking what you mean
17 by "disruptive." Is it what you described as the jack
18 hammering with the walkways and the broken pipe, or is
19 there something more than that?

20 A The fixing of tables and chairs and just sort
21 of the general things that sort of fall apart in a
22 classroom. These were the sorts of things that we would
23 take care of during the summertime before. And now
24 they're taken care of now.

25 Now, for example, when I did submit a form for

1 Q Has anything ever been said by an
2 administrator or by the administration at your school or
3 district regarding efforts to minimize the disruptions?

4 A I mean, I've talked to the principal about
5 this, and I think he tries to have these things
6 scheduled so that, you know, it's done maybe after
7 school or whatever. I mean, I think they do make an
8 effort to minimize this. I think they're -- they
9 understand that it disrupts, and they try to do it in
10 such a way that it doesn't. I mean, I think they do
11 make every effort. Does that answer your question?

12 Q Yes. Is there a method or process for
13 requesting a repair or upgrade, or is that what you just
14 described, which are the forms?

15 A Right. And that, and then I think if you were
16 having a real emergency, like all of a sudden, you know,
17 there's a real problem in the hallway, and the water
18 fountain is pouring water, you call administration or
19 you call the plant manager, and you say, "Listen,
20 somebody needs to get out here right away. This is a
21 bad deal."

22 Q Are there any facility issues or -- I should
23 say repairs that -- such as just painting the school or
24 new carpet that you think are -- those are just
25 examples -- that you think need to be done that have not

1 the tables and chairs, I remember during class time, the
2 guy would be, like, taking out the tables and chairs
3 into the hallway and repairing those, and then bringing
4 them back in. So, you know, maybe three or four kids
5 had to stand up for a while. So it wasn't as if I
6 couldn't teach my lesson, but it was a bit disruptive.

7 And in the past they would have waited until
8 the summertime and come in and done that stuff.

9 Q Other than fixing tables and chairs this past
10 year -- not necessarily this past school year because I
11 know it just recently started, but the past year
12 2000/2001, can you think of any other types of
13 disruptions that occurred for maintenance or repairs
14 that you don't think would have occurred had you been on
15 a summer -- I'm sorry -- traditional track?

16 A Yeah. Offhand I can't remember.

17 Q Do you know -- is there a -- ask you another
18 question. Have you heard other teachers complain about
19 their classes being disrupted because of similar types
20 of occurrences?

21 A I have heard but, again, I can't give you
22 chapter and verse on this. I couldn't tell you.

23 Q How often do you think teachers complain about
24 that?

25 A I would say occasionally.

1 been done?

2 A First of all, we don't have any carpet.

3 Q That's takes care of that.

4 A That's right. I mean, I know just walking
5 down the hall in my building that there are -- there are
6 walls that had been plastered that haven't been painted
7 now for a couple of months. You know, that's -- I
8 wouldn't necessarily -- I wouldn't call the
9 administration and say, "Hey, listen, Mr. Principal,
10 this needs to be painted today." You know, I mean, the
11 hole is covered up so that's fine.

12 I would say the -- what people tend to
13 complain about, and the thing that I complain about has
14 to do with sort of the having -- like cleaning. Right.
15 So our rooms are not -- if the teacher doesn't make an
16 effort to really have the kids pick up paper, and like I
17 had my own broom in my closet and dust pan, that they
18 don't -- the custodians sort of fly through your room,
19 and they don't -- I think they don't have the same time
20 to spend cleaning rooms that they once had.

21 So that's -- that's the level -- that's where
22 most of the complaint comes.

23 Q Is this -- when you say "most of the complaint
24 comes," is that from you, complaints from you, or your
25 own concerns?

1 A And from what other teachers say.
 2 Q Anything else?
 3 A Well, I had mentioned the heating and air
 4 conditioning. Offhand I can't think of any others.
 5 Q How often is the heating and air conditioning
 6 a problem -- problematic?
 7 A Well, I would say two big times of the year
 8 now, during -- when it gets cold, and in the summertime
 9 when it gets hot. So those are the times that it really
 10 jumps out. Otherwise, you open up a window or whatever.
 11 It's not a big deal, because the weather in LA is in the
 12 70's.
 13 Q Very nice.
 14 A That's why we like LA.
 15 Q Now, while it's cold, is it that you have the
 16 heater not work on a periodic basis, or is it that the
 17 heater is always just not warm enough?
 18 A I think what happens is -- well, that the
 19 heater is not working in that room, and that somebody
 20 has to come out and, you know, light a --
 21 MR. FERNOW: Pilot light.
 22 THE WITNESS: There you go. Light a pilot
 23 light. I've done that too at home. I can't even
 24 remember. So I think that's sort of where it's at. And
 25 that maybe the box where you adjust the heat in your

1 room is not properly set.
 2 BY MS. KOURY:
 3 Q I'm sorry. Have you had that experience?
 4 A I've had that experience with the air
 5 conditioning. I've not had that experience recently
 6 with the heat.
 7 Q Have you heard of another teacher complain
 8 that the heat in their class wasn't working?
 9 A The last couple of weeks I've heard. As the
 10 weather has gotten cold in the morning.
 11 Q Do you know whether they have been able to
 12 resolve those issues when they occur?
 13 A My sense of it is that they have just because
 14 I haven't heard follow-up complaints so that, you know,
 15 they complain, and somebody came out and dealt with it
 16 the next day or so.
 17 Q How about when you've had air conditioning
 18 problems? How have you resolved them?
 19 A Well, I mentioned before I had one where you
 20 would come into the room, and the air conditioning
 21 worked, but there was -- but there was something going
 22 on -- it smelled like urine, like -- which was not a
 23 pleasant smell. We were speculating adult school was at
 24 the heart of it, but it wasn't. It had something to do
 25 with the foam insulation up there.

1 Anyway, I complained. When they would come
 2 out, "Oh, I don't smell anything." They would leave,
 3 and all the kids -- oh, like urine. Finally, people
 4 came. They send people from -- with Geiger counters and
 5 people like -- and people were really concerned, but
 6 they couldn't quite figure it out.
 7 So they cleaned out some pans, and it still
 8 smells that way in one of the rooms. So after a while
 9 it's just like, you know what. Maybe we -- maybe I'm
 10 imagining this. Of course, we're not but -- you move on
 11 to other things.
 12 Q Other than this --
 13 A People came out quickly. They did.
 14 Q Other than that issue, though, have you ever
 15 had an experience where the air conditioner isn't
 16 working properly?
 17 A For a day or so. Then they get it
 18 straightened out.
 19 Q You mentioned that you don't feel as if the
 20 janitors have as much time to clean the classrooms or
 21 the campus as they used to?
 22 A Uh-huh.
 23 Q What do you mean by that? When did they have,
 24 in your opinion, enough time?
 25 A When I first started teaching, I sort of paid

1 attention to this. The custodian would come in with a
 2 dry mop, and he would really spend quite a bit of time
 3 in your room. In the old days we had, you know,
 4 chalkboards, and he would clean off the chalk tray and
 5 really -- they would do a nice cleaning of the room.
 6 And as the years have gone by -- in fact, I
 7 asked a custodian about this once, and he provided me
 8 with a sort of a time breakdown for each room. They're
 9 given -- you know, 277 they're given 38 seconds or a
 10 minute and 48 seconds or something like that.
 11 So I believe we've lost custodians -- the
 12 number of custodians allocated to the school has been
 13 reduced. And so they don't have the amount of time to
 14 clean each room that they had when I first started
 15 teaching there. And I would say every teacher who has
 16 been there as long as I have would say the same.
 17 Q When did that happen that custodian showed you
 18 the breakdown of his or her schedule?
 19 A This was about a few years ago.
 20 Q When you say that you think the number of
 21 custodians has been reduced, have you ever asked anyone
 22 if that's actually the case?
 23 A Well, who have I asked? I mean, this is an
 24 issue that we've raised as teachers within the teachers
 25 union trying to -- so I can't remember specifically who

1 I asked, but I -- in discussing with somebody, I think
2 we, like, we were told that, yeah, the district has cut
3 back on the number of custodians. That's my
4 understanding, in any case.

5 Q Do you know how many day custodians you have
6 on campus?

7 A I couldn't tell you.

8 Q Do you know how many night custodians there
9 are?

10 A I couldn't tell you.

11 Q Do you know generally what the custodians are
12 supposed to do during the day that are on campus?

13 A Clean up. Clean up and take care of
14 emergencies. And they do. They work hard.

15 Q Is that the extent of your knowledge on what
16 they do in terms of their duties?

17 A Yeah.

18 Q How about at night? Do you know what the
19 night custodians are supposed to do.

20 A Well, because we have an adult school, they do
21 much the same, but they're also going into the rooms and
22 emptying trash cans and, you know, looking for -- you
23 know, and cleaning the hallways and things like that.

24 Q I'm going to shift gears a little bit.

25 MS. LHAMON: Can we take a break before you

1 Nobody has given me the list to fill out, you
2 know, what are the problems in my room for this year.

3 And when we were a traditional calendar year,
4 I don't remember ever having to fill out those lists.
5 And I know I assumed -- and I think most of the other
6 teachers assumed that at the end -- at the conclusion of
7 the traditional academic year, the workmen would come in
8 and assess your room and see what tables weren't working
9 and what chairs weren't working. And that that would be
10 taken care of.

11 So I'm on B track. We ended our track, like,
12 June, the third week of June. And the new semester
13 began a few days later, like, July 5th. And the tables
14 and chairs that were in disrepair are still in
15 disrepair. So things -- in the old days that would have
16 been taken care of. And so I just wanted to add that.

17 Q Thank you.

18 You stated that you have the two nicest rooms
19 in the school. How long have you had these rooms?

20 A I've had them for six, seven years. Something
21 like that.

22 Q You're a lucky guy?

23 A I swooped in and took them.

24 Q Do you go into other classrooms at all?

25 A Yeah. I mean, I visit the rooms in my hall

1 do.

2 MS. KOURY: Of course.
3 (Brief recess taken.)

4 THE WITNESS: I wanted to just make sure I
5 was -- I had given complete answers on this.

6 BY MR. KOURY:

7 Q Sure.

8 A Because in thinking about this a little bit
9 more, I wanted to make sure that what I'm remembering is
10 you're getting this. A part of course what goes on -- I
11 mean one of the reasons why my answers are the way they
12 are is that because I'm senior teacher there, I probably
13 have the two nicest rooms in the school. And when those
14 rooms opened up many years ago, I was quick to get in
15 there. So I'm in two terrific rooms. Big, big windows.
16 So I -- my view of the world is based on a couple of --
17 probably the nicest rooms in the school.

18 The other thing I wanted to add was that --
19 you had asked me about what needed to be done,
20 disruption. Currently, you know, I have tables and
21 chairs that, in fact, don't work properly. I have some
22 chairs, like, tucked up under a couple of tables, and
23 occasionally a kid will pull them out and sit on them,
24 and they find that the thing falls over. So I put them
25 aside.

1 and occasionally when I'm doing a sub -- a subbing, I
2 will go into other rooms.

3 Q You mentioned last time that you were deposed
4 that you sub quite often?

5 A I try.

6 Q So presumably you've seen -- you see other
7 classrooms quite often?

8 A Yes, yes, yes.

9 Q Leaving aside the two classrooms that you're
10 in that you have, what kinds of repairs, if any, other
11 than what we've already discussed, do you think need to
12 be done in those classrooms?

13 A Well, one of the classes I subbed in a couple
14 of weeks ago was a class where they were giving child
15 development/parenting class, but this was in a sewing
16 class or what used to be a sewing class. I saw all the
17 sewing machines sitting in the room. And the kids were
18 sitting in front of the sewing machines. With -- I
19 mean, it was with an old chalkboard and, you know, what
20 I thought was an inadequate space.

21 I subbed in a class, I think it was a Spanish
22 class. It might have been an English class. But we --
23 but it was a class that had been divided up into two
24 classrooms, two separate rooms -- classes being held on
25 each, with a partition separating these two rooms. And

1 so I remember there was a kid on the other side, like,
2 bam, bam, bam, pounding on the wall. So I went over and
3 I knew the young person. So he stopped it.

4 Q Sounds like my neighbors.

5 A I think it was your neighbor.

6 Q With the --

7 A I think I had to make a call, but the phone
8 wasn't in my part of the room so I had to go through the
9 partition to go into the other room to use it, and there
10 was only one heater -- or one control so they were like
11 freezing in theirs, and we were hot in ours. So it was
12 clearly inadequate, but the school had created these two
13 rooms out of one existing room.

14 What else? That's what I can think of right
15 off the top of my head.

16 Q The sewing classroom or the classroom that was
17 used for parenting that had sewing machines. Do you
18 know why the sewing machines were still there?

19 A I'm not sure why. I don't believe that that
20 teacher is teaching sewing. It used to be like a
21 fashion design class, and she did it for many years, and
22 she's still there. My sense of it is that class is not
23 being offered, and those sewing machines have not been
24 removed. I'm not sure why. Maybe it's used in the
25 evening. I don't really know why. I can't tell you.

1 Q Did you think that the sewing machines were in
2 the way of the students that were in that class that you
3 subbed?

4 A Well, it meant that we had to sort of limit --
5 we only used about half the room for the kids. So they
6 were sort of squeezed into half of a classroom with, you
7 know, half of it used for -- with these big, old, like,
8 industrial-sized sewing machines. So it was -- I mean,
9 if I were teaching in that room, I would have liked
10 those removed. That's, you know -- I want to have
11 access to the whole room.

12 Q Do you know whether the teacher that generally
13 teaches in that classroom uses the sewing machines at
14 night for night classes?

15 A Well, I don't think she would, but perhaps
16 they were being used for adult school. My sense of it
17 is that they were not. It looked like things were
18 not -- nothing was going on with those little sewing
19 machines, and nothing had been going on for quite a
20 while. But I couldn't definitively say that they
21 weren't being used at some point.

22 Q Did you ask the students in that class that
23 you subbed whether they were using the sewing machines?

24 A I didn't ask, but I know that they weren't.
25 This was a child development class, and they were

1 talking about parenting and spanking and things like
2 that.

3 Q The sewing machines were in the back of the
4 class, and the students were in the front of the
5 classroom?

6 A Right.

7 Q Where were the students sitting?

8 A They were sitting in the old-fashioned desks,
9 the college kind with the little half of a desk, which
10 is also not really adequate for high school kids, but...

11 Q What would a high school kid, in your opinion,
12 sit in?

13 A Most of the desks are the big kind where you
14 can sort of spread out.

15 Q In high school?

16 A Yeah. Or a table. Not the little -- not the
17 little college lecture tables. At least at our school.

18 I have tables in my room. Not desks.

19 Q You said the chalkboard was old. What do you
20 mean by that?

21 A Most of the school has had those replaced. So
22 I have dry marker, white board, which is -- you know,
23 you don't get chalk all over the place and stuff.

24 Q Was the chalkboard broken?

25 A No. There was just no white board up there,

1 as I recall.

2 Q Were there enough seats for all the students?

3 A I think there were, yes. And there were a lot
4 of kids backed in there. It was like 30 kids.

5 Q What do you mean by that?

6 A It was a pretty big class.

7 Q Were the students unable to walk in between
8 the desks?

9 A No, but I remember having some kids try to
10 work together, and it was just -- they were being
11 pinched so, you know, we could -- we were able to do it,
12 but there was, you know -- in my class, which is a much
13 bigger area, you know, if I want to have the two of you
14 working together, you move your table over there, and
15 there's room to operate.

16 And in this class there wasn't that -- there
17 wasn't the space to be able to sort of move things
18 around and do the sorts of things that teachers like to
19 do to be able to get kids working together or
20 whatever.

21 Q Have you ever heard the teacher that generally
22 teaches in that classroom complain about that, that
23 there's just not enough room to move the kids around?

24 A No, I have not heard a complaint about it.

25 Q What about the class, the Spanish classroom

1 that's divided by partitions? When was that when you
2 were in that classroom?

3 MS. LHAMON: Mischaracterized the testimony
4 slightly. He said he wasn't sure if it was a Spanish or
5 English class.

6 BY MS. KOURY:

7 Q I'm sorry. Whether it be the Spanish or
8 English class, do you recall when that was when you were
9 in the classroom with the partition that you were
10 describing earlier?

11 A It was either at the end of the 2000/2001
12 academic year or the beginning of the 2001/2002. So it
13 would have been -- it could have been in June or July --

14 Q Of this past summer?

15 A This past summer, yes.

16 Q Okay. Do you know how many classrooms at
17 Manual Arts have partitions?

18 A Well, I don't know how many. I know of at
19 least two.

20 Q How do you know of the other one?

21 A Well, the other one is -- because I've seen
22 it. And that's the auto shop one, where they've --
23 they've gutted the auto shop and created a classroom
24 there. And there's a teacher teaching on the other side
25 of a partition. So they've -- they've created at least

1 Q You stated earlier that you think you have two
2 of the nicest rooms, and you got those rooms because
3 you've got seniority?

4 A Well, because I'm a senior teacher. I
5 didn't -- there wasn't the seniority list that I used to
6 get those, but because I was the senior teacher, when I
7 knew those rooms were -- I moved to that room before it
8 became a year-round room. So when I knew that teacher
9 was moving on to other jobs at the school, I, like,
10 swooped in and --

11 Q How do you know those are the two nicest
12 rooms? Have you compared classrooms?

13 A Well, based on my vast experience. You know,
14 they're about the same as most rooms, except that there
15 are sort of -- not offices, but sort of storerooms off
16 of each one. So you have easy access to other things.
17 Plus, they're not an internal-facing room. So they face
18 sort of a side street, which tends to be quieter. You
19 have a nice view of these mountains.

20 So just based on that sort of assessment.
21 It's -- it doesn't face a parking lot. And when people
22 come in, they go, "Oh, wow. This is a nice room."

23 "Stay away. This is my room."

24 Q You also indicated that the tables and chairs
25 in your classroom -- some of them still haven't been

1 two classrooms there, maybe more. I'm not sure.

2 Q Do you know whether the partition that you
3 were describing earlier, the one that's either a Spanish
4 or English class, is still a partition?

5 A Yes, it is.

6 Q How do you know that?

7 A How do I know that? I have not heard anybody
8 indicate that it's been changed. I mean, I think
9 that's -- it was set up to be that way now, to create
10 two rooms.

11 Q Have you ever heard teachers complain about
12 being in classrooms with partitions?

13 A No, I haven't.

14 Q Do you have a sense of -- you said that
15 there's at least two classrooms with partitions. Do you
16 have a sense of whether there are more, or do you think
17 it's about it, or do you not know?

18 A I don't think there are very many. I would
19 say there may be another one or two. And I've heard one
20 of the teachers in -- not in the first example. The one
21 that I subbed in. But the one I've witnessed on the
22 auto shop, I know one of the teachers out there feels
23 that, you know, you hear the sound of the people in the
24 other room, and it does disturb what's happening in her
25 room.

1 fixed, and you think if you were on a traditional
2 calendar, they would have been fixed. Did you ever have
3 that experience while you were on a traditional calendar
4 that something was broken, and you didn't tell anyone,
5 but you came back in the fall, and it was fixed?

6 A What I remember is that we didn't have to fill
7 out those forms. I don't remember filling out those
8 forms. And just my sort of understanding of sort of how
9 things operate, that this -- you know, people would come
10 in. They would assess your room. And they would make
11 those repairs there. So it's based on just my
12 understanding of how the facility works in general.

13 Q Do you think it's less effective that you fill
14 out forms indicating exactly what you think needs to be
15 fixed as opposed to someone else just coming and
16 assessing it?

17 A I mean, I think it's not a bad thing to fill
18 out forms and give them to somebody and know that that
19 person will respond to it. I think that's a good thing,
20 whether you're on a traditional calendar year or
21 year-round calendar. I do think that having down-time
22 to make repairs is essential, and it's -- and becomes
23 even more important in an older facility, where things
24 will fall apart.

25 I mean, you know, they fall apart in my house.

1 And so if they fall apart in my house, which is not
2 being beaten upon by thousands of kids marching through
3 it, I know the school needs that. I mean, I've talked
4 to the principal about, you know, having down-time and,
5 I mean, I think we shared the same view of it. So I
6 don't think I'm alone in that assessment.

7 Q When you say the down-time that's needed and
8 the tearing down of the facilities, is there anything
9 other than what you've already testified to that you
10 could specifically point to, or is this just sort of a
11 general sense that you have based on your experience
12 there?

13 A Yeah, at this point I can't really think of
14 other specific things. I'm trying to think of, like,
15 what it was like during the traditional year, and
16 remembering a problem, and then coming back and seeing
17 that it had been taken care of. But I'm going back
18 through my database here and --

19 Q Let me know.

20 A I will.

21 Q What about these tables and chairs? Did you
22 fill out a form for them?

23 A I haven't filled out a form this year. I
24 looked forward to that form because I want to get that
25 taken care of. In the past they'd respond to that.

1 Q Do you think you're limited to -- in other
2 words, do you think you have to wait until the form
3 comes to you, or is there someone you can call or some
4 other procedure you can use in order to get these issues
5 resolved, specifically the tables and chairs?

6 A You know, I'm sure I could call somebody to
7 find out when these -- I mean, those forms are tied to
8 when those teams of people come to the school. So I
9 guess I could call and find out when they're coming. I
10 guess I've just been -- I've been trained to wait for
11 the form. Fill the form out. Turn in the form.

12 Q Not to beat a dead horse.

13 A That's all right.

14 Q When exactly did you first notice that these
15 tables and chairs were breaking down?

16 A Well, I've been back on track now since --

17 Q July?

18 A Well, we were on the July -- the end of
19 October.

20 Q Is that when you first started noticing
21 problems with the chairs?

22 A In this room. I'm now in room 277. So I go
23 back and forth between 279 and 277. So in the -- in the
24 transition, this teacher leaving, and I'm coming on --

25 Q She left you this gift, the broken chairs?

1 A She's very nice, but...

2 Q So you only noticed them recently in October
3 because that's when you first adopted this classroom?

4 A Right.

5 Q I'm going to shift gears, unless there's any
6 objection.

7 We discussed textbooks last time, and I just
8 wanted to ask you, in your experience this school year,
9 meaning in the most recent school year --

10 A 2001/2002?

11 Q Right -- and the year previous to that, which
12 would have been 2000/2001, have you experienced
13 personally any lack of textbooks, in other words, had a
14 class where there just weren't enough textbooks for all
15 the students to use in class?

16 A Yes. I currently teach a Latin American
17 studies class. We have a text where if everybody shows
18 up that day, I don't have a complete class set. And
19 that's the only text that I have. So the kids are not
20 taking the book home. And if everybody is there, then a
21 couple of students will have to share. That's -- so
22 that's one.

23 Q Can I ask you a quick follow up before going
24 on. The Latin American studies class -- is that this
25 year?

1 A This year 2000 --

2 Q Did you have this problem last year?

3 A I didn't teach it last year.

4 Q Go ahead. What other textbooks do you not
5 have a sufficient number of this school year?

6 A I use a supplemental text called United States
7 History, where I only have a class set of those. So I
8 don't have enough for every child to take one of those
9 home.

10 Q Do you have enough for each child to use in
11 class?

12 A Yes.

13 Q Okay.

14 A Then I have -- I use a couple of supplemental,
15 additional supplemental texts, sort of where you --
16 they're written in -- the reading level is a little bit
17 easier, and the name of the book is Key Decisions in
18 U.S. History. Something like that.

19 Q I take it this is for your U.S. History class?

20 A For my U.S. History. It's a two-volume set.
21 I think I have the only one. So another teacher who has
22 a group of kids who are reading about the same -- at the
23 same reading level as my students, when I'm through,
24 I'll give it to him. Or if he wants them, he can come
25 and get them from me. But we both can't have a class

1 set at the same time.

2 Q Does that mean that you have enough textbooks
3 for each student to use in class?

4 A Right.

5 Q But you can't allow your students to take them
6 home?

7 A No.

8 Q When you say "no," you mean that's correct?

9 A That's correct. I'm sorry. That's correct.

10 Q Any other classes this school year for which
11 you don't have sufficient number of textbooks?

12 A Those are the two classes I teach, U.S.
13 History and Latin American studies.

14 Q So that covers it?

15 A That covers it.

16 Q What about last year?

17 A Last year it was the same situation with the
18 U.S. History text, which was that I had a class set, but
19 not enough for kids to take home.

20 Q Which one? Is that both the supplemental and
21 the additional supplemental?

22 A I don't think I even used the additional
23 supplemental. I didn't know about it. So -- but it --
24 we didn't have any more last year. I don't think we've
25 lost any. But we basically have one class set for all

1 the teachers.

2 Q So last school year the problem you ran into
3 was with the supplemental U.S. History book?

4 A Right.

5 Q Because that was the only one you used?

6 A That's the only one I've been using.

7 Q Were there any other textbooks that you didn't
8 have a sufficient number of?

9 A I have used a book called The Biography of
10 Sojourner Truth. We have to share that in the sense
11 that there's another history teacher who likes to assign
12 that book. It's a little 150 page Biography of
13 Sojourner Truth. But if he's using it, I have to wait.
14 And if I'm using it, he has to wait. When he is
15 finished, I get his or vice versa.

16 And the same with a book that I used called
17 Born on the 4th of July, which is an autobiography about
18 the war in Vietnam. We can't all use it at the same
19 time. I'm sorry. I'm laughing here.

20 Q That's fine. When you say that you have to
21 share it with other teachers, other -- when you're able
22 to use the texts, the biography, and the Born on the 4th
23 of July, are there enough copies for your students to
24 use in class?

25 A Yes. And those books I want kids to take

1 home. So I work it out with the other teacher, you
2 know, "Scott, listen. I'm going to use it the first
3 half of the semester, and you use it the second half."

4 So we -- you know, we do it in such a way that the kids
5 can take those home because we want kids to be carrying
6 a book home and reading a biography or autobiography.

7 Q Were there any other texts last school year
8 that you didn't have a sufficient number of?

9 A Those are the only ones that I can think of.

10 Q The Latin American studies text that you used
11 this year that there's not a sufficient number of -- did
12 you use it last year?

13 A I didn't teach it last year.

14 Q I'm sorry. You didn't teach it. That's the
15 only textbook that you used this year in that class?

16 A Yes.

17 Q When did you first notice that there weren't
18 sufficient number for each kid to use in class if the
19 entire class was there?

20 A Right from the beginning of the semester when
21 I first started to teach the class. I went into our
22 book room and looked for resources to teach the class,
23 and there's another textbook that another teacher is
24 using. So she's got all of those. So I looked for
25 whatever I could get my hands on, and that was this

1 book. So this was -- when? The beginning of July. I
2 will submit an order when we order new books to get
3 additional books of that but --

4 Q When does that happen?

5 A I'm not sure when that happens.

6 Q Did you say anything to anyone to the effect
7 of, "Could I get additional books? Could we purchase
8 more books now"?

9 A I don't know if I've said it, but that won't
10 be a problem. The department chair will be supportive
11 of me doing that and will buy more.

12 Q Why do you feel like you have to wait? Why
13 can't you ask the department chair now?

14 A I don't know. I hadn't thought about it. I
15 guess, you know, I've been trained to think that we buy
16 things at a certain time of the year, and you get them
17 sort of for the next semester or whatever. I guess you
18 can submit these orders at any time, but usually you do
19 the textbooks sort of all in one shot.

20 Q Have you ever asked for an additional book in
21 the middle of the school year, the beginning of the
22 school year, when it wasn't really the scheduled time to
23 purchase new textbooks?

24 A I can't remember.

25 Q You indicated also that not only is there not

1 a complete set for every student to use if every student
2 is there, but you can't allow the kids to take these
3 textbooks home. Is that correct?

4 A The -- right, the U.S. History text.

5 Q No, I'm sorry. I'm talking about Latin
6 American studies book.

7 A Right. I guess I could if I was willing to
8 risk it. But given that I only have that text, that if
9 a child loses that text, with no -- when there's no sort
10 of backup, if I had -- if I had 30 more or 35 more, then
11 I would send them home with one copy. But since that's
12 all we've got, I have to keep an eye on it at school.
13 So we use it at school.

14 Q Do you generally only allow students to take
15 textbooks home when you have an additional set of the
16 textbooks? When I say "set," meaning like you stated,
17 35 extra textbooks, and then you'll allow the students
18 to take the textbooks home?

19 A Yeah, that's sort of my policy. That if it's
20 the only 30 that we've got or the only 35, then I want
21 to keep my eye on it.

22 Q You say that's your policy. So it's not
23 something that you've been instructed to do. But you
24 find, in your experience, that's a wise thing to do?

25 A Right.

1 to come back. And then you've crippled your ability to
2 provide at least the material for your class.

3 Q What about a system of accountability with the
4 students, for example, making them check out the books
5 and having them sign their name and have a corresponding
6 number on the textbooks so you know exactly which
7 student has which textbook? That way you can keep track
8 of them. Do you ever use that?

9 A Yes.

10 Q Why would you be hesitant to use that now with
11 the American studies books?

12 A Because I think kids still will lose the book,
13 and that if I had -- I mean, not maliciously, but a
14 child is going to lose a book, and there goes at least
15 the ability to provide a class set. So I think if
16 you -- generally, when we have a class set, and that's
17 it, then that stays in the room, and at least you're
18 able to provide material for those kids while they're
19 there.

20 And if you have additional texts, an abundance
21 of material -- maybe "abundance" is not the right word,
22 but more than a class set -- then you have the
23 flexibility to let kids take those books home.

24 Q Have you ever -- I sort of asked a form of
25 this question, but this is slightly different. Have you

1 Q Not to put words in your mouth.

2 A That may be a policy, but that's what I do
3 so...

4 Q Have you ever asked anyone at the school about
5 your discretion, and what it is -- what type of
6 discretion you personally have in allowing students to
7 take textbooks home?

8 A I'm not sure what you mean, have I asked.

9 Q In other words, have you ever asked any school
10 administrator or district administrator, "Am I allowed
11 to let the kids take the textbooks home," or have you
12 always just assumed that you can -- you have that
13 authority if you want to allow them to take them home?

14 A My assumption is that I have that discretion.
15 I think we're encouraged to have kids take textbooks
16 home.

17 Q You indicated that you think it would be risky
18 to allow the students to take these Latin American study
19 books home. Why do you think it's a risk?

20 A Well, for a couple of reasons. Well, it's a
21 soft-cover book. It's not built to last. And that when
22 you only have a class set, that as the teacher, you want
23 to keep an eye on that. It's like if you had 30
24 pencils, and you're using that for your class. Then if
25 you're lending that out, those pencils are not all going

1 ever had an instance where you actually have textbooks,
2 and you're allowing the kids to take them home, and mid
3 semester a kid loses their textbook, as they probably
4 often do? What do you do?

5 A Well, there's a procedure that the school has.
6 As an individual teacher, you call the child and say,
7 "Listen, you know, you need to turn that book in."
8 There is a procedure the school uses to retrieve those
9 books. I'm not sure how effective it is.

10 Q Leaving that procedure aside, what do you do
11 if -- maybe I'm asking this the wrong way. Have you
12 ever had the occasion where you've got that situation,
13 and you've allowed the kids to take the book home? You
14 don't have any additional sets. This is the only set
15 you have. A kid loses the book. Can't find the book.
16 Is missing a book. What do you do? Or what did you do?

17 A Now, you don't have a class set?

18 Q This one student doesn't have a textbook.

19 A Right. Well, I've had that happen. So when
20 we read Born on the 4th of July or the Biography of
21 Sojourner Truth, then I will check out another book to
22 that child but with, you know -- with a heads up and,
23 you know, you can't lose this. I mean, the child is not
24 punished in the sense that you get one shot and if you
25 lose the book, you know, then you're going to fail the

1 semester. That wouldn't be appropriate.

2 Q Right.

3 A Was that answering the question?

4 Q That was fine. What about the situation such
5 as this where you don't have additional books to check
6 out? Have you ever had the situation where you allow
7 kids to take books home, even though you don't have
8 additional textbooks?

9 A What I will do occasionally is I will say to a
10 child, listen -- because the kids like to take the books
11 home. I say, talk to me after class. Usually. And I
12 might say, listen, I'm lending you this book. You know
13 that you're -- we make, like, an agreement. You're
14 going to use it for, you know, the next couple of days.
15 You want to read a chapter or do some research on
16 something but, you know, you're obligated to bring it
17 back. Then you have -- then that child will bring that
18 book back.

19 I don't like to do that very often because I
20 think, like, if I have a film that I use in class and
21 the child hasn't seen it, and they like to borrow it
22 from me, you just -- you can't risk your -- your ability
23 to deliver an educational program on, you know, the good
24 will of a child, who through all may be well intended,
25 but is going to put the book back down and forget it or

1 books home? Have you had that situation where you asked
2 an administrator to purchase more so you felt
3 comfortable allowing the kids to take them home?

4 A I guess I wouldn't have asked the
5 administrator.

6 Q Who would you ask?

7 A I mean, I would have put in an order to the
8 department chair.

9 Q Have you done that before?

10 A Yes.

11 Q What was the result?

12 A Well, we got additional books eventually.

13 Q When you say "eventually," how long did it
14 take?

15 A Well, it takes a while. These orders don't
16 happen quickly. When I taught this Latin American
17 studies class in the past, I got enough texts so that
18 kids could take some of them home.

19 Q Within a reasonable amount of time?

20 A Well, you know, again, this happened a number
21 of years ago. So I'm not completely -- I don't remember
22 how quickly this happened. My sense of it is usually if
23 you have a short -- it's usually a semester that you
24 can -- you will have stuff for the following semester,
25 if you submit an order. Sometimes it's for the next

1 whatever.

2 So I have to deliver a program, and I have to
3 be convinced that I can go in every day, and I've got my
4 materials. I can teach and not be hindered by not
5 having what I need in that classroom.

6 Q Do you feel that the students in your class
7 would receive a better education if they were allowed to
8 take home the Latin American studies book?

9 A Absolutely.

10 Q Have you asked for additional texts so that
11 they would be able to take them home, so that you would
12 feel comfortable allowing them to take them home?

13 A Because this is -- this class has only been
14 rekindled after not teaching it for a number of years.
15 If I'm convinced now that we're going to be able to do
16 this next year, which I'm going to lobby for, I will
17 then make sure that I have enough books, or I'll order
18 more books or whatever.

19 Q Were you finished?

20 A Yeah, I think I'm finished.

21 Q Have you had that situation in the past since
22 you've been teaching at Manual Arts, where you were
23 teaching a class, there weren't enough texts so -- even
24 though there were enough for all the class set, you
25 didn't feel comfortable allowing the kids to take the

1 academic year.

2 The turn-around time on this is not very good,
3 and many -- you know, it's generally felt at the school
4 that vendors -- it's not an easy proposition dealing
5 with the district. There's a -- quite a procedure to
6 submit purchase orders and get paid. And a number of
7 vendors still aren't paid. Vendors are unhappy. So it
8 is not like going to Circuit City, give them your
9 checkbook and dah, dah, dah.

10 Q There's a little bureaucracy involved?

11 A Right.

12 Q Or a lot of bureaucracy involved. What about
13 the supplemental history books this year? You said that
14 there's only a class set, and there's not enough -- that
15 there are enough in class?

16 A Yes.

17 Q There are sufficient numbers to use in class?

18 A Uh-huh.

19 Q But not to take home?

20 A Not to take home, right.

21 Q Why is that?

22 A Because this is a supplemental history text,
23 and I use it as my primary text, actually, because the
24 reading level meets the needs of my students. Most of
25 the U.S. History teachers have this class set in their

1 room. So as a department we purchased enough sort of to
2 provide teachers with a class set.

3 Now I think we'll try and expand that and buy
4 more so that if teachers want, they can assign them to
5 kids to take home. But that's many more to buy. If you
6 have, you know -- we have about 18 people in our
7 department. And 12 will be on at any given time. If
8 all of them are teaching U.S. History, which is usually
9 not the case, but let's say 10 are teaching U.S.
10 History, and you have about 35 -- you want to have about
11 35 books in your class, maybe a few more, then with 10
12 teachers, that's 350 texts.

13 But if you're -- some teachers are teaching
14 four periods of U.S. History, like I am, that's a 150
15 kids. So you go from purchasing 350 to buying thousands
16 in one swoop. It's quite an outlay, and these books are
17 35, \$40 a book.

18 Q Do you expect that that is happening, though?

19 A I was the one motivating this additional text.
20 So I'll be motivating buying more so kids can take books
21 home. My experience has been that by supplementing with
22 biographies and autobiographies, that at least kids
23 could then be carrying something home. It wasn't the
24 textbook, but at least it was a biography, a historical
25 biography. Something like that.

1 Q How do you assign homework in this class? Is
2 that through the biography and auto --

3 A I assign a lot of homework. It varies. It's
4 almost all writing. It's all writing. Maybe they
5 interview somebody. They take notes in class from an
6 article we've read in class. They have to go home and
7 summarize it. Things like that.

8 So at least my approach is since I don't have
9 that material for kids to take home to read, and I bring
10 in a lot of supplemental reading myself, and these are
11 class sets so kids are not taking those home, that we do
12 the reading and discussion in class, and they go home,
13 and they write about it. So that's sort of the -- my
14 approach to it.

15 Q Do you feel that your ability to teach has
16 been hindered by not allowing them to take these
17 supplemental U.S. History books home?

18 A I would say my ability to teach has been
19 hindered in general by not -- by kids not being able to
20 take home enough textbooks.

21 Q In this particular class, with these
22 particular books?

23 A In all -- throughout my teaching experience.

24 Q I can appreciate that. But let's just focus
25 on this particular textbook in this particular class.

1 Do you think it's been hindered?

2 A Yes.

3 Q That's why -- this has only been for the last
4 year that you've been using these books. Correct?

5 A This U.S. History text for the last year or
6 two.

7 Q Because it's a recently purchased book you
8 plan on asking that they purchase more?

9 A Right.

10 Q You expect that that will not be a problem, or
11 do you expect that it will be a problem?

12 MS. LHAMON: Calls for speculation.

13 THE WITNESS: I think that we will -- we may
14 not be able to do it all at once because -- I'm looking
15 out for the U.S. History. Other teachers are looking
16 out for U.S. Government. Other teachers are worried
17 about Econ, and we have a Geography class. Everybody
18 sort of lobbies for their own interests. So it may take
19 several years to do it.

20 I just wanted to add how this hinders you. So
21 you have to -- I mean, you guys all remember this. You
22 have to cover a certain period of time in the study of
23 U.S. History. If I were sending kids home with that
24 U.S. History text, they could be doing some reading at
25 home that we're having to do in the classroom. So they

1 could be coming into class having read the chapter on
2 Reconstruction.

3 Whereas we now have to do that reading in
4 class, which is fine to do reading in class, but we
5 could be doing other reading. So I think it sort of
6 puts a brake on our ability to move through this stuff
7 in a quick way.

8 BY MS. KOURY:

9 Q Why is it that when you first decided that you
10 wanted to use this book, that you couldn't ask for a
11 sufficient number for a class set as well to take
12 home -- as well as a set to take home?

13 A I think it just had to do with the
14 expenditure, that this was a big expenditure anyway.
15 Enough for class sets. And that other teachers were
16 using another text. And, you know, I don't know if I
17 was the one who, you know, put the limit on it or the
18 department as a whole, but I don't think I expected that
19 we would wholesale bring in a whole new text.

20 There are teachers who use a more advanced
21 history text, but I found that it's beyond my student's
22 ability to understand it, and I think beyond the ability
23 of most of the kids at school to understand it. So I've
24 never seen that as an option for me. I didn't feel like
25 we could go out and just en masse buy a thousand new

1 books or something like that.

2 Q Is that because you think it's a reasonable
3 expenditure of resources to first purchase a class set
4 that they can use in class to determine whether you're
5 even going to want to use a supplemental book, and after
6 you make that determination, take the next step of
7 expanding the purchase?

8 A Well, we usually, you know -- that's a logical
9 way to think about it, but, in general, we've made a
10 decision to either introduce a new text or not. And so
11 if you're going to, then you would move and buy it. I
12 think it's more a question of you've got X amount of
13 funds to use to buy texts for an entire department.

14 And in that department you're going to be
15 teaching a bunch of different courses. So you've got
16 to -- you know, not everybody gets their needs met, and
17 you have to be sort of judicious in how you allocate
18 your money.

19 Q You stated that you don't use any other
20 textbooks in this class. This supplemental textbook is
21 your main principal textbook. Right?

22 A It's the main textbook. I bring in my own
23 readings that I've put together over the years.

24 Q Do you think that someone from the outside, an
25 administrator or principal or some other school official

1 books. We're not going to use those books. But,
2 individually, if you want to do -- have a book on
3 women's history that looks at a certain period, that you
4 have the discretion to add that to your course offering.
5 I think -- so it's sort of a -- whatever I just said
6 there.

7 Q Ditto. When you say "department," you mean
8 the department your --

9 A Social studies department.

10 Q --- at your school?

11 A Right. And even that, we're limited right --
12 I mean, even departments have -- you order books from a
13 list that the school district provides. So you're not
14 just -- you're not just ordering willy-nilly from any
15 old list. You're provided the list, or the vendors have
16 all been approved and --

17 Q Right. Right. What about the additional
18 supplemental text that -- the key decisions in U.S.
19 History?

20 A Uh-huh.

21 Q You stated that you have sufficient number of
22 books to use in class, but not to take home. Is that
23 correct?

24 A Right.

25 Q Do you know why it is that you can't send

1 looking from the outside in and seeing that you're
2 teaching a class, and there's no core textbook -- that
3 they may think that's a problem?

4 A Well, there is that book as a core textbook.

5 Q Do you think it's -- in your opinion, having
6 been a teacher as long as you have been, do you think
7 it's important for a teacher to have discretion in
8 choosing what textbook to use? In other words, as
9 you're exercising your discretion to use the
10 supplemental textbook as opposed to using the core
11 textbook that some of the other teachers use, do you
12 think it's important that you have that discretion?

13 A I think it's important that teachers
14 collectively have that discretion so that -- and so that
15 as a department, you make the -- these determinations.
16 But that on top of that, individual teachers may want
17 to -- I may want to add additional things that the
18 person across the hall from me may not want to do. So I
19 think I would say that -- I wouldn't -- I don't think we
20 would like to have sort of a -- sort of an anarchic
21 system where everybody is going to have their own
22 individual text. I think that's not a viable situation
23 because these books are not inexpensive.

24 So I think collectively you want to be able to
25 say, yes, as a department we're going to buy these

1 these textbooks home?

2 A Well, again, there's -- the department only
3 has about -- the department only has a class set of
4 those. Maybe a few more. When I'm using the only 30 or
5 35 books that the department has, it would be -- I would
6 be a bad -- I wouldn't be a good teacher to, you know,
7 send that out, when other teachers, I mean -- I would be
8 making a decision for them too. I think that wouldn't
9 be kosher. I'm not sure if I'm making myself clear on
10 that.

11 Q You are.

12 A Okay.

13 Q Last year you indicated that it was the same
14 situation with the supplemental U.S. History book.
15 Correct?

16 A Uh-huh.

17 Q And so that was the first year that you
18 purchased them, the supplemental U.S. History book?

19 A It was either the last year or the year
20 before.

21 Q When do you plan on making the request to
22 purchase additional books so that they can take them
23 home?

24 A We brought in more books this year because I
25 think I -- initially, I, along with another couple of

1 teachers, were the only ones using them. Then I think
2 we bought enough so when my department chair comes to me
3 and says, listen, we need to submit orders for more
4 texts; should we get more of this, I'm going to say,
5 yeah, let's get X amount more or whatever. But we've
6 been increasing the amount in the last couple of years.

7 Q Since you've been at Manual Arts, have you had
8 a situation where you didn't have enough textbooks in
9 class so that students had to share textbooks other than
10 the Latin American studies class which you've already
11 discussed?

12 A I think in two cases. In the past I taught an
13 African American studies class where we didn't
14 necessarily have enough for everybody in class. But we
15 also had -- I used to use an old textbook called Sea to
16 Shining Sea. That's when we were more optimistic about
17 the world. And I -- because the reading level was
18 better for my students, I was using that text even
19 though it was a very old, and in many cases battered,
20 text.

21 So I would -- I didn't want to give kids books
22 that were just graffitied to death. So I would find the
23 best of the lot, and occasionally kids would have to
24 share that.

25 Q That was in the African American studies

1 Q What did you do?

2 A Well, the department moved on to another text.

3 Q Did they purchase enough texts for each
4 student to use in class?

5 A I know they purchased enough for people to
6 have class sets of, and that was a text called American
7 Odyssey. I couldn't tell you if there's enough for
8 everybody to take home.

9 Q Did you teach out of that book?

10 A I used it as a class set.

11 Q What about the African American studies class
12 that you mentioned. Did you have a problem with that
13 class with not enough textbooks for each student to use
14 in class?

15 A I think initially I had enough. When I taught
16 the course after -- I taught it for several years. We
17 didn't always have enough in the latter years. Now, I
18 think then I went and I had more books purchased to --
19 to fill in the gap and provide more. But there were
20 occasions where kids would have to share that.

21 Q When you say "occasions," do you remember that
22 being a reoccurring problem that lasted for a couple
23 days, or was that something that occurred all semester
24 long?

25 A Yeah, I think it was occasionally. A couple

1 class?

2 A No, that was in U.S. History. I started by
3 saying in the African American.

4 Q And then you transferred?

5 A And then I moved over. Sorry.

6 Q So this U.S. History class that you used Sea
7 to Shining Sea, you were purposely using an older book
8 because it was at the reading level of your students.
9 Is that correct?

10 A I was purposely using a book that I thought
11 the reading level was better suited to my students. It
12 wasn't -- I wasn't purposely using an old book but --

13 Q Right. Did you ever -- because they were
14 older books, there were fewer copies that were usable.
15 Is that correct?

16 A Right.

17 Q Did you ever try to purchase additional books
18 of this edition?

19 A I think -- no, I didn't.

20 Q Why not?

21 A Because the book was already out of -- way out
22 of date, and when it became clear that there weren't
23 enough salvageable books of that, then it was time to
24 move on to something else. That book had taught its
25 last history lesson.

1 of days. Again, sometimes it depends if everybody shows
2 up to class. Then sometimes you have more problems
3 than -- usually, you have a few kids absent, and we have
4 enough for everybody.

5 Q Did you have enough textbooks in that African
6 American studies class for them to take home for home
7 reading?

8 A I did, yes. I finally was able to get a hard
9 copy and then a soft copy, and so I could then send kids
10 home with one of them and know that I had a class set.
11 And then they wouldn't have to schlep the book back and
12 forth and that minimized their losing it or having it
13 damaged.

14 So kids kept it at home and would read it
15 there, and I had my class set. And that's actually what
16 I prefer to have done so the kids are not lugging books
17 around.

18 Q Why is that?

19 A I just think if I give you a book to take home
20 and you take it home and you put it on your table at
21 home, then it's very likely that at the end of the
22 semester, you're going to bring me back that book. But
23 if I give you that book and I'm telling you to bring it
24 back and forth to school every day, the likelihood of
25 you misplacing it goes up.

1 So if I have a class set, I would rather have
2 you take the book home, and you keep it home. And if we
3 need it in class, I'll have a class set.

4 Q What about the currency of the content of your
5 textbooks? Have you had occasions since you've been
6 teaching at Manual Arts where you just felt like their
7 textbook is too outdated?

8 A Sea to Shining Sea was outdated.

9 Q Other than the Sea --

10 A Sea to Shining Sea.

11 Q Other than that book, have you had any others?

12 A Well, the Latin American text that I'm using
13 now is called, So Nos Mexicano (phonetic). "We are
14 Mexican" is the translation. It's a very nice book.

15 Q Other than that one, is there any others?

16 A Yeah. I was going to tell you it has Cesar
17 Chavez. I think he's still alive in that book, or I
18 think he just passed away. So that's outdated by a few
19 years.

20 You know, to be outdated in history is not --
21 I mean, every book that came out last year is already
22 outdated now so -- and every map is going to be outdated
23 in a few weeks so -- but if the book is, like, well, "We
24 hope to win the war in Vietnam next year," then you got
25 a problem, with the book.

1 A Well, it's not -- you asked outdated. I would
2 say there are degrees of being outdated. Right. So
3 that this book is outdated by a few years. It came out
4 maybe four, five years ago. So I think it's not -- it's
5 not current, but I think it still is a pretty good book.
6 And it's current enough so that it's -- it's meaningful.
7 And since I only became aware of it when the semester
8 started, it was -- I was not in a position to find
9 something else

10 Q Okay. Have you heard other teachers that
11 teach other subject areas complain that their textbooks
12 are just way too outdated?

13 A Well, I know that the government teachers in
14 the last few years have been -- there's been a push to
15 bring in more updated and better government text,
16 whether it's the latest version of an old text or a new
17 government text. I don't teach the government class,
18 but I know that that's been an ongoing thing is to bring
19 in more government text.

20 Q Other than the government text, do you know of
21 any other subject areas that are -- textbooks are too
22 outdated?

23 A I don't know specifically that they're
24 outdated. I just know that the teachers are wanting to
25 bring in more of -- like in World History, that's

1 Q But you personally in your experience at
2 Manual Arts have had these two books that you thought
3 were outdated: Sea to Shining Sea and We are Mexican.
4 Correct?

5 A Yeah.

6 Q With Sea to Shining Sea, presumably, you knew
7 it was outdated, but you continued to want to use it.
8 Correct?

9 A I used it because I thought it was the best
10 book I could use under the circumstances.

11 Q What do you mean by that?

12 A Well, that the reading level was better suited
13 to the students, which for me was the most important
14 factor. As a teacher, I can always stand up in front of
15 the class and talk about what's happened historically,
16 but if I'm giving a child a book that is beyond their
17 ability to read, it might be historically accurate, and
18 the politics might be terrific, but if it only makes
19 them more frustrated in their reading, then what is
20 being accomplished pedagogically is in question, and I
21 think we want kids to become better readers. That's the
22 primary task of what we're about.

23 Q I'm sorry. What about with this textbook that
24 you're using in your Latin American studies, We are
25 Mexican? Why are you using an outdated book?

1 another big one that either the book was outdated or
2 there weren't enough or whatever. So it's not always
3 clear to me just a question of being outdated.

4 People come into a department meeting and say,
5 listen, we need to get more of that, you know -- of this
6 particular U.S. History or World History book. And if
7 you buy the new one anyway it's going to be updated
8 so...

9 Q I didn't mean to cut you off.

10 A I didn't think you did.

11 MS. LHAMON: Would you mind taking a break.

12 MS. KOURY: Not at all. I don't.

13 (Discussion off the record.)

14 THE WITNESS: Can I just add something?

15 BY MS. KOURY:

16 Q Sure.

17 A I wanted to just be clear the Sea to Shining
18 Sea.

19 Q Okay.

20 A I was using that book in the mid to late 80's,
21 maybe up until the early 90's, and the book -- the book
22 came out in, like, the mid 70's. So it was 10 to 15
23 years old when I was using it. So just to clarify that.

24 Q Sure. Since you mentioned it -- or actually I
25 wanted to ask you a question about the supplemental U.S.

1 History books that you're using now. You stated that
2 there are other core textbooks that you could use if you
3 wanted to. Correct?

4 A That I could use, yeah, American Odyssey.

5 Q Are there other history teachers that use the
6 Odyssey book?

7 A Yes, they do.

8 Q Do you know if there are a sufficient number
9 of Odyssey books for students to take home?

10 A I don't know.

11 Q Do you know -- I assume you don't know, but
12 I'll ask anyway. If you had chosen to use the Odyssey
13 book, do you know if there would have been enough for
14 your students to take home?

15 A I don't know.

16 Q You had mentioned before that you'd heard some
17 of the government teachers indicate that -- that they
18 wanted updated textbooks. Is that correct?

19 A Well, they wanted more textbooks. So I don't
20 know if it was a question of out of date or just, you
21 know, not having enough.

22 Q Got it. Shift gears again. We were talking
23 about extracurricular activities, including sports, that
24 are available at Manual Arts, and one of the
25 extracurricular activities that you mentioned last time

1 know that it's become more difficult -- that the
2 athletic teams as a whole, there's less participation in
3 the athletic teams than there was 10 years ago or 15
4 years ago. And whether that's a function of being a
5 year-round school or not, I think that it's probably a
6 contributing factor to that. It's probably not solely a
7 function of that, but it's a contributing factor.

8 Q Why do you think that? When I say "why do you
9 think that," I mean why do you think that multitrack
10 calendar has contributed to the decrease in
11 participation of sports?

12 A Well, when you have an academic program that's
13 aligned with an athletic program where everybody is
14 there together, and everybody leaves together, I think
15 you have in some sense a captive audience. And when
16 kids are coming and going, I think it's -- it becomes
17 more problematic keeping those kids there, bringing
18 those kids back to play. I think it just -- it creates
19 a sort of more chaotic schedule that doesn't help
20 increase or maintain participation in the athletic
21 activities.

22 Q Generally speaking, on a traditional calendar,
23 don't football players come back during, you know, off
24 season or during winter break to train as well as
25 sometimes during summer breaks?

1 were various sports, band, cheerleading, et cetera.

2 Are you under the impression that your sports
3 teams are not as -- or that students who want to join
4 the sports teams are not as able to do so because
5 they're on a multitrack calendar as opposed to a
6 traditional calendar.

7 A It's hard for me to answer that.

8 Q Is that because the question is unclear?

9 A I'm trying to think of specific examples where
10 I have talked to a student, and student X said to me,
11 you know, I can't play that sport because I'm doing
12 this, that and the other thing. So I'm trying to think
13 as you're asking me this question.

14 I know I've had -- I know -- I've talked to a
15 couple of kids who would have played baseball, who
16 didn't play baseball. But I can't tell you -- and they
17 didn't play because they were doing something else.
18 Either working or whatever. I can't tell you
19 specifically whether that was a function of the school
20 being year-round though.

21 Q Do you think that it disadvantaged the
22 students at Manual Arts that they have to -- if they
23 decide to play a sport, that they have to come back and
24 play a sport when they may be off track?

25 A I think that's a disadvantage. And I also

1 MS. LHAMON: Objection. Calls for
2 speculation.

3 THE WITNESS: I think that -- I don't know if
4 they -- I'm not quite sure what the policy is or, you
5 know. I played sports when I was in high school, and I
6 coached tennis for a while. And we would do things, if
7 a -- sort of two levels. One was an official level, and
8 one was an unofficial. So we might go down unofficially
9 and play baseball or whatever.

10 And when I was coaching tennis, kids would
11 come and play tennis. I would encourage them. That was
12 not a scheduled activity. I'm not -- I know they used
13 to have passing leagues in the summer. I don't know
14 what -- what it's like now. That's all I can tell you.

15 You know, I didn't play football so --

16 BY MS. KOURY:

17 Q Generally, at high school level, playing on a
18 football team or basketball team or baseball team is a
19 pretty big commitment in the sense that athletes are
20 expected to train during summer break, Christmas break
21 and after school?

22 Don't you think there is a similarity there in
23 bringing them back when they're not in session?

24 MS. LHAMON: The question is argumentative and
25 calls for speculation.

1 THE WITNESS: I can only tell you about my
2 experience. I was what they call a jock in high school.
3 Sat on the bench mostly. I would use the summers to
4 work, to get a job, which meant I would have to work. I
5 would go and play basketball or baseball, but my summers
6 were to make money, which didn't negate my commitment to
7 participating on a team. But I think that doesn't
8 happen anymore. I mean --

9 BY MS. KOURY:

10 Q What do you mean?

11 A For B track kids. The track I'm on,
12 there's -- they're not working summertime. They're in
13 school and, you know -- what I used to see is sort of
14 the job opportunities that existed during the
15 summertime, that sort of dynamic doesn't exist, at least
16 for the B track kids.

17 Now maybe A track kids are able to go and find
18 jobs during what is for them a more traditional school
19 year.

20 Q Right. What about off-track kids? I'm sorry.
21 What about B track kids when they're off track? Do you
22 know if they get jobs?

23 A I think some kids get jobs. I think some kids
24 get jobs.

25 Q Do you know if it's harder for them to get

1 responsible for these. "Kids, come down," blah, blah,
2 blah. You'll get a notice in your box, you know,
3 that's -- they just put in everybody -- all the
4 teacher's boxes to be read to their homeroom students.
5 So, you know, they try to make students aware of these
6 things. So that's how the teachers are familiar with
7 it.

8 Q All of these solicitations that you just
9 described -- all of them are for the summer?

10 A I wouldn't say all of them are for the summer.
11 The ones that I'm -- that stick out in my head are the
12 ones for the summer months for kids to do these
13 internships. I'm not sure that's a regular job, but
14 that's -- or maybe it is a regular job.

15 Q But it's an internship?

16 A Yeah.

17 Q What about your B track students that are in
18 session during the summer? Do you know what type of --
19 just slipped my mind -- what type of resources you have
20 at Manual Arts to assist them in getting internships, if
21 any?

22 A I don't know. Which doesn't mean there
23 aren't, you know. I mean, I do think the school or the
24 district is more hip to this problem, and so they've
25 been -- but I couldn't tell you.

1 jobs because they're on this B track?

2 A I couldn't say it's harder. My sense of it is
3 that it's hard for kids to get jobs in any case. And
4 but I can't -- I can't say for certain what the reason
5 for that is.

6 Q Have you ever heard students or parents, or do
7 you have any other bases for knowing that kids on a B
8 track, when they're off track, have a harder time of
9 getting a job than kids that are off during the summer?

10 A Well, what I do know is that -- that the --
11 because we're near downtown, kids are solicited to do
12 these intern programs, and that they happen usually
13 during the summertime.

14 And so the B track kids are usually -- I've
15 not heard of programs available for them. Now maybe
16 there are. And maybe some companies and organizations
17 are making -- are, you know, being made aware of this
18 and doing it. But I'm not familiar with it. And I do
19 know that the kids on the more traditional calendar year
20 are solicited to, you know, apply for this sort of
21 stuff.

22 Q How do you know that? Are you involved with
23 those internship programs?

24 A No, but you hear them during homeroom.
25 Somebody comes over the PA, you know, the various people

1 Q Why do you think "the district is more hip to
2 this problem"?

3 A I think there's been a recognition that B
4 track in particular is sort of the stepchild of the
5 three tracks. I mean, in fact, the district is
6 proposing a calendar change to deal with what is
7 perceived as the lower test scores on B track.

8 MS. KOURY: Can we take a five-minute recess?

9 THE WITNESS: Sure.

10 (Brief recess taken.)

11 BY MS. KOURY:

12 Q Just ask you a quick tie-up question regarding
13 what you had testified to last time about the
14 school-based management council. You had indicated that
15 the school-based management council would distribute
16 money to the departments. And you mentioned that there
17 was definitely one distribution in, I believe, October
18 or November. Is that correct?

19 A I believe so, yes.

20 Q Was it just a one-time distribution from the
21 school site -- or the school-based management council to
22 the departments, or were there more than one
23 distribution to the departments on an annual basis?

24 A I'm pretty sure that there is -- with the IMA
25 funds, Instructional Material Account money, that you

1 get that money in sort of two increments. I could be
2 wrong. It could be the textbook one instead.
3 But one of them -- and I'm pretty sure it's
4 IMA -- you get that in sort of two installments. And
5 you get one around this time of year, or they come to
6 the department -- maybe this has completely changed in
7 the last few years, but this is my recollection. It
8 would come to the department, and they'd say, this is
9 the money that's available to you now for these things.

10 And then they would come back later in the
11 year and say -- when the district gave them another
12 chunk of change, then they would say, this is what you
13 have now available to spend.

14 Q That's to the department?

15 A To the departments, right.

16 Q And the departments directly make the
17 purchases for the textbooks?

18 A Well, when you say "directly," they don't go
19 directly to the vendor. You fill out --

20 Q Purchase orders?

21 A -- a purchase order, and you submit it to your
22 office manager. And that's all submitted.

23 Q But the department has its own budget?

24 A Yes.

25 Q You also indicated -- and you did say today as

1 Q We won't ask you to do that.

2 Why is your sense yes?

3 A I remember going into a classroom and finding
4 out, like, kids didn't know what was going on, and there
5 had been maybe a series of teachers there. And then
6 going into the adjoining room and saying, hey, what's up
7 with this and talking to them. But I couldn't give you
8 chapter and verse on that. I remember an incident like
9 that, but I don't remember the particulars of it.

10 It was just -- I remember it was not a good
11 situation, and I don't know if the teacher had been --
12 also a permanent teacher, and she or he had just been
13 out for quite a stretch of time, and then they had a
14 series of subs coming in, or whether from the get-go
15 they didn't have a permanent teacher in that classroom.

16 But I remember it was not a situation where,
17 you know, Ms. Jones was just out for today, and she had
18 left a lesson plan. I remember it was a more chaotic
19 situation than that.

20 Q In the last two years, other than this
21 recollection that you just described, that you can
22 vaguely remember, and the science class, which you
23 testified to and the special ed class which you
24 testified to, do you recall any other classes that you
25 substituted, and you knew that there wasn't a

1 well that you quite often substitute. Is that correct?

2 A Uh-huh. Yes, I do.

3 Q When you substitute classes, do you know why
4 you're substituting that particular class?

5 A Sometimes. Sometimes.

6 Q So sometimes you know -- I'm going to ask
7 another question. Do you know whether the class that
8 you're substituting has a permanently assigned teacher?

9 A Sometimes I know and sometimes I don't know.

10 Q Other than the science class, which we
11 discussed at length last time, do you recall any classes
12 that you've substituted this school year or last school
13 year that didn't have a permanently assigned teacher?

14 A There was a special ed class that I
15 substituted for.

16 Q Which you testified about last time as well?

17 A Yes, yes.

18 Q Aside from those two classes then, can you
19 recall any others?

20 A I can't remember right now, no.

21 Q Do you have a sense of whether there were
22 other classes that you substituted for that you knew
23 there was not a permanently assigned teacher?

24 A My sense is that, yes, but I couldn't -- but I
25 wouldn't bet my house on it so...

1 permanently assigned teacher?

2 A Those are the ones that I remember. And prior
3 to that, I really only made a real effort to do subbing
4 since about January of this year. In the past I would
5 avoid it like the plague because it was eating into my
6 conference time. So it's not like I'd been doing it
7 very much. And I have a conference period at a time of
8 the day where there are -- there's not a real huge need.

9 It's not like a first period. This is maybe
10 more than you need to know or want to know. If you have
11 a first period conference, then you're in a pool of
12 people waiting to fill in in case there's not a
13 substitute teacher. I have a conference fourth period
14 or third period, and so I wouldn't get routinely called.

15 But since we are buying a new house, then I
16 wanted to earn a few extra dollars. So I made myself
17 available. So I've been doing it more in the last, you
18 know, seven, eight months.

19 Q Since January?

20 A Yeah. Actually, more January, February, March
21 when we actually thought we would get the house, and I
22 could see that the mortgage payments were going to be
23 like that.

24 Q We also discussed elective courses that are
25 available at Manual Arts, and you had indicated that

1 there are elective courses, but that students don't have
2 a choice in which elective classes they take. Is that
3 correct?

4 A I don't want to say categorically that they
5 don't have a choice. I think that my experience has
6 been that in many cases they're put into elective
7 classes. So, for example, the Latin American studies
8 class that I'm teaching now. This is an elective class,
9 but these kids did not have a choice. They were all
10 assigned to it.

11 I don't think any of them is complaining. I
12 mean, I think they all like the class, save one or two
13 kids. But they didn't go to their counselor and say,
14 listen, I'd like to take Latin American studies. They
15 were assigned to this course.

16 Q Do you know why they were assigned to that
17 class, or I should ask another question. Do you know
18 why they didn't have a choice in which elective they
19 wanted to take?

20 A I think it was probably a combination of
21 things. They are part of a program called CBOP.

22 Q Which we discussed last time?

23 A The acronym for which I couldn't figure out.

24 Q College Band Program?

25 MS. LHAMON: Opportunity Program, we

1 mural painting class, but maybe there's no flexibility
2 in Johnny's or Susie's program. Maybe they have to take
3 the required courses, and they failed, you know, U.S.
4 History the year before or Science. So there's no
5 flexibility.

6 And then very often those electives served as
7 just courses for kids -- there was nothing else for them
8 to take that period. So it sort of -- there were some
9 kids in there who, in fact, wanted to take those
10 courses, but in many cases they were not.

11 MS. KOURY: I have no further questions,
12 unless you have some follow up.

13 MR. FERNOW: No.

14 MS. LHAMON: I have just a few.

15 EXAMINATION

16
17 BY MS. LHAMON:

18 Q Today, and on your first day of testimony when
19 you referred to a year-round calendar or year-round
20 school, do you use that term to mean a multitrack
21 year-round calendar?

22 A Well, I don't know what I used it to mean
23 before, but let me make the distinction now.

24 Q Right.

1 thought.

2 BY THE WITNESS:

3 A And so I think they -- they have a program,
4 and they were all -- all the kids were together, and
5 they needed a class for fifth period, and since I had
6 agreed to teach one of the courses in that program, I
7 think it was just, like, okay, here, this is a good fit.
8 Let's do it.

9 Q Other than these kids that you just described,
10 do you know whether other students have choices in
11 electives?

12 A Again, I can only -- I can only speak from my
13 experience teaching the electives. And over the years
14 I've taught Latin American studies, African American
15 studies, and a mural painting class, and that many times
16 the kids in those courses were not in them because they
17 had wanted to take them. So --

18 Q You don't know why that is that they didn't
19 have a choice in which electives to take?

20 A I think, again, it's a combination of reasons.
21 The kids who might want it -- I think I mentioned
22 before, I would solicit kids to take those courses.
23 Then I would submit those names to the counseling
24 office.

25 Again, Johnny or Susie may want to take your

1 A Year-round -- we had a year-round calendar
2 year at Manual Arts for a year where we were a
3 single-track school. So we had experience with that.
4 So we followed what is a schedule like ours, except we
5 didn't have different tracks coming in. And then now we
6 have year-round calendar, multitrack year-round calendar
7 so that there is a distinction.

8 Q Aside from your testimony about the one year
9 that was the year before you went on the multitrack
10 calendar when you were year-round --

11 A I think it was two years before.

12 Q Thanks. About that time period when it was a
13 single-track year-round calendar at Manual Arts, the
14 other times that you have used the term year-round, you
15 were referring to a multitrack year on calendar?

16 A Yes.

17 Q You testified today and on your first day that
18 some classes take place in nonclassroom spaces such as
19 the auto shop that was reconfigured. Do you have an
20 understanding of why it happens that some classes take
21 place in nonclassroom spaces at Manual Arts?

22 A I think that we don't have the class space. I
23 mean, I think that's it. There's not -- there's
24 insufficient classroom space without -- so they have to
25 take rooms that were built for other things.

1 Q You also testified this morning that some of
2 the teachers, including you, lobbied to keep some
3 portables on campus at a time when a principal had
4 contemplated removing these portables from campus.

5 Can you tell me why you participated in that
6 lobbying effort?

7 A We didn't see those portables as the best of
8 all worlds. In fact, I had to teach in them for a
9 while. We were using it while we were doing renovation,
10 and certain parts of the school were not being used or
11 were -- they were doing enough work that it would
12 warrant not being able to use a floor, whatever. So, in
13 fact, I went into one of those for a while, and it
14 really was not a great facility. There was no phone or
15 PA.

16 But when we finished with renovation, we then
17 faced the possibility -- not the possibility, the
18 reality that teachers would have to travel during the
19 school day, which means -- I don't know if you want me
20 to explain that.

21 Q Please do.

22 A Which means that maybe you teach two periods
23 in room 277, and then somebody comes in your room for
24 third period, and then maybe you teach in another room.
25 So we have teachers who, what we call, travel or roam.

1 That's different than being in one fixed room
2 for one track, and then another fixed room for the time
3 that you come back. That's part of being year-round
4 calendar. But these were people who had to sort of pack
5 up and move to another part of the school during the
6 school day, and schlep their books and take their
7 resources.

8 So if it meant alleviating that, we decided as
9 teachers, well, let's keep those portables. Yeah, we've
10 lost some parking space, but it's better to lose some
11 parking space than having teachers travel during the
12 school day. It took quite a little struggle there to
13 keep those, but we used our clever methods to do that.

14 Q I just want to make sure I understand then.
15 The choice, as you saw it then, was between regaining
16 some parking space or -- let me say that differently.
17 The choice was between regaining some parking
18 space, but having some teachers have to travel during
19 the school day among classrooms, or not regaining the
20 parking space and keeping some portables so that no
21 teachers had to travel?

22 A I wouldn't say "no teachers had to travel." I
23 think even with maintaining those, we had teachers
24 traveling, but fewer teachers having to travel.

25 Q Finally, you've testified on your first day

1 that you did not believe that there were advanced
2 placement courses offered on the B track until the
3 school year. Is that correct?

4 A That's right.

5 Q But your understanding was that Manual Arts
6 did offer advanced placement courses on one or both of
7 the other tracks at the school?

8 A That's true.

9 Q Do you know whether there have been any other
10 disparities in course offerings among the tracks at
11 Manual Arts since Manual Arts has been a multitrack
12 school?

13 MS. KOURY: Objection. Vague. Do you mean in
14 terms of courses offered?

15 MS. LHAMON: I do. Let me give you an
16 example.

17 Q For example, do you know if there were --
18 let's take sewing. Do you know if sewing, for example,
19 a class such as sewing is offered on the A track, but
20 not offered on B and C? That's what I'm asking about.

21 A I do know, speaking of sewing, that the woman
22 who used to do it when we were traditional calendar
23 year, traditional calendar school, is a B track teacher.
24 So I don't -- there's nobody else on faculty who could
25 teach that fashion design. So I don't know if any kids

1 on A or C track wanted it. But there's nobody on staff
2 on the faculty who could do it. So that is on B track.
3 I do know that the drama program -- we didn't
4 have a drama program on B track, and the teacher who
5 did, who did bilingual plays or Shakespeare plays or
6 whatever, and was noted for it, that we -- that that was
7 offered only on one or maybe two tracks, but it
8 certainly was not offered on B track.

9 I don't know if kids wanted to do that, what
10 that child would have done, nobody -- no student came to
11 me and said, I want to do Hamlet, and I'm being
12 forwarded. I know it wasn't offered. And as a result
13 we were never -- we couldn't see these shows there. It
14 was more, people had to come back during their off-track
15 time to see that stuff.

16 Q You know about some AP courses that are
17 offered --

18 A Right.

19 Q -- differently on the tracks?

20 A Yes.

21 Q You believe that sewing or fashion design is
22 offered on the B track. Is that correct?

23 A If it's offered at all, it's offered on the B
24 track.

25 Q And then drama, you believe, is offered on one

1 track and not the other two. Is that right?
 2 A I know it's not offered -- it's not offered on
 3 the B track.
 4 Q Do you know of any other courses that are
 5 offered on at least one track and not the other or both
 6 others?
 7 A I can't say definitively. I do know the
 8 teacher teaching Advanced Placement Chemistry was on A
 9 track. I don't believe that there was an Advanced
 10 Placement Chemistry course. I don't know if there is an
 11 advanced chemistry -- Advanced Placement Chemistry
 12 course currently on B track. Maybe there is, but I'm
 13 not aware of it.
 14 I do know that we now have some advanced
 15 placement -- Advanced Placement Social Science courses.
 16 I don't know if it's World History or U.S. History, but
 17 I know that's been initiated this year.
 18 Q To take the question slightly differently, do
 19 you know if there are the same number of courses offered
 20 on each track of a given course? So, for example, are
 21 there the same number of sections of biology offered on
 22 each of the three tracks at Manual Arts?
 23 A I don't know.
 24 MS. LHAMON: That's all I have. Thank you.
 25 MS. KOURY: Counsel, do you want to -- I'm

1 going to do the closing stipulation, if that's okay.
 2 MS. LHAMON: That's fine. I just want to ask
 3 also where is the -- witness's mileage he gets today.
 4 Do you have it?
 5 MS. KOURY: I don't.
 6 MS. LHAMON: Could we have you mail it to him?
 7 MS. KOURY: Yes, I will have that done.
 8 Counsel, may we stipulate that copies of
 9 documents attached to this deposition may be used as
 10 originals?
 11 MS. LHAMON: Yes.
 12 MS. KOURY: May we stipulate --
 13 MR. FERNOW: Yes.
 14 MS. KOURY: -- that the original of this
 15 deposition be signed under penalty of perjury; that the
 16 original be delivered to the offices of the ACLU; that
 17 the reporter is relieved of liability for the original
 18 of the deposition; that the witness will have 30 days
 19 from the date of the court's transmittal letter to Ms.
 20 Lhamon to sign and correct the deposition;
 21 And that Ms. Lhamon shall notify all parties
 22 in writing of any changes in the deposition; and, that
 23 if there are no such changes communicated or signature
 24 within that time, that any unsigned or uncorrected copy
 25 may be used for all purposes as if signed and

1 corrected.
 2 MS. LHAMON: So stipulated.
 3 MS. KOURY: So stipulated.
 4 MS. LHAMON: Copy with ASCII and condensed.
 5 MR. FERNOW: I'll take a copy.
 6 (Whereupon, at 12:40 P.M., the deposition of
 7 JOSHUA PECHTHALT was adjourned.)
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1 STATE OF CALIFORNIA)
 2) ss
 3 COUNTY OF LOS ANGELES)
 4
 5
 6
 7 I, JOSHUA PECHTHALT,
 8 hereby certify under penalty of perjury under the laws
 9 of the State of California that the foregoing is true
 10 and correct.
 11 Executed this day of ,2001
 12 at ,
 13 California.
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 25

JOSHUA PECHTHALT

1 STATE OF CALIFORNIA)
2) ss

3 COUNTY OF LOS ANGELES)

4 I, LAURA J. MELLINI, Certified Shorthand
5 Reporter, number 8181, for the State of California, do
6 hereby certify;

7 That prior to being examined,
8 JOSHUA PECHTHALT,
9 the witness named in the foregoing deposition, was by me
10 duly sworn to testify the truth, the whole truth and
11 nothing but the truth;

12 That the testimony of the witness and all
13 objections made at the time of the examination were
14 recorded stenographically by me;

15 That the foregoing transcript is a true
16 record of the testimony and all objections made at the
17 time of the examination.

18 I hereby certify that I am not interested
19 in the event of the action.

20 IN WITNESS WHEREOF, I have subscribed my
21 name this day of , 2001.

22
23 _____
24 Certified Shorthand Reporter
25 for the State of California