

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3

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5 ELEIZER WILLIAMS, a minor, by)

6 SWEETIE WILLIAMS, his guardian)

7 ad litem, et al.,)

8 Plaintiffs,)

9 vs.) No. 312236

10 STATE OF CALIFORNIA, DELAINE) VOLUME II

11 EASTIN, STATE SUPERINTENDENT OF)

12 PUBLIC INSTRUCTION, STATE)

13 DEPARTMENT OF EDUCATION, STATE)

14 BOARD OF EDUCATION,)

15 Defendants.)

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17

18 Continued deposition of MARGARET ROLAND,

19 at 400 South Hope Street, 15th Floor,

20 Los Angeles, California, commencing

21 at 9:55 A.M., Thursday, August 2, 2001,

22 before Ricki Q. Melton, CSR No. 9400,

23 RPR No.45429.

24

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1 APPEARANCES OF COUNSEL:

2
3 FOR THE PLAINTIFFS:

4
5 ACLU FOUNDATION OF SOUTHERN
6 CALIFORNIA
7 BY: CATHERINE E. LHAMON, ESQ.
8 1616 Beverly Boulevard
9 Los Angeles, California 90026
10 (213) 977-9500

11
12 FOR DEFENDANT STATE OF CALIFORNIA:

13
14 O'MELVENY & MYERS LLP
15 BY: S. BENJAMIN ROZWOOD, ESQ.
16 400 South Hope Street
17 15th Floor
18 Los Angeles, California 90071
19 (213) 430-6000
20
21
22
23
24
25

1 MARGARET ROLAND,
2 the witness, having been previously administered an
3 oath in accordance with CCP Section 2094, testified
4 further as follows:

5
6 EXAMINATION (CONTINUING)

7 BY MS. LHAMON:

8 Q. Going morning, Ms. Roland. 09:55:46
9 A. Good morning. 09:55:48
10 Q. It's good to see you again. 09:55:49
11 Do you understand that the same rules of the 09:55:51
12 deposition apply today as the last time we had a 09:55:53
13 deposition? 09:55:55
14 A. Yes. 09:55:55
15 Q. Would you like me to review those rules 09:55:56
16 again, or do you remember them? 09:55:59
17 A. I remember. 09:56:00
18 Q. Just so I know, you haven't any reason to 09:56:01
19 not be able to remember as clearly today as you 09:56:03
20 ordinarily would remember, have you? 09:56:06
21 A. No. 09:56:08
22 Q. Okay. Thanks. 09:56:10
23 I want to start by asking you: What are the 09:56:11
24 things that you think any student needs to have a 09:56:13
25 chance to learn? 09:56:16

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 FOR DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT:

4
5 LOZANO SMITH
6 BY: HOWARD A. FRIEDMAN, ESQ.
7 2800 28th Street
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9 Santa Monica, California 90405
10 (310) 382-5300

11
12 ALSO PRESENT:

13
14 GLADYS LIMON
15 MELISSA GOLDENBERG
16
17
18
19
20
21
22
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24
25

1 MR. ROZWOOD: Vague as to "needs." 09:56:18
2 THE WITNESS: I'm not clear. Would you 09:56:21
3 clarify? 09:56:22
4 BY MS. LHAMON: 09:56:23
5 Q. Are there a set of tools or conditions that 09:56:23
6 you think are required for student learning? 09:56:26
7 MR. ROZWOOD: Objection. Vague as to 09:56:29
8 "tools" or "conditions." 09:56:30
9 THE WITNESS: Are you asking what I 09:56:38
10 personally feel that students should have? When you 09:56:42
11 say needs or tools, are we talking about facilities 09:56:46
12 or instructional materials? 09:56:50
13 BY MS. LHAMON: 09:56:53
14 Q. I would include those if you think they are 09:56:54
15 necessary, and I'm asking if you think there's 09:56:56
16 anything in the facilities or instructional materials 09:56:59
17 or any personnel or anything else that I have left 09:57:01
18 out that you think a student -- I do mean you 09:57:04
19 personally -- that you think a student needs to 09:57:07
20 learn. 09:57:09
21 A. I think providing the necessary funding to 09:57:11
22 meet the instructional needs of students is 09:57:22
23 important. I think the need for a positive learning 09:57:25
24 atmosphere in the classroom and out of the classroom. 09:57:37
25 I think that we should have teachers who will go into 09:57:49

1 the profession because they love to work with 09:57:56
 2 students. 09:58:00
 3 I'm sure there are others, but I think that 09:58:16
 4 those are priorities. 09:58:19
 5 Q. Okay. Those are the main ones? 09:58:22
 6 A. Yes. 09:58:22
 7 Q. What are the components of a positive 09:58:25
 8 learning atmosphere that you described? 09:58:28
 9 A. Where a person can walk on a campus and into 09:58:37
 10 a classroom and see that learning is taking place, 09:58:41
 11 looking at students and teachers and see that they 09:58:51
 12 are enjoying each other as well as the place, 09:59:03
 13 environment, the facilities on the playgrounds and 09:59:10
 14 the classrooms. 09:59:14
 15 Basically that's what I meant. 09:59:19
 16 Q. Okay. Thank you. 09:59:21
 17 You testified on your first day that the 09:59:23
 18 local district had placed some book orders for 09:59:26
 19 Fremont for the 2001/2002 school year; is that right? 09:59:30
 20 A. That's correct. 09:59:36
 21 Q. Have all the books that have been ordered 09:59:37
 22 for Fremont arrived on campus now? 09:59:39
 23 A. I don't know that all of them have arrived, 09:59:42
 24 but I do know that some have. In terms of telling 09:59:46
 25 you exactly which ones have arrived, I personally 09:59:49

1 wouldn't be able to tell you, but I do know that we 09:59:52
 2 have had shipments to come in. 09:59:55
 3 Q. Okay. Would Marcie Hines be the person who 09:59:58
 4 would know better whether all the books have arrived? 10:00:02
 5 A. She would be that person. 10:00:06
 6 Q. Okay. The books that have arrived on 10:00:09
 7 campus, do you know if they have been processed or 10:00:11
 8 distributed to students? 10:00:14
 9 A. No, I don't know that. 10:00:17
 10 Q. Have you discussed with teachers whether 10:00:18
 11 there are enough books for students in their classes? 10:00:19
 12 A. Not this year, not this school year. The 10:00:23
 13 leadership council identified the needs, and those 10:00:27
 14 are the books that we had District I order. 10:00:32
 15 Q. And the leadership council identified those 10:00:37
 16 needs during the 2000/2001 school year for the 10:00:40
 17 2001/2002 school year? 10:00:46
 18 A. That's correct. 10:00:50
 19 Q. You haven't talked to teachers yet about 10:00:50
 20 whether they have enough textbooks? 10:00:54
 21 A. I haven't talked to them about it simply 10:00:58
 22 because they were asked, prior to the ordering, the 10:01:00
 23 needs and the number. So I haven't talked to them. 10:01:04
 24 Q. Okay. And have you discussed the 10:01:17
 25 availability of textbooks with students at Fremont 10:01:18

1 High School? 10:01:22
 2 A. No, not with students. 10:01:22
 3 Q. And I didn't give a time description for 10:01:24
 4 that. Is that not ever or not in the 2001/2002 10:01:29
 5 school year? 10:01:33
 6 A. Not during -- well, basically I haven't 10:01:33
 7 discussed the need with students because none of the 10:01:38
 8 students have inquired of me that information. 10:01:41
 9 Q. Okay. Thanks. 10:01:45
 10 A. Uh-huh. 10:01:46
 11 Q. Do you know if anyone at Fremont conducts 10:01:48
 12 inventories to determine whether -- or what the 10:01:51
 13 textbook needs are at Fremont High School? 10:01:53
 14 A. I know that the department chairperson of 10:01:56
 15 each department does that. 10:01:59
 16 Q. The department chairperson conducts an 10:02:05
 17 actual inventory? 10:02:07
 18 A. Yes. He or she will go to the textbook 10:02:09
 19 clerk, and she keeps a running total. At the end of 10:02:13
 20 each school year, she will do an inventory. 10:02:17
 21 I'm saying end of each school year. It 10:02:19
 22 could be mid-year as well. I'm not positive, but I 10:02:22
 23 know that she does because I have inquired. 10:02:25
 24 Q. Thank you. 10:02:31
 25 And so you know that the textbook clerk 10:02:32

1 keeps a running inventory of the textbook needs at 10:02:35
 2 Fremont High School? 10:02:46
 3 A. Yes. 10:02:46
 4 Q. She does it at least once a year and -- 10:02:46
 5 A. Yes. 10:02:46
 6 Q. -- possibly twice a year? 10:02:46
 7 A. Yes. 10:02:46
 8 Q. And she gets that information from the 10:02:46
 9 department chairs? 10:02:47
 10 A. She gets that information from the return or 10:02:48
 11 lack of textbooks at the end of the year. 10:02:50
 12 Q. Okay. And I just want to make sure I 10:02:55
 13 understood your earlier testimony. 10:02:57
 14 Is it correct that the department chairs 10:02:59
 15 also conduct an inventory of the textbook needs in 10:03:00
 16 their departments? 10:03:04
 17 A. Yes. 10:03:04
 18 Q. Okay. And is that a written inventory? 10:03:06
 19 A. I don't think it's a written. I think it's 10:03:10
 20 more or less in their department meetings they will 10:03:12
 21 at that time say I need additional whatever books and 10:03:16
 22 that department chair will make a note of that and, 10:03:19
 23 when ordering, would include those in the order -- 10:03:22
 24 the number that is ordered. 10:03:26
 25 Q. Okay. And you believe that to be true 10:03:28

1 because that's what the department chairs have told 10:03:31
 2 you, or is there another reason? 10:03:34
 3 A. In order to purchase, in our leadership 10:03:40
 4 council -- I keep going back to that because it's the 10:03:42
 5 council that makes that decision. The discussion is 10:03:45
 6 held in those meetings, and at that time the 10:03:49
 7 department chair would say, "I met with my 10:03:52
 8 department, and we have determined that we need X 10:03:54
 9 number of Econ. books or English Lit" or whatever. 10:03:58
 10 So it doesn't come to me personally. It is 10:04:03
 11 always in a committee that I hear this information. 10:04:07
 12 Q. Okay. And the department chairs make a 10:04:11
 13 regular report to the leadership council; is that 10:04:13
 14 right? 10:04:13
 15 A. Only when there's a need, and they put it on 10:04:16
 16 the agenda. 10:04:18
 17 Q. Okay. Are you aware of any surveys that 10:04:25
 18 have been conducted by anyone -- students, 10:04:28
 19 newspapers, community members, anyone -- of the 10:04:31
 20 availability of textbooks for students at Fremont 10:04:34
 21 High School? 10:04:37
 22 A. No, I'm not. 10:04:38
 23 Q. Do you know if the school district has 10:04:45
 24 surveyed the school during the 2001/2002 school year 10:04:47
 25 to see if there are enough school textbooks at 10:04:52

1 Fremont High School? 10:04:57
 2 MR. ROZWOOD: Objection. Vague as to 10:04:59
 3 "survey." 10:04:59
 4 THE WITNESS: I'm sorry. Would you repeat 10:05:01
 5 the question? 10:05:02
 6 BY MS. LHAMON: 10:05:02
 7 Q. Sure. 10:05:03
 8 I asked if you know that the school district 10:05:03
 9 has conducted a survey at Fremont High School during 10:05:06
 10 the 2001/2002 school year to see if there are enough 10:05:09
 11 textbooks at the high school. 10:05:14
 12 MR. ROZWOOD: Same objection. 10:05:16
 13 THE WITNESS: I don't know that the school 10:05:17
 14 district did per se. I'm not knowledgeable of them 10:05:18
 15 asking for a survey or having one of their staff 10:05:21
 16 members to conduct a survey. 10:05:26
 17 BY MS. LHAMON: 10:05:28
 18 Q. Are you knowledgeable about whether the 10:05:28
 19 district conducted that survey or such a survey 10:05:31
 20 during the 2000/2001 school year? 10:05:34
 21 MR. ROZWOOD: Same objection. 10:05:39
 22 THE WITNESS: No, I'm not. 10:05:40
 23 BY MS. LHAMON: 10:05:40
 24 Q. You mentioned funding to meet the 10:05:41
 25 instructional needs as one of the primary needs for 10:05:44

1 student learning. 10:05:47
 2 A. Uh-huh. 10:05:48
 3 Q. Is there sufficient funding in the school 10:05:49
 4 budget at Fremont High School to provide books for 10:05:51
 5 each student? 10:05:55
 6 MR. ROZWOOD: Objection as to time. 10:05:57
 7 BY MS. LHAMON: 10:06:01
 8 Q. I'll limit that to the time you've been 10:06:01
 9 principal at Fremont High School. 10:06:04
 10 Thanks, Ben. 10:06:06
 11 THE WITNESS: Yes. 10:06:08
 12 BY MS. LHAMON: 10:06:08
 13 Q. Yes, there is sufficient funding? 10:06:08
 14 A. There was when we placed the order. I won't 10:06:10
 15 say it is today, but when we placed the order for 10:06:13
 16 this school year, there was sufficient funding 10:06:16
 17 provided by the district to supplement what we had 10:06:20
 18 already. 10:06:24
 19 Q. Okay. So for the 2001/2002 school year 10:06:25
 20 textbook purchase, the one that took place at the end 10:06:30
 21 of the 2000 to 2001 school year, at least part of the 10:06:32
 22 funds for that purchase were supplemental funds from 10:06:38
 23 the district; is that right? 10:06:42
 24 A. Part, yes. 10:06:43
 25 Q. Okay. Do you know what approximate 10:06:44

1 percentage of the funds were supplemental funds from 10:06:46
 2 the district? 10:06:48
 3 A. I really don't know the dollar amount. 10:06:49
 4 Q. Okay. Do you have an estimate for a 10:06:54
 5 percentage, if not the dollar amount? 10:06:56
 6 A. No, I don't. 10:06:58
 7 Q. Do you know if it was more than 50 percent 10:07:01
 8 or less than 50 percent? 10:07:03
 9 A. Probably less than, based on what we had. 10:07:05
 10 Q. Okay. Do you anticipate receiving 10:07:13
 11 supplemental funds again from the district at the end 10:07:14
 12 of this school year to purchase books for the next 10:07:18
 13 school year? 10:07:21
 14 A. I don't know that I'll get supplemental 10:07:22
 15 funding. 10:07:25
 16 Q. Okay. So there's no guarantee of that, 10:07:26
 17 then. 10:07:31
 18 A. No. 10:07:31
 19 Q. Okay. Does Fremont receive funds for 10:07:31
 20 textbooks or for books at the school from sources 10:07:38
 21 other than the district and the estimate? 10:07:45
 22 A. Not to my knowledge. 10:07:47
 23 Q. So there's no private donations that you 10:07:48
 24 know about? 10:07:51
 25 A. No. 10:07:51

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1 Q. Did Fremont receive funds for any 10:07:55
 2 instructional materials that are not textbooks or 10:07:57
 3 books from any sources other than the State or the 10:07:59
 4 district? 10:08:02
 5 A. I'm not aware of any. 10:08:02
 6 Q. Okay. Do you know if the district monitors 10:08:10
 7 whether students are issued their own textbooks at 10:08:12
 8 Fremont High School? 10:08:21
 9 A. I don't know that the district monitors, but 10:08:21
 10 I would say the principal probably would be the 10:08:21
 11 person. 10:08:25
 12 Q. And that's you? 10:08:25
 13 A. If you are talking about Fremont, yes. 10:08:27
 14 Q. I am. 10:08:31
 15 And so you monitor Fremont? 10:08:32
 16 A. Yes. 10:08:34
 17 Q. How do you monitor whether the students 10:08:34
 18 receive books? 10:08:37
 19 A. Well, I speak with the textbook clerk. And 10:08:38
 20 I asked her, since I was aware of what had happened 10:08:41
 21 in the past, if she would let me know the names of 10:08:44
 22 the departments who had not issued textbooks, and at 10:08:48
 23 my open meetings, faculty meetings with the staff, I 10:08:51
 24 verbally say that all students should have a textbook 10:08:55
 25 and at home as well a class set -- that's -- that has 10:09:01

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1 been a directive from me for this school year -- and 10:09:07
 2 that, should they find it impossible to do, to let me 10:09:10
 3 know. 10:09:16
 4 I haven't gotten any notice that they have a 10:09:17
 5 problem with that yet. 10:09:23
 6 Q. Okay. 10:09:23
 7 A. I said "yet" because we have only two tracks 10:09:25
 8 and we just started. 10:09:28
 9 Q. And the third track is not on track yet? 10:09:30
 10 A. "A" track has not arrived yet. 10:09:34
 11 Q. For the 2001/2002 school year, you made a 10:09:36
 12 point of notifying your staff that all the students 10:09:39
 13 should have textbooks at home and in school? 10:09:43
 14 A. That's correct. 10:09:46
 15 Q. And you said that you did that because you 10:09:47
 16 know about what happened before; is that right? 10:09:50
 17 A. That's not why I did it. I did it at my 10:09:53
 18 previous school. That's why I did it. 10:09:57
 19 Q. Okay. 10:09:57
 20 A. I noted -- noticed after I arrived at 10:09:59
 21 Fremont they had a problem because they had not -- 10:10:02
 22 I'm assuming that they didn't, based on reports, 10:10:09
 23 issue classroom sets as well as a set for students to 10:10:15
 24 take home. 10:10:20
 25 Q. Okay. So you had heard there were some 10:10:22

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1 problems with delivering books to students in the 10:10:23
 2 past, and that's something you were trying to correct 10:10:26
 3 when you became principal at Fremont; is that right? 10:10:28
 4 A. That's right. 10:10:32
 5 Q. Do you know if the State of California has 10:10:34
 6 any standards with respect to the availability of 10:10:37
 7 textbooks for students in schools? 10:10:40
 8 MR. ROZWOOD: Objection as to the State of 10:10:42
 9 California and the term "standards." 10:10:45
 10 THE WITNESS: I don't know about the State. 10:10:48
 11 As I indicated the last time, under a previous 10:10:52
 12 superintendent, it was more or less a concern of his 10:10:56
 13 that every student would have a book to take home and 10:11:03
 14 every student would have -- every teacher would have 10:11:08
 15 a class set, and based on that, I implemented that at 10:11:11
 16 the last school. It was a new school, if you recall. 10:11:16
 17 I don't know that every school had an 10:11:20
 18 opportunity to do that or being we had a new school 10:11:21
 19 we had the funding. 10:11:27
 20 BY MS. LHAMON: 10:11:29
 21 Q. When you say you remember that a prior 10:11:29
 22 superintendent made it a priority, are you referring 10:11:32
 23 to a Los Angeles Unified School District 10:11:34
 24 superintendent? 10:11:36
 25 A. Yes. 10:11:36

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1 Q. That was Ruben Zacharias; correct? 10:11:39
 2 A. Correct. 10:11:41
 3 Q. Just so I'm clear, you don't know if the 10:11:46
 4 State has any standards -- 10:11:49
 5 A. No, I don't. 10:11:51
 6 Q. -- with respect to -- 10:11:51
 7 Have you checked with the teachers to find 10:11:56
 8 out whether students have sufficient nontext 10:12:00
 9 instructional materials for their classes? 10:12:05
 10 A. I haven't personally checked. The only 10:12:07
 11 thing I can say is that they have the funding for the 10:12:10
 12 nontext. 10:12:15
 13 Q. So in a sewing class, there are sewing 10:12:17
 14 machines for the students? 10:12:19
 15 A. We don't have a sewing class. 10:12:21
 16 Q. So that doesn't take place. 10:12:24
 17 Do you have a cooking class? 10:12:27
 18 A. No. 10:12:28
 19 MR. FRIEDMAN: Microwave class. 10:12:31
 20 THE WITNESS: Cosmetology. 10:12:34
 21 BY MS. LHAMON: 10:12:35
 22 Q. What are the nontext instructional materials 10:12:35
 23 in a cosmetology class? 10:12:38
 24 A. The nontextbook? Well, they have -- gosh, 10:12:44
 25 whatever you need to do with the hair and the nails 10:12:51

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1 and those type things. 10:12:54
2 I'm sure -- I haven't really gone in other 10:12:56
3 than to just look around, but to really tell you 10:13:01
4 exactly what things they have, I really don't know -- 10:13:04
5 Q. Okay. 10:13:04
6 A. -- other than your hair dryer and things 10:13:08
7 that you would need for that. 10:13:11
8 Q. And you assume that they have the things 10:13:12
9 that they need? 10:13:14
10 A. I'm assuming that they have what they need; 10:13:15
11 otherwise -- and they do have a budget; otherwise, if 10:13:19
12 it's not sufficient, they probably would have asked 10:13:22
13 for funding. 10:13:25
14 Q. Okay. How about computer classes? Are 10:13:28
15 there computers for all the students in the computer 10:13:30
16 classes? 10:13:32
17 A. Yes, we do have enough computers. 10:13:33
18 Q. And they are all working? 10:13:36
19 A. That I wouldn't be able to say. 10:13:38
20 Q. Okay. Are there any photography classes 10:13:41
21 offered? 10:13:44
22 A. We do have a photo class. 10:13:44
23 Q. Can you think of any other classes in which 10:13:47
24 nontext instructional materials might be required? 10:13:49
25 A. We have auto, and I'm assuming that they 10:13:54

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1 have everything -- 10:13:54
2 Q. You provide a car for each student? 10:14:00
3 MR. ROZWOOD: One to take home, too. 10:14:02
4 THE WITNESS: We have the art classes, but 10:14:06
5 they are ordering texts this year. 10:14:10
6 So they have the other necessary items 10:14:14
7 because they are all -- I can tell you all the 10:14:18
8 departments have budgets, and they generally get what 10:14:20
9 they need. 10:14:36
10 Funds are allocated based on needs or the -- 10:14:36
11 I'm not sure of the formula, but they recently did 10:14:36
12 that for this school year, and they all seem to be 10:14:40
13 happy with the dollar amounts they received. 10:14:44
14 If there were other needs, they noted it, 10:14:47
15 and we will probably get them at the next allocation. 10:14:51
16 That's held in reserve. 10:14:57
17 BY MS. LHAMON: 10:15:00
18 Q. Is that next allocation for the next school 10:15:00
19 year? Is that sometime during this school year? 10:15:02
20 A. This school year. 10:15:05
21 Q. When does that take place? 10:15:06
22 A. Oh, probably between January and February of 10:15:09
23 2002. 10:15:15
24 Q. And why is that the time frame? 10:15:22
25 I would think, on a traditional calendar 10:15:24

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1 school, that would be because that would be the 10:15:27
2 beginning of the second semester. 10:15:29
3 Is there a reason that January and February 10:15:31
4 is the time frame? 10:15:33
5 A. I don't know their rationale. I just know 10:15:34
6 when they release the funding. 10:15:35
7 Q. And "they" is the district; is that right? 10:15:37
8 A. Yes. 10:15:39
9 Q. Okay. Thanks. 10:15:39
10 I thought of another class. Is there gym 10:15:44
11 equipment for the PE classes? 10:15:46
12 A. Yes. 10:15:46
13 Q. So there's enough balls for all the students 10:15:49
14 in the classes? 10:15:51
15 A. No problem. 10:15:52
16 Q. Okay. Thanks. 10:15:53
17 What do you do to try to recruit teachers to 10:15:54
18 Fremont High School? 10:15:57
19 MR. ROZWOOD: Vague as to "you." Are you 10:16:01
20 referring to Ms. Roland individually or Fremont? 10:16:02
21 BY MS. LHAMON: 10:16:07
22 Q. Why don't we say for all day, if I say 10:16:07
23 "you," I'll be referring to you personally. 10:16:10
24 A. Okay. What we did, we sent fliers to the 10:16:14
25 various colleges and universities. There is a 10:16:17

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1 shortage. 10:16:20
2 We have had the District I arrange for 10:16:22
3 teachers to come from a couple of the universities. 10:16:28
4 I'm not sure. And the principals or assistant 10:16:33
5 principals and the district went to a fair, and I 10:16:36
6 think that day we may have hired from six to seven 10:16:41
7 teachers. 10:16:45
8 District I was given priority in terms of 10:16:49
9 staffing. District I, District G would be our two 10:16:53
10 inner city schools, and Superintendent Romer gave 10:16:59
11 those two districts priority in hiring. So personnel 10:17:04
12 would send us the applicants, the names of the 10:17:08
13 applicants first. 10:17:11
14 So most of the teachers that we got either 10:17:13
15 came from word of mouth, the fair, or from personnel. 10:17:16
16 Q. Okay. You mentioned that there is a 10:17:25
17 shortage. Are you talking about a shortage of 10:17:26
18 teachers? 10:17:29
19 A. Teachers. 10:17:30
20 Q. Is that a shortage of teachers at Fremont 10:17:30
21 High School, or were you referring to something else? 10:17:33
22 A. Nationwide. 10:17:35
23 Q. Okay. Have you talked to other principals 10:17:39
24 about what they do to recruit teachers though their 10:17:40
25 schools? 10:17:43

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1 A. Basically the same as I'm doing. 10:17:44
 2 Q. Okay. You don't know of anything that other 10:17:47
 3 principals are doing that you are not doing? 10:17:49
 4 A. No. 10:17:49
 5 Q. Okay. Do you know if other schools in the 10:17:52
 6 Los Angeles Unified School District have the same 10:17:57
 7 success in recruiting teachers to their schools that 10:17:58
 8 Fremont has? 10:18:01
 9 A. I don't know that. 10:18:03
 10 Q. Okay. Have you heard anybody say anything 10:18:05
 11 about whether they have the same success? 10:18:08
 12 A. I can only speak of District I. 10:18:12
 13 Q. Okay. 10:18:12
 14 A. And basically we are doing the same thing in 10:18:15
 15 the district. All of the principals are basically 10:18:17
 16 doing the same thing that I mentioned that Fremont is 10:18:20
 17 doing. 10:18:23
 18 Q. Is yielding the same results at all the 10:18:23
 19 schools in District I, roughly the same results, to 10:18:27
 20 your knowledge? 10:18:31
 21 A. For some reason we probably have more 10:18:32
 22 success than the others, and it could be that we get 10:18:34
 23 them first in terms of interviews, and we are so 10:18:37
 24 favorable that they don't bother to go to the others. 10:18:40
 25 Q. That's a good interpretation. Okay. 10:18:44

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1 You said you can only speak of District I. 10:18:47
 2 Does that mean you also don't know how other schools 10:18:49
 3 in the state are doing with their success in 10:18:52
 4 recruiting teachers to their schools? 10:18:55
 5 A. No, I don't. 10:18:57
 6 Q. Okay. Are there particular subjects for 10:19:00
 7 which it's more difficult to recruit teachers than 10:19:04
 8 others? 10:19:07
 9 A. Probably math, science. 10:19:08
 10 Q. Why do you say probably math and science? 10:19:09
 11 A. I don't think that you have a lot of math, 10:19:13
 12 science applicants as those who are graduating in the 10:19:17
 13 other subject fields. For whatever reason, that 10:19:22
 14 seems to be the shortage throughout the district. 10:19:24
 15 Q. Okay. There's a larger applicant pool in 10:19:28
 16 the other areas? 10:19:31
 17 A. Right. 10:19:32
 18 Q. I want to talk to you about substitute 10:19:37
 19 teachers. 10:19:40
 20 When a teacher is absent from the school, 10:19:41
 21 how does Fremont go about finding a substitute 10:19:43
 22 teacher to fill that absence? 10:19:46
 23 A. Generally the teacher will call the sub 10:19:48
 24 desk, and they will send from their pool. Unless we 10:19:51
 25 are familiar with the sub, then the teacher will 10:19:57

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1 request that sub, who is a regular, and that's how we 10:20:01
 2 fill them. 10:20:04
 3 Q. Do you know how many regular subs or subs 10:20:06
 4 with whom teachers at Freeman use there are at 10:20:12
 5 Fremont? 10:20:17
 6 A. I would say maybe four to five regs. 10:20:18
 7 Let me also add that teachers who are off 10:20:21
 8 track that want to sub, they will come in in the 10:20:24
 9 mornings to be available just in case. 10:20:27
 10 Q. That's a help. 10:20:37
 11 A. We have quite a few of those. 10:20:37
 12 Q. Those are off-track teachers who are not 10:20:37
 13 already assigned to fill in on a vacancy on the track 10:20:37
 14 that is on track; is that right? 10:20:41
 15 A. Right. 10:20:42
 16 Q. They are looking for a day they can 10:20:42
 17 substitute positions? 10:20:45
 18 A. Yes. 10:20:45
 19 Q. I appreciate your expanding. If there's any 10:20:47
 20 point that you will need to expand on an answer, feel 10:20:50
 21 free to do that because it's very helpful. Thanks. 10:20:54
 22 So there's three sources you identified. 10:20:57
 23 One is a teacher might call the sub desk to say I'm 10:21:00
 24 going to be absent; a teacher might call a regular 10:21:03
 25 sub, one of four or five at the school; and a third 10:21:08

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1 is the school or the teacher at the school might find 10:21:11
 2 an off-track teacher; is that right? 10:21:15
 3 A. Yes. 10:21:17
 4 Q. Finding the off-track teacher available for 10:21:18
 5 the day, is that something a teacher who is going to 10:21:19
 6 be absent would find, the off-track teacher, or is 10:21:23
 7 that something that you or another person 10:21:25
 8 administrator at the school finds, that person? 10:21:27
 9 A. Prior to going off track, they will 10:21:30
 10 generally say "I'm available for subbing," and we 10:21:32
 11 would probably -- I don't handle the sub desk, but 10:21:35
 12 I'm sure Mrs. Hines would probably get a regular 10:21:40
 13 teacher over a sub desk or one of the other 10:21:43
 14 categories I mentioned. 10:21:46
 15 Q. Is the sub desk a desk at Fremont High 10:21:48
 16 School, or is that a district -- 10:21:51
 17 A. It's a district. 10:21:53
 18 Q. So I guess what I would like to understand 10:21:56
 19 is, if I'm a math teacher and I'm going to be absent 10:21:58
 20 from Fremont, it is -- and you call the sub desk, is 10:22:03
 21 there any possibility that, instead of having the 10:22:06
 22 substitute who would be assigned by the district 10:22:09
 23
 24 through that sub desk come to the school, instead an 10:22:11
 25 off-track math teacher would teach the class? 10:22:16

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1 A. Repeat that. 10:22:18

2 Q. If I'm a math teacher at Fremont High School 10:22:19

3 and I'm going to be sick on a given day and I call 10:22:22

4 the sub desk to find a replacement teacher for my 10:22:25

5 classes, is there any possibility that, instead of 10:22:28

6 having the district provide a substitute through the 10:22:31

7 sub desk, that instead an off-track Fremont High 10:22:34

8 School math teacher would teach that class? 10:22:37

9 A. If you call the sub desk, then you are going 10:22:39

10 to get a sub from them. 10:22:41

11 Q. Okay. 10:22:41

12 A. If we know in advance, then we will alert 10:22:43

13 one of our teachers who is interested. 10:22:45

14 Q. Okay. So if I just wake up sick and I am a 10:22:49

15 math teacher, I'm going to get a teacher through the 10:22:51

16 sub desk; is that right? 10:22:55

17 A. Yes. If you don't call the sub desk and we 10:22:56

18 have a teacher who just happened to come by, as I 10:22:58

19 mentioned earlier, we will use that teacher rather 10:23:02

20 than waiting or calling the sub desk to send us a 10:23:06

21 teacher. 10:23:09

22 Q. Okay. 10:23:09

23 A. We use those who are waiting. As I 10:23:10

24 indicated before, we have two or three who are 10:23:12

25 interested, and they come by in the mornings just to 10:23:14

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1 check. 10:23:17

2 Q. They are -- then if no one shows up from the 10:23:18

3 sub desk or if a teacher fails to call the sub desk, 10:23:20

4 then they can fill in? 10:23:25

5 A. That's correct. 10:23:26

6 Q. Is it generally the case that two or three 10:23:28

7 teachers who are off track are enough to fill any 10:23:30

8 vacancies that haven't been filled from a sub desk 10:23:34

9 call? 10:23:39

10 A. That's generally the case. 10:23:39

11 Q. So on most days, for the 2000/2001 school 10:23:41

12 year, there was a substitute or permanent teacher in 10:23:47

13 every class; is that right? 10:23:50

14 A. Yes. 10:23:51

15 Q. Can you think of days when there weren't? 10:23:52

16 A. No. 10:23:52

17 Q. Okay. To your memory, there were no days 10:24:05

18 when there were no substitutes to fill a class, then, 10:24:08

19 during the 2000/2001 school year at Fremont High 10:24:12

20 School? 10:24:18

21 A. I -- I don't remember not having a sub to 10:24:18

22 cover. If we had someone who didn't show for 10:24:24

23 whatever reason, then we would utilize our staff. 10:24:30

24 That means that, each period whatever 10:24:34

25 teacher had a conference period, we would use them if 10:24:37

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1 that did happen. That's pretty standard in every 10:24:40

2 school. 10:24:44

3 Q. And do you remember if that took place 10:24:45

4 during the 2000 to 2001 school year at Fremont High 10:24:47

5 School? 10:24:51

6 A. No, I don't remember because I don't deal 10:24:52

7 with the subs, and I wouldn't know. 10:24:54

8 Q. Do you know if it's taken place so far 10:24:57

9 during the 2001 to 2002 school year? 10:24:58

10 A. I don't believe that it has happened, and 10:25:04

11 I'll just leave it at that. I don't believe -- I 10:25:10

12 don't know for a fact. 10:25:15

13 Q. Okay. 10:25:15

14 A. I probably should end it there, but I'm -- 10:25:17

15 we have -- we started out maybe we have on all three 10:25:20

16 tracks maybe five max unfilled positions. So the 10:25:27

17 teachers are there. I mean that's including all 10:25:30

18 three tracks. Maybe five. 10:25:33

19 Q. Okay. 10:25:37

20 A. That's why I said what -- that's why I 10:25:37

21 answered it the way I did. I'm almost sure, but I'm 10:25:41

22 not positive. 10:25:45

23 Q. That's really helpful to have you clarify. 10:25:46

24 Thank you. 10:25:48

25 A. Okay. 10:25:49

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1 Q. I appreciate it. All day I can only ask you 10:25:50

2 about what you do know. So it's always fair for you 10:25:52

3 to say to me you don't know something. 10:26:04

4 When a teacher will be absent from the 10:26:04

5 school for more than one day, is it Fremont's 10:26:04

6 practice to use a single substitute to fill in for 10:26:06

7 all of the days of the teacher's absence? 10:26:08

8 A. It's not really a Fremont policy because we 10:26:12

9 don't know how long a teacher is going to be out. I 10:26:15

10 mean they don't have to tell us that. They just call 10:26:18

11 the sub desk and the sub will say two days I'm here 10:26:21

12 for, and so -- for two days, three days, and that's 10:26:25

13 how it works. 10:26:29

14 Q. So it's not something that you really can 10:26:32

15 control at Fremont; is that right? 10:26:34

16 A. That's right. 10:26:35

17 Q. Okay. How many teachers have left Fremont 10:26:36

18 High School during the time you have been principal 10:26:45

19 at Fremont? 10:26:46

20 MR. FRIEDMAN: Transferred out? 10:26:49

21 BY MS. LHAMON: 10:26:51

22 Q. Or stopped teaching at Fremont High School 10:26:51

23 is what I mean by "left." 10:26:53

24 A. Oh, let's see. Maybe three, and they 10:26:56

25 transferred to another school. In terms of numbers, 10:27:04

1 I can think of maybe three. 10:27:11
 2 Q. Okay. I'm going to show you a document that 10:27:13
 3 you gave me during the last day of your deposition. 10:27:16
 4 It was Exhibit 13. 10:27:19
 5 Does everybody have their copies? If you 10:27:21
 6 don't, I have extra copies. 10:27:25
 7 Nobody needs a copy? 10:27:29
 8 Mr. Rozwood? 10:27:32
 9 MR. ROZWOOD: I have a copy. 10:27:33
 10 BY MS. LHAMON: 10:27:34
 11 Q. This is what you gave me as Exhibit 13. It 10:27:35
 12 shows -- on the second page of Exhibit 13, it shows a 10:27:38
 13 list of new hires. 10:27:42
 14 Am I correct in assuming that those new 10:27:44
 15 hires needed to be hired because the teachers who had 10:27:47
 16 been in those positions had left the school? 10:27:51
 17 A. Give me a minute to -- 10:27:56
 18 Q. Okay. 10:28:22
 19 A. I can probably address a couple of them. 10:28:22
 20 The other new hires, those vacancies were there 10:28:24
 21 before I arrived. So I wouldn't be able to tell you 10:28:27
 22 if the teachers, prior to these people coming on, 10:28:31
 23 were because of vacancies or teachers leaving. 10:28:34
 24 Q. Okay. I would love to hear your 10:28:40
 25 clarification, but I have a few questions I would 10:28:41

1 like to ask first. 10:28:44
 2 A. Okay. 10:28:45
 3 Q. The top of page 2 says "New Hires for 10:28:46
 4 2001-2." 10:28:50
 5 A. Right. 10:28:52
 6 Q. Does that mean these are teachers that are 10:28:52
 7 newly hired at Fremont for the school year that has 10:28:55
 8 just begun, the 2001/2002 school year? 10:28:58
 9 A. Yes. 10:29:05
 10 Q. Okay. And you said that, except for the 10:29:06
 11 couple that you know about on this list of page 2 of 10:29:10
 12 Exhibit 13, the other vacancies had existed before 10:29:12
 13 you came to the school; is that correct? 10:29:15
 14 A. That's correct. 10:29:17
 15 Q. Does that mean that those vacancies were 10:29:17
 16 vacant for the entire 2000 to 2001 school year 10:29:20
 17 because that's when you were at the school as 10:29:24
 18 principal? 10:29:26
 19 A. I'm not certain. I see a couple of names 10:29:27
 20 that I know came because of vacancies during the time 10:29:31
 21 I was there, but the others I just don't have the 10:29:37
 22 answer to that question. 10:29:40
 23 Q. Okay. Why don't we do it that way then. 10:29:42
 24 Tell me, please, the positions that came 10:29:46
 25 because of vacancies or the teachers who came because 10:29:49

1 of vacancies while you were there. 10:29:52
 2 A. Candice Waters at the bottom for English. 10:29:57
 3 Let's see. Marilyn Perron for biology and Gayle 10:30:13
 4 Murray, English. 10:30:25
 5 Q. Those are the only ones you remember? 10:30:36
 6 A. Right. 10:30:38
 7 Q. For those three positions, the two English 10:30:44
 8 positions and the biology position, those are 10:30:48
 9 positions that you knew were vacant during the 2000 10:30:50
 10 to 2001 school year? 10:30:53
 11 MR. ROZWOOD: Objection. Mischaracterizes 10:30:55
 12 the witness's testimony. 10:30:57
 13 MR. FRIEDMAN: I think you referred to the 10:30:59
 14 wrong year. 10:31:00
 15 BY MS. LHAMON: 10:31:01
 16 Q. 2000 to 2001 school year. 10:31:01
 17 MR. FRIEDMAN: You said 2002 -- 10:31:09
 18 MS. LHAMON: That's what I meant. 10:31:11
 19 THE WITNESS: These were positions that were 10:31:12
 20 in place when I arrived and the teachers left. Those 10:31:14
 21 three. The others, as I said before, I'm not sure. 10:31:17
 22 BY MS. LHAMON: 10:31:23
 23 Q. Okay. 10:31:23
 24 A. I can only identify these three people 10:31:24
 25 coming in because of current staff left. 10:31:26

1 Q. I see. 10:31:28
 2 So the three positions you've identified -- 10:31:30
 3 Gayle Murray's position, Marilyn Perron's position, 10:31:33
 4 and Candice Waters's position -- are the three 10:31:36
 5 positions you know -- are the three teacher turnovers 10:31:38
 6 that you know about -- 10:31:42
 7 A. Yes. 10:31:42
 8 Q. -- during your time at Fremont High School? 10:31:43
 9 A. Yes. 10:31:43
 10 Q. Looking at page 2 of Exhibit 13, can you 10:32:01
 11 identify any teaching positions that you know to have 10:32:05
 12 been vacant during the 2000 to 2001 school year 10:32:10
 13 listed on this page? 10:32:16
 14 A. I'm assuming all of the others were vacant. 10:32:18
 15 Q. Okay. Thanks. 10:32:24
 16 I'm going to stick with Exhibit 13 for a 10:32:34
 17 little while. 10:32:37
 18 Does every class at Fremont High School now 10:32:38
 19 have a permanent teacher hired for that class? 10:32:43
 20 A. When you say "permanent," what do you mean? 10:32:52
 21 Q. I mean a teacher who is assigned to that 10:32:52
 22 class for the duration of the school year. So 10:32:53
 23 there's not a teacher vacancy for that position. 10:32:57
 24 A. For this school year? 10:33:00
 25 Q. I mean the 2001/2002 school year. 10:33:01

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1 A. No. I think I mentioned a few minutes ago 10:33:04
 2 we probably had about five openings, unfilled 10:33:07
 3 positions. So we don't have permanent teachers for 10:33:11
 4 those classes as of today. 10:33:14
 5 Q. So there's -- I wasn't sure, when you said 10:33:16
 6 it earlier, you meant there were five and those five 10:33:18
 7 were now filled or they remain unfilled. 10:33:23
 8 A. Remain unfilled. 10:33:28
 9 Q. Are those five on the B and C tracks? 10:33:29
 10 A. I wouldn't be able to tell you. I just know 10:33:31
 11 the numbers, and -- 10:33:35
 12 Q. Okay. And the total number -- 10:33:37
 13 A. -- in terms of what track, I don't know. 10:33:38
 14 Q. I'm sorry. I didn't mean to interrupt you. 10:33:40
 15 The total number refers to all three tracks 10:33:43
 16 at the school, and you are not sure which tracks they 10:33:46
 17 are on? 10:33:48
 18 A. That's correct. 10:33:49
 19 Q. Do you know if there are any classes that 10:33:50
 20 are currently in session -- so on the B and C track 10:33:53
 21 at Fremont High School -- that don't have permanent 10:33:55
 22 teachers assigned to them? 10:33:57
 23 A. No, I don't know the answer to that. 10:34:01
 24 Q. Okay. Can you look at page 1 of Exhibit 13. 10:34:09
 25 A. (Complies.) 10:34:09

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1 Q. At the top of that page, it says "Positions 10:34:14
 2 Currently Interviewing." It's dated June 20, 2001. 10:34:18
 3 Do you know if any of these positions have been 10:34:22
 4 filled? 10:34:24
 5 A. I know that we don't have any math openings, 10:34:29
 6 the Kennedy PE has been filled. Life Skills has been 10:34:45
 7 filled. Maybe I -- it would be better if I tell you 10:35:09
 8 what we have open. 10:35:22
 9 Q. Okay. Okay. 10:35:24
 10 A. We have the Special Ed Science, we have the 10:35:25
 11 Instrumental Music, I want to say we have three PE. 10:35:33
 12 We had someone else who resigned. So we had a total 10:35:52
 13 of three PE's, Special Ed Science, Instrumental 10:35:54
 14 Music, and one other Special Ed. It could be the 10:36:01
 15 Special Ed English Social Studies. 10:36:08
 16 The others have been filled. 10:36:16
 17 Q. Okay. So that I understand, the open 10:36:20
 18 positions that you know about right now at Fremont 10:36:22
 19 High School are the Special Ed Science position, an 10:36:25
 20 Instrumental Music position, three PE positions, and 10:36:27
 21 one other Special Education position; is that right? 10:36:31
 22 A. Yes. 10:36:35
 23 Q. Okay. I want to step back for a second and 10:36:35
 24 ask if you know who prepared this document that we 10:36:41
 25 are looking at that is Exhibit 13. 10:36:45

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1 A. Who prepared it? 10:36:48
 2 Q. Yes. 10:36:49
 3 A. Marcie Hines. 10:36:50
 4 Q. And she prepared -- do you know what purpose 10:36:51
 5 she prepared it for? 10:36:53
 6 A. Because I asked for her to give me a daily 10:36:55
 7 list of the hires and the openings. So she gives it 10:36:57
 8 to me daily. 10:37:00
 9 Q. Oh, okay. 10:37:02
 10 Do you have a more up-to-date one? That 10:37:03
 11 would have been helpful if I asked for it. Okay. 10:37:06
 12 Thanks. 10:37:10
 13 Is it correct that the open Special Ed 10:37:10
 14 Science position is the B track position that's 10:37:13
 15 listed on this page? 10:37:16
 16 A. If she has it, I can assume that it is 10:37:17
 17 correct. 10:37:19
 18 Q. Okay. This page is dated June 20th, 2001, 10:37:20
 19 and then you told me that you know -- 10:37:23
 20 A. Yes, it is. 10:37:25
 21 Q. -- there are some open positions. 10:37:26
 22 A. I didn't know the track. I did know that 10:37:28
 23 Special Ed Science is open. 10:37:31
 24 Q. It's not helpful for me to ask you because 10:37:33
 25 you don't know the tracks. 10:37:35

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1 A. Right. 10:37:36
 2 Q. Okay. Do you see on page 1 of Exhibit 13 in 10:37:42
 3 the column that's listed "Comments," for the Life 10:37:46
 4 Skills position that had been open on track B, it 10:37:49
 5 said that the position is available in August. 10:37:54
 6 Do you see that? 10:37:56
 7 A. Yes. 10:37:56
 8 Q. Do you know why that position became 10:37:58
 9 available in August? 10:38:00
 10 A. The teacher is resigning and going back to 10:38:01
 11 school. 10:38:04
 12 Q. Okay. But track B began in July; is that 10:38:06
 13 right? 10:38:10
 14 A. Right. 10:38:10
 15 Q. Did that teacher stay for the first month of 10:38:10
 16 the 2001/20012 school year and then leave? 10:38:13
 17 A. Yes, she will stay until the end of August. 10:38:18
 18 Q. So the students will have a second teacher 10:38:21
 19 assigned to them after that point? 10:38:23
 20 A. Yes. 10:38:23
 21 Q. Do you know why the school has made a 10:38:25
 22 decision to start the school year with one teacher 10:38:26
 23 and complete it with another for that class? 10:38:29
 24 A. It was better to have her to continue -- she 10:38:33
 25 had gone off track -- and to start the year out with 10:38:37

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1 the permanent teacher while we looked for another. 10:38:40
 2 Q. Okay. 10:38:57
 3 A. She had the opportunity to resign at any 10:38:57
 4 point so long as she gave us a week notice, one week. 10:39:00
 5 Q. But it sounds like she gave you more than a 10:39:05
 6 week's notice. 10:39:07
 7 A. Yes, I was just stating the policy with the 10:39:08
 8 district. 10:39:19
 9 Q. Okay. Could you look at page 2 of 10:39:19
 10 Exhibit 13. 10:39:19
 11 A. (Complies.) 10:39:19
 12 Q. In the "Comments" section next to the 10:39:22
 13 William Johnson English position on track B, it says 10:39:25
 14 "Starting in August" -- or "in Aug." 10:39:29
 15 Do you see that? 10:39:35
 16 A. Yes. 10:39:35
 17 Q. Do you know why Mr. Johnson is starting in 10:39:36
 18 August on track B? 10:39:40
 19 A. No, I don't know why. 10:39:44
 20 Q. Okay. Do you see in the "Comments" section 10:39:47
 21 on page 2 of Exhibit 13 next to the Abby Hazelrigg 10:39:49
 22 Math and the Tina Petersen English position, it says 10:39:56
 23 "beginning as sub" as the teacher position? 10:40:01
 24 A. Yes. 10:40:01
 25 Q. Do you know why those two teachers were 10:40:04

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1 beginning as sub? 10:40:06
 2 A. No, I don't. 10:40:07
 3 Q. Do you know if they began as substitutes? 10:40:08
 4 A. No, I don't. 10:40:11
 5 Q. Go back to page 1 of Exhibit 13. 10:40:19
 6 Do you see in the "Comments" section next to 10:40:21
 7 Special Ed Science on track B, it says -- 10:40:23
 8 We are on page 1. 10:40:26
 9 On page 1 of Exhibit 13, it says "Denkins 10:40:28
 10 sub." 10:40:31
 11 A. Yes. 10:40:31
 12 Q. Do you know what that means? 10:40:32
 13 A. Yes. 10:40:32
 14 Q. Could you tell me. 10:40:35
 15 A. She is originally on track A, and she is one 10:40:37
 16 of the teachers who is off track who wanted to work. 10:40:40
 17 Q. And "she" is Ms. Denkins? 10:40:45
 18 A. Yes. 10:40:45
 19 Q. Will she -- will Ms. Denkins continue to 10:40:50
 20 substitute for the Special Ed Science class? 10:40:55
 21 A. She is a regular teacher. The department 10:40:58
 22 chair for special ed. 10:41:00
 23 Q. What track does she teach on? 10:41:02
 24 A. A track. 10:41:04
 25 Q. When A track comes back on track, who will 10:41:04

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1 teach the Special Ed Science class that she is 10:41:07
 2 substituting in? 10:41:11
 3 A. Hopefully we will hire a teacher by then. 10:41:12
 4 If not, maybe one of the teachers from the track 10:41:15
 5 that's going off will want to continue with it. 10:41:20
 6 Q. Okay. So the comment that says "Denkins 10:41:23
 7 sub" means that you have an off-track teacher named 10:41:26
 8 Ms. Denkins who will be substituting in that class 10:41:29
 9 while there's a vacancy; is that right? 10:41:33
 10 A. Yes. 10:41:35
 11 Q. Thanks. 10:41:36
 12 For the other vacancies that you listed -- 10:41:38
 13 the Instrumental Music vacancy, the three PE 10:41:41
 14 vacancies, and the one other Special Education 10:41:43
 15 vacancy -- do you know if there are off-track 10:41:47
 16 teachers teaching any of those classes during the 10:41:49
 17 vacant period? 10:41:52
 18 A. I don't know who's filling them. 10:41:53
 19 Q. Okay. 10:41:54
 20 MR. ROZWOOD: Objection. Assumes facts not 10:42:00
 21 in evidence. There's been no testimony those classes 10:42:01
 22 are currently on track. 10:42:05
 23 MS. LHAMON: That's correct. Let me clarify 10:42:07
 24 my question. 10:42:08
 25 Q. I meant to ask whether you know who was 10:42:09

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1 filling the position during the vacant period, 10:42:11
 2 whether it has started or not. 10:42:13
 3 So for the B and C track classes, if you 10:42:15
 4 know who is filling it now for the A track classes -- 10:42:19
 5 if you know who will be filling it. 10:42:21
 6 A. I know the PE we have off-track PE teachers 10:42:24
 7 filling those positions, PE positions. I'm not 10:42:28
 8 certain about the others. 10:42:31
 9 Q. Okay. And the PE positions, are all three 10:42:35
 10 of them on track now, the unfilled PE positions? 10:42:39
 11 A. No. I think two are. 10:42:43
 12 Q. Okay. You testified on your first day that 10:42:54
 13 there were about 15 classes during the 2000 to 2001 10:42:57
 14 that began the semester or beginning of the year 10:43:02
 15 without permanent teachers assigned to those classes. 10:43:05
 16 In what subjects were those teacher 10:43:09
 17 vacancies? 10:43:11
 18 A. At this point, I couldn't tell you, but I 10:43:16
 19 would think, looking at document 13 here, those 10:43:20
 20 openings would probably tell you what they were -- 10:43:25
 21 Q. Okay. 10:43:30
 22 A. -- the openings that we had subjectwise. I 10:43:30
 23 personally won't be able to tell you unless I had the 10:43:33
 24 records. 10:43:37
 25 Q. Okay. Thanks. 10:43:38

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1 Do you know how long those classes -- those 10:43:48
2 15 classes went without a permanent teacher during 10:43:53
3 the 2000 to 2001 school year? 10:43:57
4 A. It would vary on the subject. 10:44:00
5 Q. For any of the subjects, do you know the 10:44:01
6 specifics or an approximation? 10:44:03
7 MR. FRIEDMAN: Were you inquiring about 15 10:44:06
8 classes in the school year? 10:44:08
9 MS. LHAMON: Yes. 10:44:14
10 MR. FRIEDMAN: I'm going to make an 10:44:15
11 objection -- and maybe Margaret can clarify -- 10:44:16
12 assumes facts not in evidence. 10:44:20
13 I see 15 names approximately, I guess. My 10:44:22
14 curiosity would be if there have been additional 10:44:26
15 classes added to the '01/'02 school year. 10:44:29
16 MS. LHAMON: I think that's entirely 10:44:34
17 possible. I am referring to Ms. Roland's testimony 10:44:35
18 on the first day when she said she believed there 10:44:38
19 were 15 school vacancies when the school began. I'm 10:44:41
20 not going by that list. 10:44:44
21 Q. I'm asking you to clarify that testimony. 10:44:46
22 You are welcome to look at the list, but my question 10:44:49
23 refers to your first day of testimony. 10:44:52
24 A. Then you will need to repeat your question, 10:44:55
25 then. 10:44:57

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1 Q. Do you know how long any of the 15 vacancies 10:44:58
2 remained unfilled during the 2000 to 2001 school 10:45:01
3 year? An approximation is fine. 10:45:06
4 A. I don't know. I think they would vary in 10:45:09
5 terms of hiring, and to say which ones were never 10:45:13
6 filled, I think we would have to go back again to the 10:45:26
7 document, those that are still open -- 10:45:26
8 Q. Sure. 10:45:26
9 A. -- and that's the best answer I can give 10:45:27
10 you. 10:45:28
11 Q. And that's fine. 10:45:29
12 I'm trying to find out if you have any 10:45:31
13 specific memory of any of those 15 classes. Does it 10:45:33
14 stand out in your mind that an English class got a 10:45:37
15 teacher after the first week of the vacancy, or does 10:45:41
16 it stand out in your mind that a science never got a 10:45:44
17 teacher during the 2000 to 2001 school year, and so 10:45:47
18 can you tell me about it? 10:45:51
19 A. Again, I know that the positions -- many of 10:45:53
20 them -- were filled, but to be able to tell you which 10:45:55
21 ones, I can't. 10:45:59
22 Q. Okay. Thank you. 10:46:02
23 Why does it happen that a school year or 10:46:09
24 semester begins without a permanent teacher hired for 10:46:12
25 a teacher position at the school? 10:46:17

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1 A. I didn't get the first part of that 10:46:19
2 question. 10:46:21
3 Q. I was asking why it happens that a school 10:46:21
4 year or a semester begins without a teacher hired for 10:46:24
5 a teacher position at the school. 10:46:27
6 A. The only reason I can think of would be that 10:46:31
7 you didn't have any available or who did not make it 10:46:38
8 through the interview process. 10:46:44
9 Q. Okay. Do you receive complaints from anyone 10:46:47
10 concerning teacher vacancies during a school year? 10:46:56
11 A. No, I haven't. 10:47:00
12 Q. You haven't received any complaints from 10:47:02
13 students about not having a teacher? 10:47:04
14 A. No. 10:47:06
15 Are you speaking of this school year? 10:47:07
16 Q. I'm speaking of your time at Fremont High 10:47:10
17 School. So last school year and this school year. 10:47:12
18 A. I don't think I have. 10:47:17
19 Q. You can't remember any? 10:47:19
20 A. Right. 10:47:20
21 Q. How does it impact the students' education 10:47:25
22 to take a class in which the student does not have a 10:47:28
23 permanent teacher assigned to that class? 10:47:32
24 A. I don't think that they would receive the 10:47:40
25 same quality in terms of materials that need to be 10:47:42

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1 covered as they would if they had a permanent 10:47:50
2 teacher. 10:47:54
3 I think that it probably affects the grade 10:47:57
4 that they receive in the class if they have two or 10:48:04
5 three different teachers. 10:48:09
6 If you have permanent teachers who are 10:48:14
7 filling in in that particular subject, I think that 10:48:17
8 they would probably receive the same quality of 10:48:25
9 education as the other students with permanent 10:48:31
10 teachers would have. 10:48:36
11 Again, that's providing you use the 10:48:40
12 permanent teachers that are already on staff, and 10:48:42
13 often that is the case because they want the extra 10:48:47
14 money and they are willing to work. 10:48:50
15 Q. And you said that it would affect the 10:48:54
16 students' grade to have two or three different 10:48:57
17 teachers. 10:49:00
18 How would it affect the grade? 10:49:01
19 A. In terms of trying to compute what was done 10:49:02
20 the first five weeks with a different person, it does 10:49:06
21 affect the grade. 10:49:10
22 Q. Does Fremont ever receive any assistance 10:49:20
23 from anyone at the State to fill teacher vacancies? 10:49:22
24 MR. ROZWOOD: Objection to the term "at the 10:49:28
25 State." 10:49:30

1 THE WITNESS: I mentioned earlier that most 10:49:31
 2 of our teachers are coming through personnel in terms 10:49:34
 3 of filling vacancies. That's where we go. Unless, 10:49:38
 4 again, we go to the colleges and universities and 10:49:42
 5 recruit, that's the process. 10:49:45
 6 BY MS. LHAMON: 10:49:47
 7 Q. So the personnel is personnel at the 10:49:47
 8 district; is that right? 10:49:49
 9 A. That's correct. 10:49:50
 10 Q. And I'm asking if there's anyone at the 10:49:51
 11 State level -- so from the Department of Education or 10:49:54
 12 the State Board of Education and the State 10:49:57
 13 Superintendent of Public Instruction or anyone else 10:50:02
 14 at the State level -- who provides assistance to 10:50:03
 15 Fremont in filling teacher vacancies. 10:50:05
 16 MR. ROZWOOD: Objection. Compound. 10:50:09
 17 THE WITNESS: I'm not knowledgeable of that. 10:50:10
 18 If they do, I'm not aware of it. 10:50:12
 19 BY MS. LHAMON: 10:50:14
 20 Q. Does Fremont report the number of vacant 10:50:18
 21 teacher positions to anyone at the State level? 10:50:21
 22 A. We make our reports to the district, and 10:50:26
 23 what they send out, I don't know. 10:50:29
 24 Q. Is that report part of the CBEDS, C-B-E-D-S, 10:50:32
 25 data? 10:50:40

1 A. It could be. I'm not certain. 10:50:42
 2 Q. Okay. Does Fremont keep a list of the 10:50:50
 3 credentials that Fremont teachers have? 10:50:51
 4 A. The school itself does not. 10:50:54
 5 Q. Do you report the credentials to the 10:50:56
 6 district? 10:50:58
 7 A. We don't have anything to do with the 10:50:59
 8 credentials. The credentialing process, prior to 10:51:02
 9 them coming to us, that is taken care of through the 10:51:04
 10 district. 10:51:09
 11 Q. So you don't have any information at Fremont 10:51:10
 12 itself about what credentials Fremont teachers do or 10:51:11
 13 do not have? 10:51:15
 14 A. No. 10:51:15
 15 Q. And does anyone at Fremont have any of that 10:51:17
 16 information? 10:51:21
 17 A. We don't get that information. 10:51:21
 18 Q. Do you know how many teachers at Fremont 10:51:28
 19 have full nonemergency teaching credentials? 10:51:31
 20 A. I don't know the number. We do get a list 10:51:35
 21 of teachers who will be evaluated, and that tells us 10:51:37
 22 that they are not fully credentialed because their 10:51:42
 23 evaluation form is a little different from your 10:51:47
 24 tenured teachers. 10:51:50
 25 In terms of what type of credential they 10:51:52

1 have, I don't know. 10:52:03
 2 Q. Okay. Do you know how many people are on 10:52:03
 3 that list who need to be evaluated because they don't 10:52:03
 4 have -- they have not completed their credentials? 10:52:03
 5 MR. ROZWOOD: Objection. Mischaracterizes 10:52:05
 6 the testimony. 10:52:06
 7 THE WITNESS: I don't know the number. 10:52:07
 8 BY MS. LHAMON: 10:52:09
 9 Q. Do you have an approximation? 10:52:09
 10 A. Looking at all three tracks, I would 10:52:22
 11 probably say 25 to 30. 10:52:25
 12 Q. Okay. Do you know how many teachers in the 10:52:37
 13 math department lack full nonemergency teaching 10:52:38
 14 credentials? 10:52:42
 15 A. No, I don't. 10:52:43
 16 MR. FRIEDMAN: I'm sorry. What was the 10:52:45
 17 question again? 10:52:46
 18 MS. LHAMON: "Do you know how many teachers 10:52:47
 19 in the math department lack full nonemergency 10:52:48
 20 teaching credentials?" 10:52:51
 21 Q. Do you know how many total teachers the math 10:52:53
 22 department has? 10:52:56
 23 A. No. 10:52:56
 24 Q. Okay. Do you know how many Algebra teachers 10:52:58
 25 teach at Fremont? 10:53:01

1 A. No. 10:53:01
 2 Q. We have been going for about an hour. Do 10:53:10
 3 you want to take a break now or keep going? 10:53:12
 4 A. I would like to continue. 10:53:14
 5 Q. I would too. 10:53:16
 6 What are the current facilities improvement 10:53:18
 7 needs at Fremont? 10:53:21
 8 A. I'm pausing because I'm thinking. 10:53:37
 9 Q. That's helpful. Thanks. 10:53:40
 10 A. I can't recall anything major. We have 10:53:49
 11 needs, but they are working on them. We are trying 10:53:59
 12 to get computers in every room and, of course, 10:54:02
 13 convert rooms for computer rooms. We need more space 10:54:11
 14 in terms of the facility to create more classes. 10:54:16
 15 In terms of needs for the school facilities, 10:54:37
 16 the only thing I can think of as major would be 10:54:41
 17 space. 10:54:45
 18 Q. Okay. There's no roofing needs? 10:54:50
 19 A. No, we don't have any problems with roofing. 10:54:53
 20 Q. How about the ceiling tiles? 10:54:57
 21 A. If you walked on the campus now, you would 10:55:01
 22 think they were all falling out because we are being 10:55:04
 23 wired for the digital high school and the E-Rate 10:55:06
 24 project. So they are all over. 10:55:10
 25 You would think that we were getting new 10:55:13

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1 ceilings, but that's the way it looks at this time, 10:55:15
2 but it's for improvement purposes. 10:55:19
3 Q. How long has it looked like that? 10:55:24
4 A. I can say maybe six or seven months, and 10:55:28
5 working with the district and contractors, it -- you 10:55:31
6 know, you never know when. 10:55:39
7 Q. And -- 10:55:41
8 A. We have gotten -- we have been told that 10:55:42
9 possibly the end of September they will have 10:55:44
10 completed this project, but again, we have gotten 10:55:47
11 dates before. So I'm not certain, but I think it's 10:55:52
12 livable, and because of what they are doing, we can 10:55:56
13 live with it, thinking of the end product. 10:55:59
14 Q. And the end product will be? 10:56:03
15 A. We will have computers in every classroom 10:56:05
16 and able to access Internet and probably other things 10:56:08
17 that I'm not aware of. 10:56:15
18 Everyone is excited. So I know it's a 10:56:16
19 positive thing for the teachers and the students. 10:56:19
20 Q. Sure. 10:56:22
21 When you say that you need more space to 10:56:25
22 create more classes, is anything being done to create 10:56:27
23 more space on campus? 10:56:33
24
25 A. No, because we don't have the space. That 10:56:36

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1 was just a wish. That's why we are a capped school, 10:56:38
2 and we send kids out because of space. We bus kids 10:56:43
3 out. 10:56:47
4 Q. Is there enough space on campus now for the 10:56:52
5 students who are not bused away from Fremont High 10:56:57
6 School? So for the students who actually attend 10:57:00
7 Fremont High School. 10:57:02
8 A. No. With A in track -- excuse me. With B 10:57:04
9 and C track on, we capped capacity for those two 10:57:09
10 tracks on last Friday. So we had to send maybe about 10:57:15
11 23 students out. Probably more with A track when 10:57:20
12 they come on. 10:57:27
13 Q. You will have to -- you estimate you will 10:57:30
14 have to send more on A track -- 10:57:31
15 A. It's a larger track. 10:57:35
16 Q. Is it -- do you know how much larger A track 10:57:36
17 is than the B and C tracks? 10:57:39
18 A. Oh, I would think maybe a couple of hundred. 10:57:42
19 Q. And you said that you capped last Friday and 10:57:51
20 had to send about 23 students out. Were those 10:57:53
21 students who had, up until last Friday, been 10:57:57
22 attending Fremont High School? 10:57:59
23 A. Some had; some had not. 10:58:01
24 Q. And what accounts for the difference? 10:58:05
25 A. Some enrolled late or don't start the first 10:58:08

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1 week or two, and if they don't get in to re-enroll, 10:58:12
2 we have no idea if they are going to be a show or 10:58:15
3 no-show. So we fill those spots. 10:58:18
4 Q. Are all the students -- all 23 of the 10:58:21
5 students who had to be -- or approximately 23 10:58:24
6 students who had to be bused away after last Friday, 10:58:28
7 were they all ninth-graders? 10:58:31
8 A. The grade level varies. Depends on who is 10:58:34
9 coming in to enroll at that time. 10:58:40
10 Q. Okay. Is the decision whom to bus away 10:58:47
11 made -- well, will you tell me how the decision is 10:58:53
12 made whom to bus away from the school. 10:58:57
13 A. The late enrollees. The decision is made. 10:59:02
14 If you aren't there the first week or two when the 10:59:06
15 classes are -- we are at the number that they have 10:59:08
16 given us before we capped, then you are bused. So 10:59:12
17 the decision is based primarily on when you enroll. 10:59:25
18 Q. Are there any students who enroll on time 10:59:25
19 but nonetheless are bused away from campus? 10:59:28
20 A. No. 10:59:28
21 Q. And that would be true for the A track as 10:59:32
22 well? 10:59:34
23 A. Yes. 10:59:34
24 Q. How do you know it will be true for the A 10:59:41
25 track when the A track hasn't yet started? 10:59:43

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1 A. It would be true in terms of busing. If A 10:59:46
2 track caps and we still have students, which we 10:59:51
3 will -- a lot of people will hold out for A track, 10:59:54
4 especially the new people coming in. The only 10:59:57
5 exception to the rule is that we try to keep siblings 11:00:00
6 together. Those who are coming in on A track from 11:00:05
7 the surrounding junior high schools we would want 11:00:09
8 them to be on A at Fremont because the siblings that 11:00:13
9 are there. 11:00:26
10 Q. I want to make sure I understand how 11:00:26
11 decisions are made. 11:00:29
12 The CAP for the school -- the capacity for 11:00:30
13 the school, does that number take into account a 11:00:32
14 number of projection for the A track students for 11:00:36
15 whom the school can accommodate? 11:00:40
16 A. Yes. What the district does each year is 11:00:42
17 there's a section in the district that's called 11:00:44
18 school utilization, and they know -- they come to the 11:00:47
19 campuses, and they know the space, they know the 11:00:51
20 number of rooms, and they determine our enrollment 11:00:53
21 based on space. So in advance, we know the number of 11:00:58
22 students we can take per track. 11:01:02
23 Q. So there's a number of A track students whom 11:01:08
24 you know in advance -- 11:01:11
25 A. Right. 11:01:13

1 Q. -- the school can accommodate? 11:01:13
 2 A. Right. 11:01:15
 3 Q. Does that number correspond with the number 11:01:18
 4 of A track students you have? 11:01:22
 5 A. Plus the incoming students we will receive 11:01:29
 6 this year. 11:01:32
 7 Q. Right. 11:01:32
 8 A. Yes. 11:01:32
 9 Q. And you told me that the A track is a larger 11:01:35
 10 track than the B and C tracks? 11:01:38
 11 A. Yes. 11:01:38
 12 Q. Does the school CAP estimate that the A 11:01:44
 13 track will be larger? 11:01:49
 14 A. Yes. 11:01:49
 15 Q. Last year when the decision was made for 11:01:53
 16 which A track students to bus away from the school, 11:01:57
 17 none of the students who had enrolled on time had to 11:02:00
 18 be bused away; is that correct? 11:02:03
 19 A. That's correct. 11:02:05
 20 Q. And you assume the same thing will happen 11:02:05
 21 this year for the 2001 to 2002 school year? 11:02:08
 22 A. Yes. 11:02:08
 23 Q. Is there a way to ensure that that happens? 11:02:13
 24 A. That they are bused away? 11:02:15
 25 Q. That none of the students who enroll on time 11:02:17

1 will be bused away. 11:02:19
 2 A. I'm sure of that. 11:02:20
 3 Q. How are you sure of that? 11:02:22
 4 A. Well, we get a daily report from the 11:02:28
 5 teachers in order to know those students who are 11:02:30
 6 no-shows, who have not enrolled, and then those who 11:02:32
 7 are actually E'd in, the body has actually shown. 11:02:36
 8 When we get to that number, we know that is the 11:02:41
 9 cutoff. We alert parents when they come in we have 11:02:44
 10 no space and your child will be a part of the busing 11:02:50
 11 program. 11:02:56
 12 Q. Okay. Do you know how many students are 11:02:56
 13 bused away from Fremont during the -- strike that. 11:02:59
 14 Do you know how many students were bused 11:03:03
 15 away from Fremont during the 2000 to 2001 school 11:03:05
 16 year? 11:03:09
 17 A. I don't know the number, but I can say that 11:03:10
 18 we don't have a lot of students being bused because 11:03:11
 19 we only had one school and normally they probably 11:03:15
 20 wouldn't have over 50 spaces available. So I would 11:03:22
 21 say we had probably less than 50 students to be 11:03:25
 22 bused. 11:03:30
 23 Q. You said you only had one school -- only one 11:03:31
 24 school to which they were bused. 11:03:34
 25 A. We didn't need a second school. 11:03:36

1 MR. ROZWOOD: Did not need a second school? 11:03:38
 2 THE WITNESS: We did not need a second 11:03:40
 3 school. 11:03:41
 4 BY MS. LHAMON: 11:03:42
 5 Q. What was the school to which the students 11:03:42
 6 were bused in -- 11:03:45
 7 A. Canoga Park. 11:03:46
 8 Q. -- 2000 to 2001? 11:03:48
 9 Is that the same school to which students 11:03:51
 10 were bused this year? 11:03:53
 11 A. That's correct. Let me change that. 11:03:54
 12 So far we have not -- it could be Franklin 11:03:57
 13 is one of the designated schools. Let me say that. 11:04:02
 14 So with B and C track, we bused the students to 11:04:04
 15 Franklin. We don't determine the school. The 11:04:10
 16 district tells us the school that will be available 11:04:12
 17 for our students. 11:04:16
 18 So in terms of Canoga this year, I want to 11:04:17
 19 say I'm not sure. It would be based on needs. Right 11:04:21
 20 now it's Franklin High School. 11:04:23
 21 Q. The 23 students who have had to be bused so 11:04:28
 22 far this school year have gone to Franklin High 11:04:31
 23 School, then; is that right? 11:04:33
 24 A. That's correct. 11:04:34
 25 Q. Where is Franklin High School? 11:04:35

1 A. I wish I could give that you information, 11:04:38
 2 but I can't. 11:04:41
 3 Q. But it's in Los Angeles Unified School 11:04:42
 4 District? 11:04:42
 5 A. It's in -- 11:04:46
 6 MR. FRIEDMAN: I'm sorry. Which school are 11:04:47
 7 we referring to now? 11:04:48
 8 MS. LHAMON: Franklin High School. 11:04:49
 9 MR. FRIEDMAN: I think Franklin is 11:04:52
 10 Huntington Park. 11:04:53
 11 MS. LHAMON: Good thing we have your counsel 11:04:56
 12 here. 11:04:57
 13 MR. FRIEDMAN: I am not sure about that. 11:04:58
 14 BY MS. LHAMON: 11:04:58
 15 Q. Do you know where Canoga Park High School 11:04:59
 16 is? 11:05:02
 17 A. In Canoga Park. That one I know. 11:05:03
 18 Q. So far this year, you only needed one 11:05:11
 19 receiver school at which to bus students from Fremont 11:05:22
 20 High School; is that right? 11:05:22
 21 A. That's right. 11:05:22
 22 Q. Do you know what the distance is between 11:05:22
 23 Canoga Park High School and Fremont High School? 11:05:23
 24 A. No, I have no idea. 11:05:28
 25 Q. You don't have an estimate either? 11:05:29

1 A. I'm trying to think when I worked in the 11:05:35
 2 Valley area, it was probably -- in Sepulveda it was 11:05:38
 3 probably from Fremont, I would think, 24 miles. 11:05:43
 4 Q. Do you know how far Franklin High School is? 11:05:51
 5 A. No, I didn't know where Franklin was 11:05:53
 6 located. 11:05:55
 7 Q. Okay. I'll ask your counsel later. 11:06:01
 8 Do you know if Canoga Park High School is 11:06:03
 9 also a multitrack year-round school? 11:06:05
 10 A. They send our students to multitrack 11:06:08
 11 schools. 11:06:11
 12 Q. So any -- 11:06:12
 13 A. So we wouldn't send them to traditional 11:06:13
 14 because we are year-round. 11:06:16
 15 Q. And that's a decision that the district has 11:06:18
 16 made? 11:06:21
 17 A. Yes. There are a few exceptions. 11:06:23
 18 If you have -- the only ones you could 11:06:25
 19 probably send to a traditional would be a student on 11:06:29
 20 A track. The others you could not because of the 11:06:33
 21 beginning and ending of the various tracks. So there 11:06:36
 22 are times when we will send students to a traditional 11:06:42
 23 school within our district. 11:06:45
 24 Q. Is that a decision that the school gets to 11:06:52
 25 make, or is that a decision that the district makes? 11:06:54

1 A. The district. 11:06:57
 2 Q. When we say "district" in that sentence, are 11:06:58
 3 we referring to the District I -- 11:07:01
 4 A. District I. 11:07:04
 5 Q. -- do you know? 11:07:05
 6 A. Let me retract. It's a district policy that 11:07:06
 7 they would accept -- not just District I, the big 11:07:09
 8 district. 11:07:14
 9 Q. Okay. Thanks. 11:07:16
 10 Do you know why Fremont students who need to 11:07:16
 11 be bused away from campus are not bused to other 11:07:19
 12 schools in District I? 11:07:22
 13 A. Well, we are the only year-round school in 11:07:24
 14 District I. So we would have to bus to another 11:07:26
 15 district. 11:07:30
 16 Q. Okay. 11:07:32
 17 A. I would say high school. The only 11:07:32
 18 year-round high school. 11:07:35
 19 Q. Thanks for clarifying. 11:07:36
 20 And the A track students could be bused to 11:07:39
 21 another school in District I, but they aren't; is 11:07:42
 22 that right? 11:07:47
 23 A. We would like -- we try to send them to a 11:07:51
 24 year-round school, and that's what the district 11:07:54
 25 provides buses for, the year-round school, not to the 11:07:57

1 neighborhood schools. 11:08:00
 2 Q. Okay. What time do the buses arrive on 11:08:05
 3 campus to pick up students who need to be bused away 11:08:08
 4 from Fremont? 11:08:11
 5 A. I only know because of this year, and I 11:08:12
 6 think the Franklin bus arrives at 6:22 A.M. 11:08:15
 7 Q. And you don't know what time they arrived 11:08:21
 8 last year to take the kids to Canoga Park? 11:08:23
 9 A. No, I don't. 11:08:26
 10 Q. What time do the buses return to campus? 11:08:27
 11 A. Approximately 4:30. 11:08:29
 12 Q. And you don't know what time they returned 11:08:36
 13 to campus? 11:08:39
 14 A. The times are pretty standard -- 11:08:40
 15 Q. Okay. 11:08:45
 16 A. -- unless there's a bus problem. 11:08:46
 17 MR. ROZWOOD: I'm sorry. Can I ask a 11:08:49
 18 clarifying question? 11:08:50
 19 MS. LHAMON: Sure. 11:08:51
 20 MR. ROZWOOD: What time does -- the bus that 11:08:52
 21 arrives at 6:22, what time does it leave Fremont for 11:08:53
 22 its destination school? 11:08:58
 23 THE WITNESS: 6:22. 11:09:01
 24 MR. ROZWOOD: That's the time it actually 11:09:02
 25 leaves? 11:09:03

1 THE WITNESS: That's the time the students 11:09:05
 2 need to be there for the bus -- not in terms of the 11:09:06
 3 bus arriving, but the departure time is 6:22. 11:09:10
 4 MR. ROZWOOD: Thank you. 11:09:14
 5 BY MS. LHAMON: 11:09:15
 6 Q. When you have used the term "CAP" so far 11:09:27
 7 today, were you referring to the Capacity Adjustment 11:09:29
 8 Program? 11:09:33
 9 A. That's correct. 11:09:33
 10 Q. So "CAP" is an acronym? 11:09:35
 11 A. Yes. 11:09:35
 12 Q. Do you know whether CAP is a program 11:09:41
 13 designed to alleviate overcrowding in the Los Angeles 11:09:47
 14 Unified School District? 11:09:52
 15 A. Yes, it is. 11:09:55
 16 Q. Okay. Is there any category of Fremont 11:10:01
 17 students who cannot be bused away from campus? 11:10:03
 18 A. No. 11:10:11
 19 Q. You testified earlier that you try not to 11:10:12
 20 bus siblings away if one sibling will stay on campus; 11:10:14
 21 is that right? 11:10:18
 22 A. Right, but that's a personal thing. 11:10:19
 23 Q. So they could theoretically be bused as 11:10:21
 24 well? 11:10:24
 25 A. Could be. 11:10:24

1 Q. Is there any other category of students who 11:10:25
 2 you try not to bus away from campus? 11:10:27
 3 A. Probably the OH students. 11:10:30
 4 Q. What does "OH" stand for? 11:10:33
 5 A. Orthopedic handicapped students. 11:10:36
 6 Q. Why do you try not to bus those students 11:10:38
 7 away? 11:10:41
 8 A. Because of the special needs. If we were 11:10:42
 9 overcrowded, we would probably -- the special ed unit 11:10:46
 10 itself would try to place them in a school nearby or 11:10:50
 11 within the district. 11:10:54
 12 Q. So they might be bused but not as part of 11:10:58
 13 the Capacity Adjustment Program; is that right? 11:11:00
 14 A. Well, they are bused anyway. Most of the OH 11:11:03
 15 students are bused even to Fremont. 11:11:06
 16 Q. Is there any other category of students who 11:11:08
 17 you would try not to bus away? 11:11:10
 18 A. No. 11:11:12
 19 Q. Okay. Are parents of students who will be 11:11:19
 20 bused away from Fremont's campus given a choice of 11:11:20
 21 school to which the students will be bused? 11:11:30
 22 A. If we had choices. Right now we only have 11:11:30
 23 Franklin. 11:11:31
 24 Q. But if there were more than one high school? 11:11:32
 25 A. If we had Canoga and Franklin, they would be 11:11:33

1 given a choice of the two. 11:11:36
 2 Q. Are parents whose students need to be bused 11:11:42
 3 away from Fremont given a choice to send their 11:11:45
 4 students to another high school altogether and not to 11:11:50
 5 participate in the Capacity Adjustment Program? 11:11:52
 6 A. No, not if they are in Fremont's residential 11:11:56
 7 area. 11:12:00
 8 Q. Okay. Do you have a projection for the -- 11:12:07
 9 A. Let me back up. 11:12:08
 10 Q. Please. 11:12:10
 11 A. They do have a choice because they have a 11:12:10
 12 time of year when you can apply to go to other 11:12:13
 13 schools, magnet schools. 11:12:17
 14 Also there are schools who are low in 11:12:19
 15 enrollment, and they have open permits. So that is 11:12:23
 16 publicized. So they do have that option. 11:12:27
 17 Q. And that's the same option that any parent 11:12:30
 18 in the district has; is that right? 11:12:33
 19 A. That's correct. 11:12:35
 20 Q. Do those options still exist at the time 11:12:38
 21 that the decision is made who will be bused away from 11:12:40
 22 the school? 11:12:45
 23 A. I think it depends on the individual 11:12:47
 24 schools. If they need more students in order to keep 11:12:49
 25 their teachers, they will call up and say, "Do you 11:12:54

1 have about seven students you can send me?" But 11:12:58
 2 normally they wouldn't. 11:13:01
 3 You apply for those permits probably in the 11:13:02
 4 spring semester, preparing for the fall. You would 11:13:05
 5 know possibly that you will have possibly 100 11:13:11
 6 openings. So you do what is a lottery apply, 11:13:14
 7 especially if it's a popular school. You generally 11:13:17
 8 go with the lottery because you will get more than 11:13:20
 9 the number that you need. 11:13:23
 10 Q. But the period for applying for a magnet 11:13:26
 11 school had expired by last Friday when Fremont capped 11:13:30
 12 its enrollment; right? 11:13:34
 13 A. That's a window that the district has for 11:13:36
 14 that applying for permits. Again, that's generally 11:13:40
 15 done in the spring semester for -- to take place in 11:13:42
 16 the fall semester. 11:13:45
 17 Q. Okay. Are there any schools that have 11:13:49
 18 openings that parents whose students need to be bused 11:13:51
 19 away from Fremont could send their students to? 11:13:56
 20 A. I don't know. They would probably check 11:14:00
 21 themselves. If they didn't want them bused, they 11:14:02
 22 would possibly do a little shopping. 11:14:04
 23 Q. But no schools have called and said, "Can 11:14:07
 24 you send us seven students," like you said a few 11:14:11
 25 minutes ago? 11:14:14

1 A. Franklin did. 11:14:15
 2 Q. Oh, they did. 11:14:16
 3 Is that why Franklin is the designated 11:14:17
 4 receiver school this year? 11:14:21
 5 A. Yes. 11:14:21
 6 Q. Do you have a projection for the number of 11:14:26
 7 students total who will be bused away from Fremont 11:14:29
 8 during the 2001/2002 school year? 11:14:32
 9 A. I have no idea. I wouldn't know because I 11:14:35
 10 don't know who is coming and who isn't. 11:14:38
 11 Q. Okay. You said that the district has made a 11:14:45
 12 decision to send students from Fremont to other 11:14:48
 13 multitrack year-round schools; is that right? 11:14:52
 14 A. They make the decision, yes. 11:14:55
 15 Q. Okay. Is Franklin also a Concept 6 11:14:57
 16 multitrack year-round school? 11:15:00
 17 A. I don't know. I'm pretty sure most of the 11:15:03
 18 high schools that are year-round are using the 11:15:07
 19 Concept 6 calendar. 11:15:12
 20 Q. Do you know if Canoga Park is a Concept 6 11:15:14
 21 school? 11:15:21
 22 A. No, I don't know. 11:15:22
 23 Q. Have you visited Franklin High School -- no, 11:15:28
 24 you haven't because you don't know where it is. 11:15:31
 25 Have you visited Canoga Park High School? 11:15:34

1 A. No. 11:15:34
 2 Q. Do you believe that being bused to school 11:15:43
 3 affects the students' learning? 11:15:45
 4 A. My personal belief is no. 11:15:50
 5 Q. Why is that? 11:15:52
 6 A. It's the travel time, not the instructional 11:15:56
 7 time that they are missing. So I think they will get 11:15:59
 8 the same instruction if they were in their 11:16:04
 9 residential school or at a receiving school. 11:16:06
 10 Q. Okay. You testified several minutes ago now 11:16:15
 11 that among the major facilities needs at Fremont was 11:16:18
 12 a need for more space to create more classes. 11:16:23
 13 Why would it be your preference to have more 11:16:26
 14 space on campus? 11:16:29
 15 A. It would probably eliminate teachers having 11:16:34
 16 to change rooms twice a year. It would be good if 11:16:40
 17 I'm paired with you that, when we go off track, we 11:16:49
 18 would come back, and we could have the same rooms 11:16:52
 19 because you are talking about maybe moving some 11:16:55
 20 personal things. That would be good if you could 11:16:59
 21 have stayed in this room, but because the rooms will 11:17:01
 22 be used by the other track, you can't do that. 11:17:04
 23 I think it would be less movement, and 11:17:07
 24 that's why I said it would be good if we had more 11:17:09
 25 space. 11:17:12

1 Q. And just now you said that if you were 11:17:15
 2 paired with me. Are all the teachers paired into 11:17:17
 3 teaching teams? 11:17:20
 4 A. In terms of room usage, they try to have 11:17:22
 5 maybe the same three people to share as much as 11:17:25
 6 possible. 11:17:28
 7 Q. So three people would share one room as much 11:17:29
 8 as possible; is that right? 11:17:32
 9 A. Yes. 11:17:33
 10 Q. And it would be your preference to have 11:17:33
 11 three people have -- 11:17:35
 12 A. It wouldn't be -- 11:17:36
 13 Q. -- three separate rooms? 11:17:47
 14 A. You would have two rooms, and the three 11:17:47
 15 would share those rooms. Two would be on and one 11:17:48
 16 would be off. So I didn't want you to think that we 11:17:52
 17 had three rooms. 11:17:55
 18 Q. Okay. I appreciate the clarification. 11:17:56
 19 You testified on your first day that there 11:18:04
 20 are four sets of bathrooms available during nutrition 11:18:08
 21 and lunch. 11:18:12
 22 A. Yes. 11:18:12
 23 Q. Is it correct that these bathrooms are at 11:18:15
 24 the auditorium entrance, in the gym, and one on each 11:18:17
 25 entrance to the main building? 11:18:22

1 A. That's correct. 11:18:25
 2 Q. Is that four sets of bathrooms? Is there 11:18:25
 3 one bathroom for girls and one bathroom for boys in 11:18:29
 4 each of the locations? 11:18:32
 5 A. Yes. 11:18:32
 6 Q. Total in addition to those four bathrooms, 11:18:35
 7 how many bathrooms for girls on campus? 11:18:38
 8 A. I have no idea. 11:18:44
 9 Q. Those are the only four bathrooms that you 11:18:45
 10 know about on campus? 11:18:47
 11 A. No, there are others that I know. I think 11:18:48
 12 one is on the third floor. There are others in the 11:18:57
 13 bungalow areas that are rest rooms. They are 11:19:02
 14 bungalows, but they are rest room bungalows. 11:19:05
 15 Q. Does that mean -- 11:19:11
 16 A. I'm sure there are others. 11:19:13
 17 Q. I'm sorry. When you said portable bungalow 11:19:14
 18 bathrooms, does that mean they were portable 11:19:25
 19 buildings that just have bathrooms in them? 11:19:28
 20 A. Yes. 11:19:28
 21 Q. Taking the four sets of bathrooms that you 11:19:36
 22 do know are available during nutrition and lunch, how 11:19:48
 23 many toilets do each of the girls' bathrooms have? 11:19:55
 24 A. I couldn't answer that. I don't know. 11:19:58
 25 Q. Okay. Is there any one bathroom on campus 11:20:00

1 for which you know how many toilets that bathroom 11:20:05
 2 has? 11:20:09
 3 A. No. 11:20:09
 4 Q. Has anyone from the district, from 11:20:14
 5 L.A.U.S.D., ever communicated to you a particular 11:20:17
 6 number of bathrooms that Fremont should have on 11:20:21
 7 campus for girls? 11:20:24
 8 A. No. 11:20:24
 9 Q. Has anyone from the district ever 11:20:28
 10 communicated a number of bathrooms that Fremont 11:20:30
 11 should have on campus for boys? 11:20:33
 12 A. No. 11:20:33
 13 Q. Has anyone from the State ever communicated 11:20:35
 14 to you a particular number of bathrooms that Fremont 11:20:38
 15 should have on campus for girls? 11:20:42
 16 MR. ROZWOOD: Objection. Vague and 11:20:44
 17 ambiguous again as to the term "State." 11:20:46
 18 You have referred to a number of different 11:20:50
 19 state agencies, and there are a number of different 11:20:51
 20 state agency defendants in this lawsuit, including 11:20:54
 21 the State of California, and there are a number of 11:20:56
 22 state agencies that you've deposed in this 11:20:59
 23 litigation, and it's unclear, based upon the 11:21:02
 24 phraseology of your question, which of these state 11:21:05
 25 agencies you are referring to, and it's compound as 11:21:09

1 well. 11:21:13
 2 BY MS. LHAMON: 11:21:14
 3 Q. I asked whether anyone from the State has 11:21:14
 4 referred to it. So you can answer the question. 11:21:17
 5 A. No. 11:21:17
 6 Q. Thanks. 11:21:20
 7 Has anyone from the State ever communicated 11:21:20
 8 to you a particular number of toilets that Fremont 11:21:23
 9 should have on campus for boys? 11:21:27
 10 MR. ROZWOOD: Objection. I'm going to 11:21:29
 11 insert a continuing objection to the use of the term 11:21:30
 12 "State." 11:21:33
 13 THE WITNESS: No. 11:21:35
 14 BY MS. LHAMON: 11:21:35
 15 Q. Are the four sets of bathrooms that you've 11:21:41
 16 already testified to the only bathrooms that are 11:21:44
 17 available for students that are unlocked on campus? 11:21:47
 18 A. That are what? 11:21:52
 19 Q. Unlocked on campus. 11:21:53
 20 MR. ROZWOOD: Objection. Vague as to time. 11:21:55
 21 You mean during lunch and nutrition only or 11:21:56
 22 any time such as passing periods? 11:21:59
 23 THE WITNESS: During lunch and nutrition and 11:22:06
 24 before school. Those are the four. 11:22:08
 25 BY MS. LHAMON: 11:22:08

1 Q. And at other times during the school day, 11:22:10
 2 are there more bathrooms that are opened and 11:22:14
 3 unlocked? 11:22:17
 4 A. I'm told they are. There are others, but 11:22:18
 5 I'm not certain where. 11:22:20
 6 Q. Okay. 11:22:20
 7 A. I can almost -- I can definitely say one of 11:22:24
 8 the bungalows rest rooms are, and I know that because 11:22:33
 9 I've been in that area, and it keeps students from 11:22:40
 10 having to come across campus to use the rest room. 11:22:44
 11 So we do keep that one. That's the only one that I 11:22:47
 12 can say definitely is open. There may be others. 11:22:51
 13 Q. Okay. What would you need to have happen to 11:23:00
 14 be able to keep all of the bathrooms unlocked at all 11:23:02
 15 times during the school day at Fremont? 11:23:06
 16 A. Supervision, more supervision. 11:23:11
 17 Q. Does that mean more staff or more time for 11:23:16
 18 the staff to be able to supervise? 11:23:18
 19 A. More staff. 11:23:21
 20 Q. Okay. Do you ever receive complaints about 11:23:26
 21 the student bathrooms at Fremont? 11:23:28
 22 A. No, I haven't. 11:23:32
 23 Q. Not from anyone? 11:23:33
 24 A. No. 11:23:33
 25 MS. LHAMON: Okay. Having just discussed 11:23:41

1 bathrooms, I think we should take a break. We can go 11:23:42
 2 off the record for a few minutes. 11:23:46
 3 (Off the record.) 11:34:34
 4 BY MS. LHAMON: 11:34:34
 5 Q. You were testifying before the break about a 11:34:34
 6 desire to have more classes on campus or more space 11:34:38
 7 on campus. 11:34:42
 8 Do all the classes at Fremont High School 11:34:43
 9 now take place in classrooms that were designed for 11:34:45
 10 classroom instruction? 11:34:58
 11 A. Not all. 11:34:58
 12 Q. Which classes don't take place in classrooms 11:34:58
 13 that were designed for classroom instruction? 11:34:58
 14 A. Some of the special ed classes. 11:35:00
 15 Q. Where do they take place? 11:35:04
 16 A. They seem to have been formerly offices and, 11:35:07
 17 because of space -- needed space, they were converted 11:35:15
 18 to classrooms. 11:35:19
 19 Q. Do you know how many former offices were 11:35:24
 20 converted to classrooms? 11:35:26
 21 A. I only know of two. 11:35:28
 22 Q. Do you know what size those converted 11:35:33
 23 classrooms are? 11:35:35
 24 A. No, I don't. 11:35:37
 25 Q. Do you know if they are the same size as the 11:35:39

1 regular classrooms on campus? 11:35:41
 2 A. They are not the same size. 11:35:44
 3 Q. Are they larger? 11:35:46
 4 A. Smaller. 11:35:47
 5 Q. Do you have an estimate of how much smaller? 11:35:55
 6 Are they half the size? Two thirds of the size? 11:35:58
 7 A. I don't know the exact size. I could say 11:36:03
 8 probably half the size. 11:36:04
 9 And I would like to add to it, of course, 11:36:06
 10 the classes are smaller. You could probably have ten 11:36:09
 11 students in a class, in a special ed class, and there 11:36:13
 12 is a max that you can have in order to stay in 11:36:20
 13 compliance. 11:36:24
 14 So we have had people out there. So 11:36:25
 15 apparently they are in compliance, or they would move 11:36:28
 16 them. 11:36:31
 17 Q. Who are the people that have come out to 11:36:32
 18 look at them? 11:36:34
 19 A. Names I don't know, but it would have to do 11:36:36
 20 with special ed compliance, and they would come, and 11:36:39
 21 they would look at the size, and they are there for 11:36:43
 22 other reasons, and while they are there, they would 11:36:46
 23 look to see if we were in compliance. 11:36:50
 24 At one time they thought a room was not in 11:36:55
 25 compliance and sent someone out from the district to 11:36:57

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1 do measurements, and they were in compliance. 11:37:02
 2 Q. Okay. When you say at one time we were not 11:37:07
 3 in compliance, was that in the last school year or 11:37:09
 4 before you were principal? 11:37:12
 5 A. While I was principal, last school year, 11:37:14
 6 they thought that the school was not in compliance, 11:37:17
 7 and they sent someone out to measure, and the school 11:37:22
 8 is in compliance, having that particular class in 11:37:25
 9 that particular room. 11:37:29
 10 Q. When you say they sent someone out to 11:37:30
 11 measure, was that someone from the district or 11:37:33
 12 someone else? 11:37:36
 13 A. The district, the small District I. 11:37:37
 14 Q. Other than these special education classes 11:37:40
 15 that take place in approximately two converted 11:37:42
 16 classrooms, are there any other classes that take 11:37:46
 17 place in spaces that were not designed for classroom 11:37:49
 18 instruction? 11:37:52
 19 A. No. 11:37:52
 20 Q. So there's no classes that take place in the 11:37:54
 21 cafeteria at Fremont High School? 11:37:56
 22 A. No. 11:37:58
 23 Q. And there weren't any during the 2000/2001 11:37:59
 24 school year? 11:38:05
 25 A. No. 11:38:05

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1 Q. There's no classes that take place in the 11:38:07
 2 wood shop at Fremont High School? 11:38:09
 3 A. No. 11:38:11
 4 MR. ROZWOOD: You mean other than wood shop? 11:38:13
 5 MS. LHAMON: I do mean other than wood shop. 11:38:15
 6 Q. Do you have a wood shop class? 11:38:18
 7 A. We have one, yes. Yes, in answer to your 11:38:19
 8 question. Yes, there are classes held in that 11:38:23
 9 building, in that classroom. 11:38:27
 10 Q. And they are wood shop classes in that room? 11:38:29
 11 A. Yes. 11:38:29
 12 Q. Okay. 11:38:33
 13 A. I had to think because so many of the 11:38:33
 14 electives were discontinued in the shop area. So we 11:38:35
 15 do have that one. 11:38:39
 16 Q. Okay. Does each class meet in its own 11:38:40
 17 classroom without sharing the space with another 11:38:48
 18 class at the same time? 11:38:51
 19 A. At the same time? What do you mean? 11:38:58
 20 Q. I'm trying to distinguish what you had 11:39:00
 21 described earlier about teachers having to share a 11:39:02
 22 room because they go off track and another class had 11:39:05
 23 been using their room. 11:39:07
 24 So excluding that circumstance, are there 11:39:09
 25

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1 classes that share a class space with other classes? 11:39:13
 2 A. Not to my knowledge. 11:39:18
 3 Q. Do all the science classes at Fremont take 11:39:27
 4 place in classrooms that have laboratories in them? 11:39:30
 5 A. Not all science classes are lab classes. 11:39:33
 6 Those that are lab classes, they have whatever it is 11:39:37
 7 they need. The nonlab classes would have a regular 11:39:41
 8 classroom. 11:39:47
 9 Q. What nonlab science classes does Fremont 11:39:48
 10 offer? 11:39:51
 11 A. I'm sorry. 11:39:51
 12 Q. What nonlab science classes does Fremont 11:39:52
 13 offer? 11:39:55
 14 A. Probably physical science. That's probably 11:40:03
 15 it. There may be others, but I can only think of 11:40:08
 16 that one. 11:40:11
 17 Q. Okay. 11:40:12
 18 A. Most of the biology classes are labs and the 11:40:13
 19 chems. 11:40:18
 20 Q. And they all take place in laboratory rooms? 11:40:21
 21 A. Yes. 11:40:24
 22 (Door interruption.) 11:40:28
 23 MS. LHAMON: Off the record. 11:40:28
 24 (Off the record.) 11:42:09
 25 MS. LHAMON: Back on. 11:42:09

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1 Q. Earlier in the day we referred to the 11:42:12
 2 Concept 6 calendar. What do you understand Concept 6 11:42:15
 3 to mean? 11:42:18
 4 A. I'm thinking more instructional minutes, and 11:42:25
 5 that's probably the only thing that I can tell you 11:42:30
 6 about it because I'm adjusting to year-round and I 11:42:32
 7 don't know all of the terminology or the ins and outs 11:42:36
 8 of the program -- 11:42:39
 9 Q. Okay. 11:42:39
 10 A. -- of the year-round program. 11:42:41
 11 Q. Is it correct to say that Concept 6 is 11:42:42
 12 one -- is the name for one calendar at a multitrack 11:42:45
 13 year-round school? 11:42:55
 14 A. That's correct. 11:42:55
 15 Q. And it is the calendar that Fremont operates 11:42:55
 16 on? 11:42:55
 17 A. Yes. 11:42:55
 18 Q. Do administrators at Fremont handle the 11:42:59
 19 assignment of students to tracks at Fremont? 11:43:01
 20 A. Some of them. Some are automatic. When 11:43:08
 21 they are coming in, we try to keep them on the same 11:43:11
 22 track, and that's how we program them. 11:43:14
 23 There are some exceptions. Those who want 11:43:17
 24 to change tracks, if the space is available, then we 11:43:19
 25 change them. We will -- otherwise, we will just 11:43:23

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1 assign them based on where the spaces are. 11:43:26
 2 Q. So students who come to Fremont from 11:43:30
 3 multitrack year-round middle schools are presumed to 11:43:34
 4 stay on the same track that they had been on at the 11:43:38
 5 middle school; is that right? 11:43:41
 6 A. Yes. 11:43:41
 7 Q. And then students who come to school to 11:43:43
 8 Fremont that were not tracked will be assigned tracks 11:43:45
 9 based on need? 11:43:50
 10 A. Availability. 11:43:51
 11 Q. And students have a chance to request tracks 11:43:52
 12 or request a particular track or change tracks? 11:43:55
 13 A. Yes. 11:43:55
 14 Q. What happens to those requests? Are they 11:43:59
 15 automatically honored? 11:44:01
 16 A. Normally, if there is space, we will place 11:44:02
 17 them on that track. 11:44:06
 18 Q. So it's a space determination? 11:44:07
 19 A. Yes. 11:44:07
 20 Q. You testified earlier today that there are 11:44:10
 21 more students on track A than on tracks B and C; is 11:44:12
 22 that correct? 11:44:12
 23 A. Correct. 11:44:17
 24 Q. Are there more requests for track A than 11:44:17
 25 there are for tracks B and C? 11:44:20

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1 A. Yes. 11:44:20
 2 Q. Do you know why that is? 11:44:22
 3 A. Maybe because of the calendar for track A. 11:44:25
 4 Q. What do you mean by that? 11:44:28
 5 A. It's more traditional. 11:44:30
 6 Q. Okay. Are you involved in the assignment of 11:44:36
 7 students to tracks, or is that something that another 11:44:39
 8 administrator does? 11:44:42
 9 A. Another administrator. 11:44:43
 10 Q. Which administrator is that? 11:44:44
 11 A. As of last week, she is the assistant 11:44:47
 12 principal in charge of attendance, and she works out 11:44:54
 13 of the attendance office. 11:44:58
 14 Q. And she is new to the school? 11:44:59
 15 A. Yes, maybe second week. 11:45:00
 16 Q. What is her name? 11:45:03
 17 A. Gillermina Jauregui. I'm thinking it's 11:45:06
 18 J-a-u-r-e-g-u-i, Jauregui. 11:45:18
 19 Q. Okay. Do you know how to spell her first 11:45:30
 20 name as well? 11:45:32
 21 A. G-i-l-l-e-r-m-i-n-a. 11:45:33
 22 Q. Thank you. Before Ms. Jauregui came to 11:45:41
 23 Fremont, who did the assignment of students to 11:45:47
 24 tracks? 11:45:56
 25 A. We had another person in that position who 11:45:56

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1 left, gosh, I want to say maybe in December or 11:45:58
 2 January of last year, and that position remained 11:46:04
 3 vacant until two weeks ago. 11:46:09
 4 I probably didn't answer your question, but 11:46:14
 5 we had another certificated person in that position 11:46:17
 6 who was called the attendance coordinator, and she 11:46:22
 7 would probably make those -- have made those 11:46:26
 8 decisions even if we did not have an assistant 11:46:28
 9 principal in that office. 11:46:33
 10 Q. Okay. So the attendance -- the certificated 11:46:38
 11 attendance person -- 11:46:41
 12 A. Attendance coordinator. 11:46:43
 13 Q. -- has been there since you have been at 11:46:45
 14 Fremont High School; is that right? 11:46:47
 15 A. Yes. 11:46:48
 16 Q. Are students assigned to tracks based on 11:46:54
 17 abilities at Fremont High School? 11:46:57
 18 A. No. 11:46:57
 19 Q. Okay. That doesn't come into the calculus at 11:47:01
 20 all? 11:47:04
 21 A. No. 11:47:05
 22 Q. What do you think are the disadvantages of 11:47:07
 23 Concept 6 multitracking? 11:47:10
 24 MR. ROZWOOD: Objection. There's been no 11:47:13
 25 testimony that there are any. 11:47:15

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1 THE WITNESS: I'm going to say I'm not aware 11:47:17
 2 of any disadvantages. 11:47:19
 3 BY MS. LHAMON: 11:47:20
 4 Q. Are you aware of any advantages of Concept 6 11:47:21
 5 multitracking system? 11:47:25
 6 A. No. As an administrator, I haven't looked 11:47:26
 7 at it either way, pro or con. 11:47:29
 8 Q. How does the multitrack schedule compare to 11:47:38
 9 the traditional calendar schedules from schools where 11:47:41
 10 you were an administrator on traditional calendars? 11:47:45
 11 A. Compare in what way? 11:47:49
 12 Q. Do you find it easier, less easy to be an 11:47:51
 13 administrator at a multitrack school? 11:47:55
 14 A. I think more demands are made on a 11:48:00
 15 multitrack school principal, but I want to add that 11:48:04
 16 you are compensated more in terms of salary than the 11:48:10
 17 others. 11:48:14
 18 Q. And how are there more demands on a 11:48:16
 19 multitrack principal? 11:48:19
 20 A. Because there's a constant opening and 11:48:21
 21 closing as well as preparation, I guess, more than 11:48:23
 22 anything, trying to close and then prepare for an 11:48:31
 23 opening; whereas, it's different in traditional. 11:48:35
 24 Q. When you refer to closing and opening, are 11:48:41
 25 you referring to closing the school year and opening 11:48:45

1 the school? 11:48:47
 2 A. I'm talking about closing a track and 11:48:47
 3 receive another one. 11:48:49
 4 Q. Okay. Is it correct that happens about six 11:48:54
 5 times during the Concept 6 school year? 11:48:56
 6 A. Yes. 11:48:56
 7 Q. During the 2000 to 2001 school year, did you 11:49:04
 8 take any vacations? 11:49:08
 9 A. Yes. 11:49:08
 10 Q. Was there a principal on campus when you 11:49:10
 11 took the vacations? 11:49:20
 12 A. Marcie Hines is the designated acting 11:49:20
 13 principal in my absence. 11:49:20
 14 Q. And she was on campus when you were gone? 11:49:22
 15 A. Yes, and that was one week. 11:49:25
 16 Q. Do you anticipate taking vacation during the 11:49:31
 17 2001/2001 school year? 11:49:34
 18 A. Tomorrow. 11:49:37
 19 Q. Will that be one week as well? 11:49:38
 20 MR. FRIEDMAN: If President Bush can do it, 11:49:40
 21 why can't she? 11:49:42
 22 THE WITNESS: It started out as a week, but 11:49:44
 23 it will be three days. 11:49:46
 24 BY MS. LHAMON: 11:49:46
 25 Q. That's a reduction. 11:49:47

1 Will Marcie Hines be the acting principal 11:49:50
 2 during your three-day vacation as well? 11:49:53
 3 A. Yes. 11:49:53
 4 Q. Does Fremont offer students any remediation 11:50:06
 5 for -- if they need extra help with studies if they 11:50:10
 6 are finding them behind in school? 11:50:16
 7 A. Yes. 11:50:18
 8 Q. What kind of remediation does Fremont offer 11:50:18
 9 students? 11:50:21
 10 A. We have a tutoring program after school. We 11:50:22
 11 have a schoolwide tutoring program, and we have 11:50:28
 12 teachers who will individually tutor students. 11:50:32
 13 I want to say because of EIS -- and I think 11:50:37
 14 I've used that acronym before -- I think it's 11:50:42
 15 economically impacted schools, and they are 11:50:48
 16 compensated for doing extra things beyond their 11:50:52
 17 workday or before their workday, and many choose to 11:50:56
 18 tutor during those time periods. 11:51:01
 19 We also have Saturday classes in 11:51:04
 20 remediation. 11:51:08
 21 Q. You anticipated my next question, which is: 11:51:12
 22 When do those remediations take place? 11:51:16
 23 I understood sometimes they take place on 11:51:19
 24 Saturday and sometimes after school. 11:51:21
 25 A. Yes. 11:51:21

1 Q. Are there any other times they take place? 11:51:24
 2 A. No. Before school, after school, Saturdays. 11:51:26
 3 Q. The before-school classes, are they offered 11:51:30
 4 every day? 11:51:32
 5 A. It depends on the teachers who are signing 11:51:34
 6 up. Those who arrive earlier will generally do that 11:51:37
 7 as a part of their EIS responsibilities. 11:51:40
 8 Q. Does every Fremont teacher have EIS 11:51:46
 9 responsibilities? 11:51:51
 10 A. They can only be at that school -- there are 11:51:52
 11 certain schools that have this program, and if you 11:51:54
 12 are at one of those schools, it's a mandate, because 11:51:57
 13 you are being compensated for it, extra pay. 11:51:59
 14 Q. I meant to ask: Does every Fremont teacher 11:52:03
 15 have EIS responsibilities? 11:52:06
 16 A. Yes. 11:52:06
 17 Q. So as part of every Fremont teachers' school 11:52:09
 18 day, the teacher has to offer some remediation every 11:52:12
 19 day? 11:52:16
 20 A. They select what they want to do. It 11:52:16
 21 doesn't have to be remediation. Many will take that 11:52:18
 22 on. There are other duties such as supervision 11:52:21
 23 during athletic events or making telephone calls for 11:52:25
 24 students who are absent. It varies. 11:52:30
 25 Q. Do you know how many teachers offer 11:52:35

1 remediation at Fremont? 11:52:37
 2 A. No, I don't. Mrs. Hines keeps a log because 11:52:40
 3 she has to report their pay. So she would know that. 11:52:45
 4 Q. Okay. Do you have an estimate of the 11:52:49
 5 percentage of the teachers who have opted to offer 11:52:50
 6 remediation at Fremont? 11:52:52
 7 A. No idea. 11:52:54
 8 Q. Okay. When is school maintenance performed 11:53:05
 9 at Fremont? 11:53:06
 10 A. Daily. That's the answer. 11:53:08
 11 Q. Okay. Does it take place every morning? 11:53:12
 12 Every afternoon? Are there particular times of the 11:53:16
 13 day? 11:53:20
 14 A. There are some things that they do during 11:53:22
 15 the school day, others they do at the end of the 11:53:24
 16 school day, and others they do after night school. 11:53:28
 17 Q. What are the things that they do during the 11:53:36
 18 school day? 11:53:39
 19 A. I think it's a daily routine of in terms of 11:53:40
 20 the classrooms, making sure that the floors are swept 11:53:44
 21 and the trash cans are emptied and the hallways are 11:53:46
 22 cleaned. That's daily. 11:53:50
 23 Getting into another area for year-round 11:53:56
 24 schools, the year-round cleaning crew can come out -- 11:54:02
 25 I understand it's optional now -- you can do it 11:54:05

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1 yourselves. Your plant manager will coordinate it or 11:54:08
 2 you can use the crew that they send around twice a 11:54:14
 3 year, and my understanding at Fremont is that they 11:54:17
 4 opted to do it themselves. So they do that in the 11:54:22
 5 evenings or late night as well as on Saturdays and 11:54:26
 6 Sundays. 11:54:30
 7 Q. And so far, have you been describing the 11:54:37
 8 cleaning maintenance work that takes place at 11:54:39
 9 Fremont? 11:54:40
 10 A. Have I what? 11:54:41
 11 Q. Been describing the cleaning maintenance 11:54:42
 12 that takes place at Fremont. 11:54:45
 13 A. Yes. 11:54:45
 14 Q. When does school construction or school 11:54:47
 15 major school repair take place at Fremont? 11:54:49
 16 A. Generally it takes place at the end of the 11:54:52
 17 school day or on weekends. 11:54:55
 18 Q. Are there times when it takes place during 11:55:00
 19 the school day? 11:55:02
 20 A. I haven't heard -- I'm sorry. I'm not 11:55:03
 21 knowledgeable of any construction or maintenance, 11:55:07
 22 major maintenance, being taken care of during the 11:55:11
 23 school day. 11:55:17
 24 Q. To schedule maintenance work for after 11:55:24
 25 school or on Saturdays, does Fremont have to pay 11:55:27

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1 overtime? 11:55:30
 2 A. Fremont doesn't. When they opt to take care 11:55:32
 3 of it themselves, normally what they would have given 11:55:36
 4 the cleaning crew that would come around, they give 11:55:48
 5 those funds to the school to do it. So Fremont 11:55:48
 6 themselves -- it doesn't come out of Fremont's 11:55:48
 7 budget. 11:55:49
 8 Q. When you said "they" in the last sentence -- 11:55:50
 9 A. The district. 11:55:53
 10 Q. So for maintenance work that takes place on 11:55:54
 11 Saturdays or after school, that's always paid for by 11:55:58
 12 the district? 11:56:01
 13 A. Yes. 11:56:01
 14 Q. Okay. Does Fremont offer intersession 11:56:11
 15 classes to off-track students? 11:56:15
 16 A. Yes. 11:56:17
 17 Q. Where do those classes take place? 11:56:17
 18 A. Where? 11:56:20
 19 Q. Yes. 11:56:20
 20 A. It depends on whose on track in terms of 11:56:22
 21 rooms. Generally the rooms that are not being used, 11:56:26
 22 they will assign intersession to those rooms. 11:56:29
 23 Q. So generally the intersessions take place in 11:56:33
 24 classrooms? 11:56:37
 25 A. Yes. 11:56:37

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1 Q. Do they ever take place in the library or 11:56:38
 2 cafeteria or in the gym? 11:56:41
 3 A. We try not to schedule them in the library. 11:56:43
 4 We had had one, I know for sure, in the cafeteria. 11:56:46
 5 Q. What class was in the cafeteria? 11:56:51
 6 A. I'm not certain as to which is in there, but 11:56:54
 7 I know it's there. 11:56:59
 8 Q. Is it there now? 11:57:00
 9 A. Yes, this school year. 11:57:01
 10 Q. And it's one class or one teacher's set of 11:57:02
 11 classes? 11:57:05
 12 A. One class for a two-hour block of time from 11:57:06
 13 8:00 to 10:00, and the cafeteria isn't used during 11:57:09
 14 those hours. 11:57:16
 15 Q. Do you know if there were any intersession 11:57:19
 16 classes in the cafeteria during the 2000 to 2001 11:57:21
 17 school year? 11:57:29
 18 A. Not to my knowledge. 11:57:30
 19 Q. Are there any other classes, intersession 11:57:31
 20 classes, that are offered in nonclassroom spaces 11:57:34
 21 other than the cafeteria class? 11:57:38
 22 A. No. 11:57:38
 23 Q. Since you have been at Fremont, have there 11:57:42
 24 been any classes offered in the cafeteria that were 11:57:44
 25 not intersession classes? 11:57:48

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1 A. No. 11:57:48
 2 Q. Is the intersession that Fremont offers to 11:57:51
 3 off-track students similar to summer school at 11:57:54
 4 traditional schools? 11:57:59
 5 A. You are saying the course offering? 11:58:01
 6 Q. I wasn't clear. Thanks for asking. 11:58:04
 7 I want to know if the intersession itself is 11:58:08
 8 the equivalent of summer school for students who are 11:58:11
 9 on single track at traditional calendar schools? 11:58:16
 10 A. Yes. 11:58:16
 11 Q. And by that, do you mean that the 11:58:21
 12 intersession is the student's opportunity to make up 11:58:25
 13 a class that the student has failed or to take a 11:58:27
 14 class that the student wasn't able to take during the 11:58:31
 15 regular school year? Is that right? 11:58:33
 16 A. I would say it's more or less remediation 11:58:35
 17 than taking advanced classes; whereas, in summer 11:58:39
 18 school, you would probably have an opportunity to 11:58:43
 19 take other classes other than remediation. 11:58:46
 20 Q. So Fremont's intersessions are almost 11:58:50
 21 exclusively or exclusively remediation? 11:58:53
 22 A. Yes. 11:58:53
 23 Q. How many students participate in 11:58:56
 24 intersession at Fremont High School? 11:58:59
 25 A. I'm not certain in terms of numbers. 11:59:03

1 Q. Do you have an estimate? 11:59:11
 2 A. I'm thinking in terms of the one I noticed 11:59:11
 3 this school year in the cafeteria. You probably have 11:59:15
 4 about 35 to 40 students. 11:59:18
 5 Q. And you are not certain what the subject 11:59:28
 6 matter is that is being taught in the cafeteria now? 11:59:30
 7 A. No, I'm not. 11:59:34
 8 Q. Does Fremont have space to accommodate all 11:59:38
 9 the students in need of intersession course work? 11:59:42
 10 A. Yes. 11:59:42
 11 Q. That's including the cafeteria? 11:59:46
 12 A. Yes. 11:59:46
 13 Q. Is intersession offered during every 11:59:50
 14 off-track period at Fremont? 11:59:53
 15 A. Yes. 11:59:53
 16 Q. Are the same classes offered on all three 12:00:01
 17 tracks at Fremont? 12:00:03
 18 A. You mean during intersession? 12:00:06
 19 Q. I've moved on from intersession. Sorry. 12:00:08
 20 Now I'm back to the regular school year. I'm 12:00:11
 21 wondering if every track offers identical course 12:00:15
 22 offerings. 12:00:18
 23 A. There may be some that are not, but we try 12:00:22
 24 to have at least one on every track. Hopefully 12:00:25
 25 that's the case this school year. 12:00:31

1 I know last school year we didn't -- let me 12:00:32
 2 back up and say not all electives are offered on 12:00:38
 3 every track, but in terms of the academics and class 12:00:42
 4 requirements, course requirements, they are on all 12:00:48
 5 tracks. 12:00:51
 6 Q. At least one of the requirements? 12:00:52
 7 A. Yes, at least one. 12:00:53
 8 Q. And you were starting to say that you know 12:00:57
 9 the last school year and you interrupted yourself. 12:01:00
 10 What were you going to say? 12:01:03
 11 A. I was going to say I think they had to 12:01:05
 12 cross-track. I was told that they had to last year, 12:01:07
 13 but this school year they do not. 12:01:11
 14 Q. So you were told last year that students had 12:01:15
 15 to cross-track to be able to take graduation 12:01:17
 16 requirements at Fremont? 12:01:20
 17 A. Not a graduation requirement. It was 12:01:22
 18 electives. 12:01:24
 19 Q. To take electives? 12:01:25
 20 A. A specific one 12:01:26
 21 Q. Which one? 12:01:27
 22 A. Say, for instance, you wanted physiology and 12:01:28
 23 it was not offered on track B, so you would -- if you 12:01:39
 24 wanted it, then you would have to go and take it on 12:01:39
 25 track C or A. So they wouldn't necessarily have 12:01:41

1 physiology on all three tracks or psychology, any 12:01:44
 2 elective. They would have electives, but they 12:01:48
 3 wouldn't be the same on each track. 12:01:53
 4 Q. And it's your understanding now for the 12:01:56
 5 2001/2002 school year that at least one of each 12:01:58
 6 elective is offered on every track? 12:02:03
 7 A. Yes. 12:02:03
 8 Q. Do you know why at least one of each 12:02:08
 9 elective was not offered on every track during the 12:02:10
 10 2000 to 2001 school year? 12:02:13
 11 A. No, but I can tell why this year. 12:02:19
 12 Q. Okay. 12:02:23
 13 A. The 2000/2001 school year we basically had a 12:02:24
 14 second-year assistant principal counseling. This 12:02:31
 15 school year we have maybe a seven- or eight-year 12:02:35
 16 veteran AP counseling service which makes a 12:02:41
 17 difference in experience. 12:02:44
 18 Q. How does it make a difference? 12:02:47
 19 A. Because as a first- or second-year, you are 12:02:50
 20 learning, and with the more experienced, you have 12:02:53
 21 someone who would automatically know what the needs 12:02:54
 22 are, and we were fortunate to have someone coming 12:02:56
 23 from a Concept 6 school with the experience. So that 12:03:01
 24 makes a big difference. 12:03:05
 25 Q. Okay. What's the new counselor's name, AP 12:03:11

1 counseling? 12:03:13
 2 A. Pat Nichols. 12:03:14
 3 Q. Had she started working at Fremont during 12:03:22
 4 the 2000 to 2001 school year as well? 12:03:24
 5 A. Yes, she did start then. I'm not certain of 12:03:29
 6 the month. It may have been in January. 12:03:33
 7 Q. Okay. Are advanced placement courses 12:03:47
 8 offered on every track at Fremont High School? 12:03:50
 9 A. Yes. 12:03:50
 10 Q. Are the same number of advanced placement 12:03:54
 11 courses offered on each track? 12:03:58
 12 A. I'm not positive. So I wouldn't know that. 12:04:00
 13 Q. Does it make a difference for purposes of 12:04:03
 14 advanced placement testing on which track advanced 12:04:06
 15 placement courses are offered at Fremont? 12:04:09
 16 A. Does it make a difference as to which track 12:04:13
 17 you are saying it's offered? I don't think it does. 12:04:16
 18 Q. Okay. Am I correct that B track students 12:04:23
 19 are off track during March and April? 12:04:25
 20 A. Yes. 12:04:25
 21 Q. And am I correct that A track students are 12:04:30
 22 off track in January and February, returning to 12:04:32
 23 school in March? 12:04:35
 24 A. Yes. 12:04:35
 25 Q. And AP tests are given in May; is that 12:04:39

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1 right? 12:04:39

2 A. Yes. 12:04:43

3 Q. Does it affect students' preparation for the 12:04:43

4 advanced placement test to be on tracks that are off 12:04:46

5 track immediately in advance of the test? 12:04:49

6 A. I would probably be guessing. I think that 12:04:54

7 you have AP teachers, and I think they do have an 12:04:56

8 opportunity to cover all of the necessary materials 12:05:01

9 for the AP test when they are given. I think they 12:05:05

10 have equal preparation time. 12:05:09

11 Q. Okay. Does Fremont offer advanced placement 12:05:26

12 teachers course preparation time during off-track 12:05:28

13 periods during which they can work with their 12:05:33

14 students to prepare for the advanced placement tests? 12:05:35

15 A. They can. 12:05:39

16 Q. Do you know -- 12:05:41

17 A. Some of them will use that time as a part of 12:05:42

18 their EIS to work with it. The district provides 12:05:45

19 extra funding for them to do this type of tutoring, 12:05:49

20 and we -- you can say that we did receive funds last 12:05:55

21 year for this to happen, and teachers who are off 12:05:58

22 track did tutor and work with the AP students. 12:06:02

23 Their off time -- when you were mentioning 12:06:09

24 earlier about them not being on track, they did come 12:06:11

25 over, and we did have AP teachers work with them 12:06:14

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1 prior to that testing time. 12:06:18

2 Q. "Them" in that answer was the students? 12:06:22

3 A. I'm sorry? 12:06:24

4 Q. The AP teacher come to work with the 12:06:24

5 students during off-track time? 12:06:27

6 A. Yes. 12:06:27

7 Q. Has the district provided funds to Fremont 12:06:30

8 for that to happen for this year? 12:06:32

9 A. To be honest, I don't have a budget for this 12:06:36

10 year as of yesterday. I'm sure they will -- it's 12:06:39

11 generally a part of that program to provide 12:06:41

12 assistance for the students. It's just that I 12:06:43

13 haven't received it yet. 12:06:47

14 I could probably go on-line, which I tried 12:06:48

15 to yesterday and I couldn't pull it out, but it's 12:06:50

16 there, I'm sure. 12:06:54

17 Q. Okay. I'm going to ask you about school 12:07:17

18 fees, and before I do that, I want to find out what 12:07:19

19 do you understand the term "school fees" to mean. 12:07:22

20 A. The only thing that I could think of would 12:07:27

21 be fees for taking the AP exams. Those are the only 12:07:29

22 known fees that I'm aware of. 12:07:37

23 Q. Okay. So you are not aware of any fees that 12:07:41

24 are charged to students for any academic or 12:07:43

25 extracurricular activities -- 12:07:46

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1 A. No. 12:07:48

2 Q. -- at Fremont? 12:07:48

3 A. No. 12:07:50

4 Q. Does Fremont have a policy concerning 12:07:50

5 charging fees to students or charging money to 12:07:52

6 students? 12:07:55

7 A. No, not to my knowledge. 12:07:56

8 Q. Okay. Do you know if any Fremont teachers 12:08:00

9 ask students to pay money to be able to participate 12:08:03

10 in their classes? 12:08:06

11 A. It has not been brought to my attention. 12:08:07

12 Q. Okay. Do you know if any Fremont teacher 12:08:10

13 has asked the students to pay money to be able to 12:08:12

14 take a field trip? 12:08:22

15 A. Not to my knowledge. 12:08:22

16 Q. Do any Fremont teachers ask students to 12:08:22

17 purchase materials for class? 12:08:25

18 A. If they do, I'm not knowledgeable of it. 12:08:28

19 Q. Okay. 12:08:32

20 A. They shouldn't. 12:08:32

21 Q. Why shouldn't they? 12:08:33

22 A. District policy is that you provide for the 12:08:35

23 students the instructional materials that they need. 12:08:38

24 Q. Do you know if students have to pay any 12:08:47

25 money to be able to participate in extracurricular 12:08:48

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1 activities such as sports activities? 12:08:53

2 A. If they are going to attend a sports event, 12:08:55

3 they will purchase their ticket. 12:08:59

4 Q. Sure. 12:09:01

5 But if they want to play soccer, would they 12:09:02

6 have to pay a fee? 12:09:05

7 A. No. 12:09:07

8 Q. Okay. Does Fremont undergo an annual fiscal 12:09:09

9 audit? 12:09:15

10 A. Not since I have been there. 12:09:20

11 Q. Okay. So not in the last year. 12:09:21

12 Do you know if the district undergoes an 12:09:23

13 annual physical audit? 12:09:26

14 A. The only audit that I know that we get is 12:09:29

15 going through the accreditation process, and that was 12:09:32

16 done before I got there. At this point, that's the 12:09:36

17 only one that I know that they do. 12:09:42

18 Q. Okay. So you are not knowledgeable about 12:09:45

19 any budget audit at Fremont High School? 12:09:47

20 A. There was a budget audit prior to my coming. 12:09:51

21 Q. And that was conducted by the accreditation 12:09:55

22 process? 12:09:58

23 A. No, that was a different one. That was a 12:09:59

24 district audit, and you brought it to my attention 12:10:02

25 when you said that, but yes. 12:10:04

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1 Q. I'm doing my job right. 12:10:06
 2 A. I'm sorry? 12:10:08
 3 Q. That's okay. 12:10:09
 4 A. Yes, they did audit the finances, student 12:10:09
 5 body finances. 12:10:13
 6 Q. Okay. And who performed that audit? Do you 12:10:14
 7 know? 12:10:17
 8 A. I don't know that it was a district -- I 12:10:17
 9 don't know the name of it -- 12:10:21
 10 Q. Okay. 12:10:24
 11 A. -- the company who does that for the 12:10:25
 12 district. 12:10:26
 13 Q. Okay. Do you know if the district is 12:10:29
 14 scheduled to audit Fremont's budget this school year, 12:10:31
 15 the 2001/2002 school year? 12:10:34
 16 A. They shouldn't. 12:10:39
 17 Q. Why do you say that? 12:10:39
 18 A. Because they did last year, and that covered 12:10:40
 19 a period of years. So I wouldn't see them coming 12:10:43
 20 unless there were specifications and they wanted to 12:10:46
 21 see if we were following the guidelines that were 12:10:49
 22 established, but to my knowledge, they are not. 12:10:52
 23 Q. I think I misunderstood your testimony. I 12:10:55
 24 thought you said the district audit had taken place 12:10:58
 25 but before you came to the school; is that right? 12:11:02

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1 A. That's correct. 12:11:03
 2 Q. What was the audit they did last year, then? 12:11:04
 3 A. It was the budget, student body finance 12:11:07
 4 budget. That's what they did last year. 12:11:12
 5 Accreditation process was also last year. To audit 12:11:14
 6 everything that was just the budget, but the other 12:11:21
 7 was the entire school program. 12:11:24
 8 Q. When you are saying "last year" in that 12:11:26
 9 sentence, you are not referring to the 2000 to 2001 12:11:27
 10 school year, are you? 12:11:31
 11 A. I'm sorry. You are right. It had to be 12:11:33
 12 '99/2000, prior to my arriving at Fremont. 12:11:36
 13 Q. That's when the accreditation took place and 12:11:40
 14 the district audit takes place? 12:11:42
 15 A. Yes. 12:11:45
 16 MR. FRIEDMAN: Off the record for a second 12:11:46
 17 for clarification. 12:11:47
 18 MS. LHAMON: Off the record. 12:11:48
 19 (Off the record.) 12:12:47
 20 MS. LHAMON: Back on the record. 12:12:47
 21 Q. We had an off-the-record conversation to 12:12:48
 22 clarify what audits we are referring to, and, 12:12:50
 23 Ms. Roland, it would help me if you would explain 12:12:53
 24 what you were just telling me off the record. 12:12:56
 25 A. The audit that I was speaking of prior to us 12:12:59

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1 going off record was concerning the student body 12:13:03
 2 finance, which is primarily monies that are available 12:13:06
 3 for student activities and anything pertaining to 12:13:09
 4 assisting students. 12:13:13
 5 Q. That audit took place sometime during the 12:13:17
 6 '99/2000 school year -- 12:13:20
 7 A. That's correct. 12:13:23
 8 Q. -- before you came to campus? 12:13:23
 9 A. Yes. 12:13:23
 10 Q. You don't anticipate it will take place 12:13:25
 11 again because it's so recent, the student finances 12:13:28
 12 audit? 12:13:33
 13 A. I'm hoping it won't. 12:13:34
 14 Q. Why is that? 12:13:35
 15 A. I don't think I would want to go through it. 12:13:36
 16 It's a very tedious responsibility. 12:13:38
 17 Q. Okay. Aside from the student body audit and 12:13:41
 18 the accreditation that took place also in the '99 to 12:13:48
 19 2000 school year, are you aware of any other fiscal 12:13:51
 20 audit of Fremont High School that the district -- 12:13:55
 21 A. No. 12:13:55
 22 Q. -- has performed? 12:13:59
 23 A. No, I'm not. 12:14:00
 24 Q. When was the last time that Fremont was 12:14:06
 25 reviewed as part of the coordinated compliance 12:14:08

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1
 2 review? 12:14:11
 3 A. It was probably also '99/2000 school year. 12:14:18
 4 Q. Have you received any communications, since 12:14:24
 5 you've been principal, from the coordinated 12:14:26
 6 compliance review unit? 12:14:28
 7 A. That was an update that was sent to the 12:14:30
 8 coordinator of that program recently, and I'm not 12:14:36
 9 certain as to what the document contained. It was 12:14:50
 10 given to her probably this week, recommending that 12:14:50
 11 the principal, the coordinator, and several other 12:14:55
 12 people attend a training. 12:14:59
 13 I don't know the dates, but that's the only 12:15:00
 14 thing I have received and that I'm knowledgeable of 12:15:02
 15 at this point. 12:15:06
 16 Q. And that letter is a letter to Fremont High 12:15:08
 17 School from someone at the coordinated compliance 12:15:13
 18 unit; is that right? 12:15:15
 19 A. Yes. 12:15:16
 20 Q. Do you know why the letter recommended that 12:15:16
 21 you and others attend a training? 12:15:18
 22 A. No, I don't. 12:15:21
 23 Q. Do you anticipate that the coordinated 12:15:22
 24 compliance unit will be conducting a review of 12:15:24
 25 Fremont High School as soon as the training related 12:15:27

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1 to that -- 12:15:31

2 A. Probably. I'm not certain. 12:15:31

3 Q. Okay. That's the only documentation you 12:15:36

4 received from the -- 12:15:37

5 A. Right, that was just this week, maybe Monday 12:15:38

6 or Tuesday -- 12:15:40

7 Q. So it's -- 12:15:41

8 A. -- that I received it -- 12:15:42

9 Q. -- your -- 12:15:44

10 A. -- so I recall it coming across -- 12:15:45

11 Q. Okay. 12:15:45

12 A. -- my desk. 12:15:48

13 Q. Have you participated in a coordinated 12:15:54

14 compliance review at any of the schools in which you 12:15:56

15 have been an administrator? 12:16:00

16 A. No, I haven't -- 12:16:00

17 Q. Okay. 12:16:03

18 A. -- only because this is the first school 12:16:04

19 that I have been at that had the program, Title 1, 12:16:06

20 et cetera. 12:16:11

21 Q. Okay. Oh. I should ask you: What is your 12:16:14

22 understanding of what the coordinated compliance 12:16:16

23 review unit reviews? 12:16:19

24 A. Well, a lot of it -- my understanding -- 12:16:23

25 would have to do with the funding and the programs 12:16:26

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1 that they are offering, and they are in compliance 12:16:28

2 with whatever the State is directing them to have 12:16:32

3 ongoing. 12:16:37

4 Q. Do you know if Fremont undergoes any other 12:16:41

5 State review process other than the coordinated 12:16:43

6 compliance? 12:16:46

7 MR. ROZWOOD: Objection as to -- just for 12:16:47

8 the record, the objection that I made before 12:16:50

9 regarding the term "State," I'll insert that 12:16:51

10 objection here as well. 12:16:54

11 THE WITNESS: Would you repeat that? 12:16:56

12 BY MS. LHAMON: 12:16:56

13 Q. I asked if you know if there are any other 12:16:58

14 State review processes separate from the coordinated 12:17:00

15 compliance review process. 12:17:03

16 A. No more than the accreditation process, 12:17:05

17 which I mentioned earlier. 12:17:09

18 MS. LHAMON: Okay. I'm at an okay stopping 12:17:23

19 point for lunch. Why don't we take our break now and 12:17:25

20 come back. 12:17:28

21 (The luncheon recess was taken

22 at 12:17 P.M.)

23

24

25

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1 APPEARANCES OF COUNSEL:

2 (P.M. SESSION)

3

4 CATHERINE E. LHAMON, ESQ.

5

6 S. BENJAMIN ROZWOOD, ESQ.

7

8 HOWARD A. FRIEDMAN, ESQ.

9

10

11

12 ALSO PRESENT:

13

14 GLADYS LIMON

15 MELISSA GOLDENBERG

16

17

18 REPORTED BY:

19

20 RICKI Q. MELTON, CSR No. 9400, RPR No.45429

21

22

23

24

25

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1 (The deposition MARGARET ROLAND was

2 reconvened at 1:36 P.M.)

3

4 MARGARET ROLAND,

5 the witness, having been previously administered an

6 oath in accordance with CCP Section 2094, testified

7 further as follows:

8

9 EXAMINATION (CONTINUING)

10 BY MS. LHAMON:

11 Q. You testified on the first day that you 13:36:29

12 heard about this case in approximately September of 13:36:32

13 2000 after you began as principal at Fremont. 13:36:34

14 Have you read any newspaper articles about 13:36:39

15 this case since then? 13:36:41

16 A. No. 13:36:41

17 Q. Have you had any discussions with teachers 13:36:47

18 about this case? 13:36:48

19 A. No. 13:36:48

20 Q. Did you follow up on the allegations about 13:36:54

21 Fremont after you heard about this case? 13:36:56

22 A. No. 13:36:56

23 Q. You didn't do any investigation to find out 13:37:00

24 whether the allegations were true? 13:37:03

25 A. I probably didn't have the time and more or 13:37:05

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1 less talked about it with the administrators, 13:37:08
 2 inquiring in terms of where we are with service 13:37:17
 3 classes this year, the types of classes, and the 13:37:21
 4 staffing, but nothing beyond that. 13:37:24
 5 Q. So you asked -- I remember the first day 13:37:28
 6 that you spoke to three administrators at the school, 13:37:30
 7 and you asked them about the service classes and the 13:37:33
 8 staffing; is that right? 13:37:35
 9 A. Right. 13:37:37
 10 Q. Did you ask about anything else? 13:37:37
 11 A. Most of the questions were directed to our 13:37:41
 12 assistant principal counseling as she prepared for 13:37:46
 13 this school year in terms of things that we had 13:37:50
 14 discussed in this meeting that I didn't feel we had 13:37:57
 15 in place, some of the concerns that came from this 13:38:00
 16 case, and I talked to her specifically because I 13:38:05
 17 wanted to make sure they were. So those items were 13:38:08
 18 discussed. 13:38:13
 19 Couple of questions maybe to our plant 13:38:15
 20 manager regarding the plant, but other than that, I 13:38:18
 21 didn't discuss it with anyone else. 13:38:25
 22 Q. Okay. And what were the items you discussed 13:38:27
 23 with the assistant principal counseling? 13:38:29
 24 A. Cross-tracking; textbooks for the AP 13:38:40
 25 classes; number of students standing because of lack 13:38:49

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1 of chairs; the electives, the number; that was the AP 13:39:01
 2 counseling. 13:39:24
 3 Also in terms of scheduling students into 13:39:25
 4 service, the process for this school year. I'm 13:39:28
 5 thinking those were probably the only ones in this 13:39:40
 6 case concerning classes or the lack thereof and 13:39:44
 7 overcrowdedness. 13:39:49
 8 Q. Okay. And what did you discuss with the 13:39:52
 9 plant manager about this case? 13:39:54
 10 A. I asked him about the availability of chairs 13:39:55
 11 and desks and if he was knowledgeable of construction 13:39:57
 12 in one of the shop buildings. 13:40:10
 13 I think there was a concern about noise 13:40:15
 14 occurring during instruction time, and I needed to 13:40:18
 15 find out if that was true and if there had been a 13:40:21
 16 class in that room. 13:40:27
 17 I talked to him about the cleaning, and it 13:40:29
 18 was at that time that I discovered that they opted to 13:40:35
 19 do their own cleaning rather than using the district 13:40:38
 20 year-round. 13:40:42
 21 I inquired of him about the 13:40:45
 22 air-conditioning, and that was basically it, and I 13:40:47
 23 spoke with Marcie all along in terms of the hiring, 13:40:58
 24 et cetera, but that's been the only time I feel that 13:41:01
 25 I've discussed it. 13:41:05

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1 Q. Okay. When did the conversation with the 13:41:07
 2 assistant principal counseling take place? 13:41:09
 3 A. Probably -- let's see. June -- probably 13:41:14
 4 during the month of May as she was preparing the 13:41:22
 5 master for this school year. 13:41:25
 6 Q. May of 2001? 13:41:27
 7 A. Yes. 13:41:27
 8 Q. And when did the conversation with the plant 13:41:29
 9 manager take place? 13:41:31
 10 A. I don't recall. It had to be since the last 13:41:35
 11 meeting with you. 13:41:39
 12 Q. Okay. So after the first day of your 13:41:45
 13 deposition? 13:41:46
 14 A. Yes. 13:41:46
 15 Q. Between September, when you heard about this 13:41:50
 16 case, and May of 2001, when you spoke to the 13:41:52
 17 assistant principal counseling about the issues that 13:41:56
 18 you just listed for me, you hadn't done any other 13:41:59
 19 investigation about the allegations in this case? 13:42:02
 20 A. No. 13:42:02
 21 Q. No, you hadn't? 13:42:06
 22 A. No, I haven't. 13:42:07
 23 Q. Okay. When you spoke to the assistant 13:42:13
 24 principal counseling about textbooks for AP classes, 13:42:15
 25 were you asking about the textbook for the advanced 13:42:18

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1 placement class that you testified about last time 13:42:21
 2 that hadn't had enough books? 13:42:24
 3 A. It wasn't -- and it's probably my mistake. 13:42:27
 4 It wasn't the AP counseling that I inquired of 13:42:31
 5 textbooks. It was from Marcie Hines, who is in 13:42:34
 6 charge of textbooks. 13:42:37
 7 Q. Okay. Thank you. 13:42:39
 8 But were you asking about the books for that 13:42:40
 9 class or for -- 13:42:43
 10 A. If we actually had a class that did not have 13:42:46
 11 textbooks, and she said that that was a possibility. 13:42:49
 12 Q. Okay. Do you know when that conversation 13:42:55
 13 took place with Marcie? 13:43:00
 14 A. Again, it was probably after the last time I 13:43:04
 15 was with you. 13:43:08
 16 Q. Okay. In May of 2001 or approximately May 13:43:16
 17 of 2001, when you spoke to the assistant principal 13:43:19
 18 counseling and you were asking about the number of 13:43:22
 19 students standing, what did the assistant principal 13:43:26
 20 tell you? 13:43:30
 21 A. The number of what? 13:43:31
 22 Q. The number of students standing in class. 13:43:32
 23 A. That we had no students standing. If so, it 13:43:42
 24 was only for that day -- that period. 13:43:42
 25 Q. Did you do any other investigation after 13:43:44

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1 that conversation? 13:43:46
2 A. No, I didn't. 13:43:49
3 Q. Okay. And what did you talk to the 13:43:53
4 assistant principal counseling about scheduling 13:43:54
5 students in service classes? 13:43:56
6 A. I asked her to run me a count of the number 13:43:59
7 of students we had last year, and I also asked her 13:44:02
8 how she planned to program them into service for this 13:44:08
9 school year, and she shared that information with me. 13:44:12
10 Q. And I remember you testified on the first 13:44:18
11 day that you hoped to have fewer students in service 13:44:20
12 classes under your tenure as principal than before; 13:44:24
13 is that correct? 13:44:24
14 A. Yes. This year we have 20. 13:44:31
15 Q. And that's a big change from last year? 13:44:33
16 A. Yes. 13:44:33
17 Q. Do you know how many students were in 13:44:37
18 service classes in the 2000/2001 school year? 13:44:40
19 A. I think it was 80-plus. 13:44:44
20 Q. I think I remember from last time you 13:44:46
21 testified that only seniors could take service 13:44:49
22 classes at Fremont High School; is that right? 13:44:54
23 A. That's what we started out with. Unless 13:44:58
24 there's an emergency that a kid would need service in 13:45:00
25 order to get another academic class during another 13:45:04

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1 period, then we would definitely make arrangement for 13:45:07
2 that to happen. 13:45:10
3 Q. Has that happened that some nonseniors have 13:45:12
4 taken service classes during the 2000/2001 school 13:45:16
5 year? 13:45:23
6 A. Not to my knowledge. 13:45:23
7 Q. When you asked the assistant principal 13:45:24
8 counseling about cross-tracking in May 2001, what did 13:45:26
9 you talk about? 13:45:29
10 A. I talked about the idea of students in the 13:45:30
11 deposition saying they were not able to take certain 13:45:34
12 classes because it was on another track, and she said 13:45:38
13 that was true; however, this year we would have more 13:45:45
14 electives where they would not have to, but if they 13:45:50
15 needed to, they would be able to continue with the 13:45:54
16 cross-tracking. 13:45:57
17 Q. Okay. And after the last day of your 13:46:05
18 deposition, when you spoke to the plant manager about 13:46:06
19 the availability of chairs and desks, what did he 13:46:09
20 say? 13:46:12
21 A. We had extra chairs and desks and they were 13:46:14
22 kept in the warehouse and they were available. 13:46:17
23 Q. For teachers if they need them? 13:46:21
24 A. Yes. 13:46:21
25 Q. Okay. 13:46:24

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1 A. And he also, because of funding available at 13:46:24
2 the end of the school year, ordered quite a few. 13:46:27
3 Q. For the 2001/2002 -- 13:46:32
4 A. Yes. 13:46:32
5 Q. -- school -- 13:46:38
6 A. Yes. 13:46:38
7 Q. -- year? 13:46:39
8 Did you do any further investigation after 13:46:39
9 that? 13:46:41
10 A. No. 13:46:41
11 Q. And you asked -- the plant manager is 13:46:44
12 Mr. Ceja; is that correct? 13:46:48
13 A. That's right. 13:46:49
14 Q. You asked Mr. Ceja about the construction in 13:46:50
15 the shop building after your last deposition. What 13:46:52
16 did he say about the construction in the shop 13:46:57
17 building? 13:46:59
18 A. That there was construction going on at that 13:47:00
19 time; the students did not have to meet in that 13:47:03
20 class, in that particular classroom, it was done by 13:47:06
21 choice; that there was a classroom they were in, but 13:47:11
22 for whatever reason -- I'm not certain -- they chose 13:47:16
23 to use that particular room. 13:47:19
24 Q. He said that the students chose the room or 13:47:20
25 the teacher chose that room? 13:47:22

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1 A. Probably the teacher or a combination of 13:47:25
2 both. 13:47:27
3 Q. Okay. And finally you talked to him 13:47:29
4 about -- not finally -- you talked to him about 13:47:31
5 cleaning also after our last day of deposition. What 13:47:34
6 did he say about cleaning? 13:47:37
7 A. He explained to me the option that they had 13:47:38
8 and that they chose to do their own, and he cited the 13:47:42
9 times when they would do the cleaning, and I observed 13:47:49
10 it, since I'm there at night, the actual cleaning and 13:47:52
11 the stripping of the floors or the waxing or whatever 13:47:57
12 on the weekend and the shampooing of the carpets in 13:48:02
13 the offices. 13:48:11
14 Q. You said "they chose to do their own." You 13:48:11
15 mean the janitorial staff at Fremont chose to do the 13:48:13
16 cleaning themselves rather than having the district 13:48:18
17 come in and do some of the cleaning? 13:48:20
18 A. Yes. 13:48:23
19 Q. You also talked to Mr. Ceja about 13:48:23
20 air-conditioning after the last day of the 13:48:28
21 deposition. 13:48:29
22 What did he say about that? 13:48:30
23 A. We talked about the air-conditioning in the 13:48:32
24 deposition, that it was shut off and there were fumes 13:48:34
25 or something. 13:48:38

1 He mentioned he was not knowledgeable of it 13:48:38
 2 and they were all working and in good condition. 13:48:42
 3 When he was informed of one that isn't, then he would 13:48:46
 4 call for repair. 13:48:52
 5 Q. Okay. Have you received any communication 13:48:55
 6 from anyone associated with the State Board of 13:49:09
 7 Education about this lawsuit? 13:49:11
 8 A. No, I haven't. 13:49:13
 9 Q. Okay. Have you received any communication 13:49:15
 10 from anyone at the California Department of Education 13:49:17
 11 about this lawsuit? 13:49:20
 12 A. No, I haven't. 13:49:20
 13 Q. Have you received any communication from the 13:49:22
 14 State Superintendent of Public Instruction about this 13:49:24
 15 lawsuit? 13:49:27
 16 A. No, I haven't. 13:49:27
 17 Q. Have you received any communication from 13:49:28
 18 anyone at the State about this lawsuit? 13:49:30
 19 MR. ROZWOOD: Objection. Just for the 13:49:33
 20 record, Ms. Roland may not associate the people who 13:49:34
 21 contact her with the various state agency defendants 13:49:38
 22 or the State of California proper, and I just want to 13:49:48
 23 make that clarification for the record and object to 13:49:48
 24 the use of the "State" in your last question as 13:49:49
 25 vague. 13:49:51

1 BY MS. LHAMON: 13:49:52
 2 Q. You can answer. 13:49:52
 3 A. No, I haven't. 13:49:52
 4 Q. Okay. Thanks. 13:49:55
 5 What did you do to prepare for your 13:49:56
 6 depositions? 13:49:58
 7 MR. FRIEDMAN: You are referring to the two 13:50:02
 8 days of deposition? 13:50:03
 9 MS. LHAMON: Right, in this case. 13:50:05
 10 THE WITNESS: Well, the first one I really 13:50:11
 11 didn't know too much as to what to prepare for. 13:50:13
 12 The second one I went back to the various 13:50:17
 13 people who I thought would know the answers to the 13:50:20
 14 questions that I could not answer, and I inquired 13:50:24
 15 basically with those individuals that I just 13:50:29
 16 mentioned. 13:50:31
 17 BY MS. LHAMON: 13:50:32
 18 Q. Okay. Did you review any documents to 13:50:32
 19 prepare for today? 13:50:34
 20 A. No, I didn't. 13:50:38
 21 Q. Did you meet with your counsel? 13:50:38
 22 A. Did I -- 13:50:41
 23 Q. Meet with your counsel to prepare? 13:50:42
 24 A. No, I didn't. 13:50:44
 25 Q. Did you meet with anyone at O'Melveny & 13:50:45

1 Myers to prepare? 13:50:48
 2 A. No. 13:50:49
 3 MR. FRIEDMAN: Are you talking relative to 13:50:49
 4 today's -- 13:50:51
 5 MS. LHAMON: Or the last day's deposition, 13:50:52
 6 either day. 13:50:54
 7 THE WITNESS: No. 13:50:54
 8 BY MS. LHAMON: 13:50:56
 9 Q. Have you discussed this case with anyone 13:50:56
 10 from O'Melveny & Myers at all? 13:50:59
 11 A. No. 13:50:59
 12 Q. Have you had any meetings with anyone at 13:51:03
 13 O'Melveny & Myers? 13:51:06
 14 A. No. 13:51:06
 15 Q. You testified on your first day that you had 13:51:07
 16 met with Ben Rozwood before your first day of 13:51:09
 17 deposition and reviewed some declarations. 13:51:13
 18 Do you remember that? 13:51:15
 19 A. Yes. 13:51:15
 20 Q. Ben Rozwood works at O'Melveny & Myers. 13:51:16
 21 A. I thought you meant since I was here last. 13:51:20
 22 Q. I didn't. I meant ever. 13:51:24
 23 Have you met with anyone at O'Melveny & 13:51:27
 24 Myers about this case? 13:51:30
 25 A. Yes. 13:51:30

1 Q. When was that meeting? 13:51:32
 2 A. I wish I could tell you. It was early on in 13:51:33
 3 the school year. Probably close to the time I 13:51:37
 4 received the documents to prepare. 13:51:42
 5 Q. What documents are those? 13:51:46
 6 A. That was a communication from my district 13:51:47
 7 supervisor who called, and I think she probably sent 13:51:52
 8 copies of the declaration, and there were specific 13:51:59
 9 things that she asked me about textbooks and other 13:52:02
 10 things, and what little information I could get, I 13:52:05
 11 forwarded it to her. 13:52:11
 12 And I'm not certain it's been a year. I 13:52:12
 13 haven't the slightest idea, but shortly after that, I 13:52:15
 14 did go -- I did go to a meeting at the Board of 13:52:19
 15 Education with the two of these -- with these 13:52:24
 16 gentlemen. 13:52:28
 17 BY MS. LHAMON: 13:52:29
 18 Q. Howard Friedman and Ben Rozwood? 13:52:30
 19 A. Yes. 13:52:30
 20 Q. Was it Andreda Pruitt who asked you for the 13:52:35
 21 document -- 13:52:39
 22 A. Yes. 13:52:39
 23 Q. -- from the local district? 13:52:40
 24 Okay. She asked you to prepare some 13:52:41
 25 documents; is that right? 13:52:45

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1 A. She asked me questions pertaining to the 13:52:47
2 documents in relation to textbooks. That was -- it 13:52:50
3 was then that I went to the textbook clerk to try to 13:52:55
4 get an inventory. 13:52:59
5 There were probably others. I don't recall 13:53:00
6 because I didn't really have any resources during 13:53:03
7 those days. I was -- they had all left except 13:53:07
8 Marcie. So I could give her very little information 13:53:12
9 that she was requesting. 13:53:15
10 Q. When you say "they had all left," you mean 13:53:17
11 the other assistant principals? 13:53:19
12 A. Promoted out. 13:53:22
13 Q. And the new assistant principals hadn't 13:53:23
14 started yet? 13:53:25
15 A. That's correct. 13:53:25
16 Q. Okay. Isn't it correct that the documents 13:53:30
17 you sent to Andreda Pruitt related only to textbooks? 13:53:32
18 A. Probably some of the same questions you are 13:53:38
19 asking me. I think it was something about the 13:53:39
20 bathroom door, rodents. Basically the same type of 13:53:41
21 questions, and I tried to follow up about what she 13:53:48
22 asked, and again, I don't remember them all, but 13:53:54
23 basically what you have been asking me. It was 13:53:57
24 almost like it was the same information. 13:54:03
25 Q. You wrote a response to each of those -- 13:54:05

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1 A. I answered her. I don't know if it was in 13:54:09
2 written form. It may have been written on something 13:54:11
3 she had given me and was just forwarded back to her. 13:54:13
4 Again, it was very little because I didn't 13:54:16
5 have a lot to -- of information to give her, and to 13:54:18
6 be honest, I really didn't have the time to give her 13:54:24
7 any of it, to tell you the truth, just starting, and 13:54:26
8 I had other things, warm bodies before me. 13:54:29
9 Q. Uh-huh. Okay. 13:54:33
10 So shortly sometime after you met with Ben 13:54:38
11 Rozwood and Mr. Friedman at the Board of Education? 13:54:44
12 A. That's right. 13:54:46
13 Q. Did you review any documents at that 13:54:47
14 meeting? 13:54:48
15 A. Yes. 13:54:48
16 Q. What were the documents you reviewed? 13:54:53
17 A. I think the statements from Diego, Cindy. 13:54:55
18 Was it two Cindy -- 13:55:04
19 Q. There were two Cindy Diego documents? 13:55:06
20 A. -- statements? 13:55:06
21 Q. Did you review any statement from any other 13:55:11
22 students? 13:55:15
23 A. No. 13:55:15
24 Q. Not Glauz Diego? 13:55:17
25 A. I thought I included him. The two young 13:55:20

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1 ladies and Glauz. 13:55:23
2 Q. So Cindy Diego and Sendy Ramirez? 13:55:25
3 A. Yes. 13:55:25
4 Q. And then Glauz Diego? 13:55:29
5 A. Yes. 13:55:29
6 Q. Those are the only student statements you 13:55:33
7 reviewed? 13:55:43
8 A. Yes. 13:55:43
9 Q. Did you review any other documents? 13:55:43
10 A. No, not to my knowledge. 13:55:43
11 Q. Not that you can remember, okay. 13:55:43
12 Was that the only meeting you've had with 13:55:43
13 Ben Rozwood or anyone else from O'Melveny & Myers? 13:55:44
14 A. Yes. 13:55:44
15 Q. Other than the deposition? 13:55:48
16 A. Yes. 13:55:48
17 Q. What did Ben Rozwood say to you at that 13:55:50
18 meeting? 13:55:53
19 MR. ROZWOOD: Objection. Your question 13:55:53
20 intrudes upon well-recognized privilege for 13:55:55
21 settlement communications under California law. 13:55:58
22 The meeting to which you are referring of 13:56:02
23 which the discussions you are asking about 13:56:05
24 occurred -- took place pursuant to an 13:56:07
25 understanding -- I believe a written understanding 13:56:11

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1 agreement between the State of California and 13:56:13
2 Cross-Defendant Los Angeles Unified School District 13:56:17
3 relating to settlement discussions surrounding the 13:56:21
4 issues raised in the cross-complaint; and therefore, 13:56:26
5 all of the discussions that took place at that 13:56:30
6 meeting conducted pursuant to that settlement are 13:56:32
7 privileged, and Ms. Roland is under an agreement that 13:56:36
8 we, counsel, entered into on her behalf not to 13:56:41
9 disclose any of those discussions. 13:56:45
10 MS. LHAMON: As you may or may not know, 13:56:46
11 under California law, settlement discussions are, in 13:56:48
12 fact, not privileged. They are discoverable. 13:56:51
13 There are circumstances under which the 13:56:52
14 discussions are not admissible at trial, but they are 13:56:56
15 absolutely discoverable. There is no settlement of 13:56:58
16 this case. So I am entitled to an answer. 13:57:01
17 MR. FRIEDMAN: Don't answer. 13:57:04
18 I would like to go off the record so I can 13:57:05
19 confer with Mr. Rozwood. 13:57:07
20 MS. LHAMON: I have a question pending. If 13:57:09
21 you have an instruction for the witness, you should 13:57:11
22 make it. 13:57:13
23 MR. FRIEDMAN: If you force me to, I'll 13:57:14
24 instruct her not to answer the question. If I have a 13:57:15
25 chance to talk to him -- 13:57:18

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1 MS. LHAMON: You can talk to him now off the 13:57:19
 2 record. 13:57:22
 3 (Off the record.) 13:59:15
 4 MS. LHAMON: Are you still instructing the 13:59:16
 5 witness not to answer that question? 13:59:17
 6 MR. FRIEDMAN: Yes. 13:59:19
 7 Can I have the question read back. 13:59:20
 8 (The following question was 13:59:20
 9 read by the reporter: 13:55:50
 10 "QUESTION: What did Ben Rozwood 13:55:50
 11 say to you at that meeting?") 13:55:52
 12 MR. FRIEDMAN: Okay. Yeah, instruction 13:59:33
 13 still stands. 13:59:35
 14 THE WITNESS: I wish I could recall -- 13:59:38
 15 MR. FRIEDMAN: No, no. 13:59:40
 16 BY MS. LHAMON: 13:59:41
 17 Q. You are instructed not to answer. 13:59:41
 18 A. Oh, I'm sorry. 13:59:43
 19 MR. FRIEDMAN: That's fine. 13:59:47
 20 MR. ROZWOOD: You could ignore -- 13:59:48
 21 BY MS. LHAMON: 13:59:48
 22 Q. You are free to not follow the instruction. 13:59:51
 23 If you follow the instruction, it's a virtual 13:59:54
 24 certainty that I will not close the deposition and 13:59:57
 25 you will be back so you can answer the question -- 13:59:58

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1 MR. ROZWOOD: It's completely improper for 14:00:05
 2 you to -- 14:00:06
 3 MR. FRIEDMAN: I think that you will not 14:00:06
 4 attain an answer through intimidation. 14:00:07
 5 I'll instruct my client not to answer. 14:00:11
 6 MS. LHAMON: I think that was an appropriate 14:00:14
 7 characterization of what I'm trying to do. I'm 14:00:15
 8 stating the facts. 14:00:17
 9 Q. You are free to make any decisions you want 14:00:18
 10 to make. If you are going to follow your attorney's 14:00:21
 11 instruction, that's fine. 14:00:23
 12 Are you going to follow it? 14:00:24
 13 A. Yes. 14:00:24
 14 MS. LHAMON: Okay. Howard, so that I 14:00:28
 15 understand, you are going to instruct Ms. Roland not 14:00:29
 16 to answer any questions I have about the content of 14:00:31
 17 that meeting? 14:00:34
 18 MR. FRIEDMAN: That's correct. 14:00:35
 19 MS. LHAMON: Okay. 14:00:36
 20 MR. ROZWOOD: Well, you have asked questions 14:00:37
 21 regarding the contents of the meeting. Those have 14:00:39
 22 been answered. The questions she shouldn't answer 14:00:41
 23 are the questions regarding her communications with 14:00:44
 24 the counsel or the counsel to State of California. 14:00:47
 25 MS. LHAMON: You are not in a position to 14:00:50

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1 instruct her not to answer. 14:00:51
 2 MR. ROZWOOD: I didn't instruct her not to 14:00:53
 3 answer. I'm clarifying my nature of the 14:00:55
 4 understanding of the basis for Mr. Friedman's 14:00:56
 5 instruction. 14:00:59
 6 MS. LHAMON: He's perfectly capable of doing 14:01:00
 7 that himself. 14:01:02
 8 MR. FRIEDMAN: I heard your question to mean 14:01:04
 9 inquiry about colloquy that occurred between parties 14:01:06
 10 to that meeting. Questions relative to that kind of 14:01:09
 11 inquiry, I instruct my client not to answer. 14:01:14
 12 BY MS. LHAMON: 14:01:14
 13 Q. Okay. Have you given a declaration to 14:01:17
 14 anyone in this case? 14:01:18
 15 A. No. 14:01:18
 16 Q. Do you know what a declaration is? 14:01:21
 17 A. Basically what we are doing. 14:01:22
 18 Q. This is a deposition, and the declaration is 14:01:24
 19 a written -- 14:01:27
 20 A. Yes, that is what I'm saying, what the kids 14:01:28
 21 had. 14:01:30
 22 Q. And you haven't done that? 14:01:30
 23 A. No. 14:01:30
 24 MS. LHAMON: Okay. That closes my 14:01:38
 25 questioning for the day. 14:01:39

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1 I can't close this deposition because we 14:01:40
 2 haven't received a full document production yet from 14:01:42
 3 the district, but for the time being, I am satisfied 14:01:44
 4 with the questions, and I appreciate your time. 14:01:48
 5 THE WITNESS: Okay. 14:01:50
 6 MR. ROZWOOD: I just have two follow-up 14:01:53
 7 questions. We don't even have to take a break. Just 14:01:54
 8 to finish up here. 14:01:58
 9 14:01:58
 10 EXAMINATION 14:01:58
 11 BY MR. ROZWOOD: 14:02:01
 12 Q. You testified that you hoped that the State 14:02:01
 13 or the district didn't come back and do another audit 14:02:05
 14 earlier today. 14:02:09
 15 Do you recall that? 14:02:09
 16 A. Yes. 14:02:09
 17 Q. You said because you didn't want that to 14:02:13
 18 happen because -- don't let me get it wrong. 14:02:15
 19 What were your objections to that? 14:02:25
 20 A. I said it was a very tedious job, in other 14:02:27
 21 words, very time consuming on my part. It involved a 14:02:30
 22 lot of time on the part of the principal. 14:02:34
 23 Q. Time that you would rather spend doing other 14:02:36
 24 things? 14:02:38
 25 A. Correct. 14:02:39

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1 Q. What other things would you rather spend 14:02:39
2 your time on than having a State official come down 14:02:41
3 and do an audit on your school? 14:02:44
4 A. Visiting classes, hiring teachers, being 14:02:46
5 available to staff. 14:02:50
6 Q. Is it your view that unnecessary audits by 14:02:56
7 the State or State officials would impede upon your 14:03:11
8 ability to make yourself available to the staff, 14:03:11
9 visit classrooms, and hire teachers? 14:03:11
10 A. I would hope that they were necessary. 14:03:13
11 Q. If they were unnecessary, would that 14:03:19
12 interfere with your ability to do your job as 14:03:20
13 principal of Fremont High School? 14:03:22
14 A. It would probably delay some of the things 14:03:26
15 that I would ordinarily be doing. Eventually I could 14:03:29
16 do them. It would just cause a slight delay in doing 14:03:33
17 those things. 14:03:37
18 Q. Do you think that the State should do a 14:03:41
19 financial audit of Fremont's school budget every 14:03:50
20 year? 14:03:56
21 A. Only if it was necessary and they had good 14:04:00
22 reason to do that. 14:04:04
23 Q. What would you consider good reason? 14:04:07
24 Financial mismanagement or -- 14:04:08
25 A. Yes. 14:04:11

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1 Q. -- other misspending -- 14:04:11
2 A. Right. 14:04:13
3 Q. -- or something like that? 14:04:13
4 Without good evidence supporting an annual 14:04:14
5
6 audit, do you think that the State or the State 14:04:17
7 agents should come down and audit -- 14:04:20
8 A. I really don't think -- 14:04:23
9 MS. LHAMON: Vague as to "good evidence." 14:04:24
10 BY MR. ROZWOOD: 14:04:30
11 Q. -- come down and audit Fremont High School? 14:04:31
12 A. I don't think the State should come and 14:04:33
13 audit annually. 14:04:36
14 Q. Not without good reason; correct? 14:05:08
15 A. Yes, I think I said that at the beginning. 14:05:10
16 If they had good, sound reason for wanting to do it, 14:05:13
17 then I wouldn't object, not that it would matter 14:05:17
18 anyway, but I don't see the need for them to do it 14:05:21
19 annually unless they really had just cause. 14:05:24
20 Q. Do you think the State or the district 14:05:28
21 should have just cause to investigate Fremont High 14:05:31
22 School in other areas of the school operations as 14:05:34
23 well as the financial area? 14:05:37
24 A. I don't think so. 14:05:41
25 Q. Can you explain your answer. 14:05:44

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1 A. I'm thinking that Fremont is operating under 14:05:48
2 the guidelines of the district and State. So I 14:05:51
3 really don't think they would have just reasons -- I 14:05:54
4 would say starting with this school year -- to have 14:05:58
5 to come annually. 14:06:02
6 Q. My question is: Do you think it's 14:06:06
7 appropriate for the State or the district to come 14:06:10
8 supervise or investigate Fremont officials doing 14:06:14
9 their job without just cause? 14:06:17
10 A. I don't think they should come and supervise 14:06:22
11 without just cause. 14:06:26
12 Q. And can you explain to everybody here what 14:06:29
13 you mean by "just cause." 14:06:32
14 A. What I'm trying to say is we report -- we 14:06:37
15 complete various reports each year in different areas 14:06:42
16 of the school operation, and unless they observe 14:06:48
17 something that is irregular, I don't think that they 14:06:54
18 should come. 14:06:59
19 Q. Thank you very much, Ms. Roland. I have 14:07:02
20 nothing further. 14:07:05
21 Do you want to enter into a stipulation 14:07:05
22 regarding the treatment of this stipulation? 14:07:08
23 MR. FRIEDMAN: Real quick clarification 14:07:10
24 question. 14:07:11
25 /// 14:07:11

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1 EXAMINATION 14:07:11
2 BY MR. FRIEDMAN: 14:07:13
3 Q. Margaret, prior to your first day of 14:07:13
4 deposition, did you meet with me out at Fremont 14:07:15
5 relative to the deposition? 14:07:22
6 A. No. 14:07:29
7 MR. FRIEDMAN: Let's go off the record for a 14:07:29
8 second before the stipulation. 14:07:30
9 (Off the record.) 14:07:47
10 MR. FRIEDMAN: On the record, and we'll see 14:08:22
11 if the three parties can enter into a stipulation 14:08:23
12 relieving the reporter of her responsibility for 14:08:26
13 obtaining Ms. Roland's signature on the original 14:08:29
14 transcript and that, in lieu thereof, the original 14:08:32
15 can be forwarded to my attention, and I will be 14:08:35
16 responsible for getting Ms. Roland's review and 14:08:37
17 changes and execution of the original transcript. 14:08:42
18 And if the original is not signed by 14:08:45
19 Ms. Roland with any changes within 20 days after my 14:08:48
20 receipt of the deposition transcript, a copy may be 14:08:53
21 used as though signed. 14:08:55
22 MS. LHAMON: So stipulated. 14:08:57
23 MR. ROZWOOD: So stipulated with the 14:08:59
24 understanding that, to the extent that new issues are 14:09:01
25 raised by documents produced subsequent to the date 14:09:06

1 herein, we reserve the right -- or I reserve the 14:09:10
 2 right on behalf of the State to follow up and ask any 14:09:15
 3 additional questions that are raised by those 14:09:19
 4 documents. 14:09:22
 5 MS. LHAMON: As I've stated, this deposition 14:09:23
 6 is not closed until receipt of those documents, and 14:09:24
 7 we intend to continue the deposition if we have any 14:09:27
 8 further questions on receipt of those documents. 14:09:31
 9 MR. ROZWOOD: Thank you, Ms. Roland. 14:09:34
 10 MS. LHAMON: Thank you for your time. 14:09:36
 11 THE REPORTER: Would you like a copy? 14:09:37
 12 MS. LHAMON: I would like a copy and a disk. 14:09:39
 13 MR. FRIEDMAN: Copy and disk. 14:09:41
 14 (TIME NOTED: at 2:09 P.M.)
 15
 16
 17
 18
 19
 20
 21
 22
 23
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 25

1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, RICKI Q. MELTON, CSR No. 9400, RPR No. 45429,
 5 do hereby certify:
 6
 7 That the foregoing deposition testimony of
 8 MARGARET ROLAND was taken before me at the time
 9 and place therein set forth, at which time the witness
 10 was placed under oath and was sworn by me to tell the
 11 truth, the whole truth, and nothing but the truth;
 12
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21
 22 I further certify that I am neither counsel for
 23 any party to said action, nor am I related to any
 24 party to said action, nor am I in any way interested
 25 in the outcome thereof.

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 20____,
 5 at _____, _____.
 6
 7
 8
 9
 10 _____
 11 SIGNATURE OF THE WITNESS
 12
 13
 14
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 25

1 IN WITNESS WHEREOF, I have subscribed my name
 2 this 13th day of August, 2001.
 3
 4
 5
 6
 7 _____
 8 RICKI Q. MELTON, CSR No. 9400, RPR No. 45429
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1 I N D E X
2 VOLUME II

3
4 THURSDAY, AUGUST 2, 2001

5
6 WITNESS EXAMINATION

7
8 MARGARET ROLAND

9
10 (By Ms. Lhamon) 221, 322

11 (By Mr. Rozwood) 342

12 (By Mr. Friedman) 346

13

14

15

16 UNANSWERED QUESTION

17 PAGE LINE

18 337 17

19

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