

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

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

Menlo Park, California

Sunday, June 3, 2001

Volume

Reported by:
GINA GLANTZ
CSR No. 9795
JOB No. 848246

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 2 CITY AND COUNTY OF SAN FRANCISCO
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 4 ELIEZER WILLIAMS, et al.,)
 5 Plaintiffs,)
 6 vs.) No. 312 236
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 11 BOARD OF EDUCATION,)
 12 Defendants.)
 13 STATE OF CALIFORNIA,)
 14 Cross-Complainant,)
 15 vs.)
 16 SAN FRANCISCO UNIFIED SCHOOL)
 17 DISTRICT, et al.,)
 18 Cross-Defendants.)
 19
 20 Deposition of CARLOS SANTOS, Volume 1,
 21 taken on behalf of Defendant/Cross-Complainant
 22 State of California, at 990 Marsh Road, Menlo
 23 Park, California, beginning at 10:08 a.m. and
 24 ending at 4:31 p.m., on Sunday, June 3, 2001,
 25 before GINA GLANTZ, Certified Shorthand
 Reporter No. 9795.

1 APPEARANCES:
 2
 3 For Plaintiffs Eliezer Williams, et al.:
 4 MORRISON & FOERSTER, LLP
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 11 For Defendant/Cross-Complainant State of California:
 12 O'MELVENY & MYERS, LLP
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 14 Attorney at Law
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 16 Los Angeles, California 90071-2899
 17 (213) 430-6000
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 19 For Defendants Delaine Eastin, State Superintendent of
 20 Public Instruction; State Department of Education; State
 21 Board of Education:
 22 OFFICE OF THE ATTORNEY GENERAL
 23 CALIFORNIA DEPARTMENT OF JUSTICE
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 25 Sacramento, California 95814-2919
 (916) 324-2500
 (No appearance.)
 Also Present:
 MARCELINO LOPEZ

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 24 * Retained by Counsel for State of California
 25

1 Menlo Park, California, Sunday, June 3, 2001
 2 10:08 a.m. - 4:31 p.m.
 3
 4 CARLOS SANTOS,
 5 having been first duly sworn, was examined and testified
 6 as follows:
 7
 8 EXAMINATION
 9 BY MS. KOURY:
 10 Q Good morning, Mr. Santos. My name is Vanessa
 11 Koury, and I'm an attorney representing the State of
 12 California in this litigation. Would you please state
 13 and spell your full name and the city in which you live,
 14 for the record.
 15 A Carlos Santos, C-a-r-l-o-s, A - S-a-n-t-o-s,
 16 and I live in East Palo Alto.
 17 Q Have you ever had your deposition taken before?
 18 A No.
 19 Q Let me briefly explain to you what we're going
 20 to be doing here today. I'm going to ask you a series
 21 of questions to ask you about the facts in this case
 22 that relate to this lawsuit. Our reporter here will be
 23 recording my questions and your answers, and then it
 24 will be transcribed into a booklet for your review and
 25 your signature. When you receive the booklet, you can

1 make any changes that you feel are necessary; however,
2 be aware that the various lawyers in this case will be
3 free to comment on any changes that you make, at trial
4 or at any other hearing or proceeding in this case. Do
5 you understand that?

6 A Yeah.

7 Q So again, it's very important that you respond
8 to the questions as fully and fairly as you possibly
9 can. Do you understand that?

10 A Yes.

11 Q When you answer my questions, it's important
12 that you verbalize your answer with a "yes" or a "no."
13 The shake of the head or nods of the head cannot be
14 recorded by the court reporter. Do you understand that?

15 A Yes.

16 Q Also, it's hard for the reporter to get a clear
17 record of all the testimony if there's more than one
18 person speaking at a time, so I'll allow you to finish
19 your answers before I ask another question. If you will
20 also allow me to finish my question before you begin to
21 answer. Is that okay?

22 A Yes.

23 Q If at any time you don't understand one of my
24 questions, please just let me know by saying that you
25 don't understand, and I will attempt to rephrase the

1 question so that you do understand it. Unless you tell
2 me that you don't understand a question, I will assume
3 that you do understand it. Do you understand me so far?

4 A Yes.

5 Q Okay. You're required to answer my questions
6 to the best of your ability. In other words, I'm
7 entitled to get your best estimate, but I don't want you
8 to guess. Do you understand the difference between a
9 best estimate and a guess?

10 A Yes.

11 Q Do you want an example?

12 A No.

13 Q Okay. Because your testimony is given under
14 oath, it will have the same force and effect as if you
15 were testifying in a court of law with a judge. You're
16 therefore subject to all the penalties of perjury for
17 giving false testimony. So even though we're here in an
18 informal setting, this is as if you were testifying in a
19 formal courtroom. Do you understand that?

20 A Yes.

21 Q If you need a break for any reason throughout
22 this deposition, please let me know, and I'll tell the
23 court reporter and we'll go off the record, and we'll
24 take a break. If, however, there's a question pending,
25 I'll ask you to answer the question, and then we'll take

1 a break. Do you understand that?

2 A Yes.

3 Q If at any point during today's deposition a
4 question that I ask or an answer that you're giving
5 triggers your memory concerning something we had
6 discussed earlier in the deposition, please let me know
7 and we'll put that information on the record. Do you
8 understand that?

9 A Yes.

10 Q Do you understand all these ground rules?

11 A Yes.

12 Q Do you have any questions?

13 A No.

14 Q Is there any reason why you may be unable to
15 testify today and give your best testimony?

16 A No.

17 Q Have you recently consumed any medication?

18 A No.

19 Q Any alcohol?

20 A No.

21 Q Or anything else that would cloud your mind and
22 interfere with your ability to answer these questions?

23 A No.

24 Q Do you suffer from any disability of any kind?

25 A No.

1 Q Did you do anything to prepare for this
2 deposition today?

3 A No.

4 Q Did you speak with your lawyer before this
5 deposition?

6 A Yes.

7 Q How many times did you speak with your lawyer?

8 A Once.

9 Q Was it in person or over the phone?

10 A In person.

11 Q When was this?

12 A Friday.

13 Q This past Friday?

14 How long did you meet with your lawyer?

15 A About two hours.

16 Q Was there anyone else there?

17 A Yes.

18 Q Who else?

19 A My mom.

20 MS. WELCH: Just for clarity, I think it was
21 Thursday, right?

22 THE WITNESS: Thursday? Oh, okay.

23 BY MS. KOURY:

24 Q So that would have been May 31st.

25 Other than speaking to your lawyer in person on

1 Thursday, did you have any other contact with your
 2 lawyer in preparation for this deposition?
 3 A No.
 4 Q No. Did you speak to anyone else other than
 5 your lawyer about this deposition?
 6 A No.
 7 Q No friends at school?
 8 A No.
 9 Q Did you look at any documents to prepare for
 10 this deposition?
 11 A Yes.
 12 Q What documents did you look at?
 13 A The -- the testimony that I gave or the -- for
 14 the lady in L.A.
 15 Q What lady in L.A.?
 16 THE WITNESS: What's her name?
 17 MS. WELCH: Dalia.
 18 THE WITNESS: Dalia.
 19 MS. WELCH: And he's referring to his
 20 declaration.
 21 MS. KOURY: I'm marking and identifying as
 22 Exhibit 1 to the deposition of Carlos Santos -- I'm
 23 sorry, the deposition transcript of Carlos Santos --
 24 this is the declaration of Carlos Santos, dated January
 25 30th, 2001.

1 (Deposition Exhibit 1 was marked for
 2 identification by the court reporter.)
 3 BY MS. KOURY:
 4 Q Carlos, I'm showing you what's been marked now
 5 as Exhibit 1, and this is a declaration of your -- your
 6 declaration dated January 30th, 2001. Does this look
 7 familiar to you?
 8 A Yes.
 9 Q Is this what you were referring to when you
 10 said you reviewed your testimony?
 11 A Yes.
 12 Q And you said that you had prepared this for
 13 Dalia?
 14 A Um-hmm.
 15 Q Other than reviewing this document, did you
 16 review any other documents for your deposition?
 17 A Yeah, but I don't quite remember them.
 18 Q Do you remember how many documents you
 19 reviewed?
 20 A Yeah, it was about three.
 21 MS. KOURY: I'm marking and identifying Exhibit
 22 2 to Carlos Santos' deposition transcript, the first
 23 amended complaint, dated August 14th, 2000.
 24 Counsel, will you stipulate we don't need to
 25 copy this?

1 MS. WELCH: Yeah.
 2 (Deposition Exhibit 2 was marked for
 3 identification by the court reporter.)
 4 BY MS. KOURY:
 5 Q And I'm showing you, Carlos, what we've just
 6 marked as Exhibit 2. Could you review this for a
 7 second. Does it look familiar to you?
 8 MS. WELCH: Look at it, if you'd like.
 9 THE WITNESS: Yeah, this is all the class
 10 representatives.
 11 BY MS. KOURY:
 12 Q Excuse me?
 13 A Class representatives.
 14 MS. WELCH: Her question was: Does this look
 15 familiar to you?
 16 THE WITNESS: Yeah, yeah.
 17 BY MS. KOURY:
 18 Q Is this one of the documents that you reviewed
 19 for your deposition today?
 20 A Yeah.
 21 Q Other than this document, which we've now
 22 marked as Exhibit 2, and the other document which we
 23 marked as Exhibit 1, what other documents did you review
 24 for today's deposition?
 25 A I think it was that one too.

1 Q For the record, the witness is pointing to the
 2 "Defendant's Notice of Deposition of Plaintiff Carlos
 3 Santos and Request for Production of Documents."
 4 Marking and identifying, as Exhibit 3 to the deposition
 5 transcript of Carlos Santos, defendants' notice of
 6 deposition.
 7 (Deposition Exhibit 3 was marked for
 8 identification by the court reporter.)
 9 BY MS. KOURY:
 10 Q Showing you what I've now marked as Exhibit 3,
 11 could you review that for me. Will you tell me when
 12 you're finished reviewing it.
 13 A What was the question again?
 14 Q I actually didn't ask one yet, but I'm going to
 15 ask, does that look familiar to you?
 16 A Yes.
 17 Q Did you review this document which we've marked
 18 as Exhibit 3 in preparation for your deposition?
 19 A Yeah.
 20 Q You did?
 21 A Yeah.
 22 Q Okay. Other than these three documents that
 23 are in front of you, did you look at any other documents
 24 in preparation for your deposition?
 25 A I don't think so.

1 Q Did you look at your report card?
 2 A Yeah.
 3 Q Did you look at any newspaper articles?
 4 A Hm-umm.
 5 Q Did you look at any other testimony from any
 6 other students?
 7 A Hm-umm.
 8 MS. WELCH: Make sure you answer "yes" or "no,"
 9 because sometimes reading it is hard.
 10 MS. KOURY: Thank you.
 11 Q Will you turn to page 7 of that last document,
 12 which is Exhibit 3.
 13 A Okay.
 14 Q Could you read that to yourself and tell me
 15 when you're finished.
 16 A Yeah.
 17 Q Do you understand what any of these documents,
 18 to which page 7 refers to, are?
 19 A Yeah, like, information about me, myself.
 20 Q Did your attorneys tell you to look for this
 21 type of information?
 22 A Um-hmm -- yeah, they did.
 23 Q Where did you look for it? Or did you look for
 24 it?
 25 A Yeah.

1 Q Where did you look for it?
 2 A What do you mean, where --
 3 Q Did you look for certain documents about
 4 yourself?
 5 A Yeah, the --
 6 Q Did you look for your report cards?
 7 A Yeah, that's what I was going to say, report
 8 cards.
 9 Q Did you look for attendance records?
 10 A No.
 11 Q Other than your report cards, did you look for
 12 anything else?
 13 A No.
 14 Q Where did you look for your report cards?
 15 A My mom looked for them at home.
 16 Q Do you know if you asked anyone at your school
 17 for your report cards?
 18 A No.
 19 Q Other than your mother looking for your report
 20 cards at home, do you know if you did any other types of
 21 searches for any other types of records about yourself?
 22 A No.
 23 MS. WELCH: Objection. Vague.
 24 BY MS. KOURY:
 25 Q That was "no"; was that your answer?

1 A (No audible response.)
 2 Q When's the first time that you saw this notice
 3 of deposition which we've marked as Exhibit 3; do you
 4 remember?
 5 A Yeah, it was on Thursday.
 6 Right?
 7 Q When was the first time that you started
 8 looking for these records, such as your report card?
 9 A Thursday.
 10 Q Pointing your attention to what we marked as
 11 Exhibit 2, the first amended complaint, what's the first
 12 time you saw this document, this one right here?
 13 A Thursday.
 14 Q Okay. That was the first time?
 15 A Um-hmm.
 16 Q Other than the report cards which your counsel
 17 brought today, did you bring any other documents today?
 18 A No.
 19 Q Did you discuss this lawsuit with any of your
 20 teachers or anyone else at your school?
 21 A No.
 22 Q Do you have any other types of documents at
 23 home relating to this lawsuit?
 24 MS. WELCH: Objection. Vague.
 25 BY MS. KOURY:

1 Q Do you understand that question?
 2 A Hmm-um.
 3 Q No? Do you have any other types of documents
 4 from -- or about your testimony which is in Exhibit 1,
 5 your declaration?
 6 A Do I have --
 7 Q Do you have any other types of documents, about
 8 your testimony, at home?
 9 A No, not about my testimony.
 10 Q Any other documents about filing this lawsuit?
 11 A I think we got this in the mail.
 12 Right?
 13 Yeah, we got it; my dad.
 14 MS. KOURY: For the record, the witness is
 15 pointing to Exhibit 2, the first amended complaint.
 16 Q You think you got the first amended complaint
 17 in the mail?
 18 A Yes.
 19 Q Do you remember when?
 20 A Yeah, I think it was when I got this, the
 21 original, that I had to sign it.
 22 Q You had to sign the declaration?
 23 A Yeah.
 24 Q You got the declaration in the mail?
 25 A Yeah, by messenger.

1 Q Do you know when you got it?
 2 A I don't remember, no.
 3 Q Was it after Christmas break?
 4 A I don't quite remember.
 5 Q Did you speak to anyone about the testimony
 6 before you got it in the mail?
 7 A No.
 8 Q So you --
 9 MS. WELCH: Objection. Vague.
 10 BY MS. KOURY:
 11 Q Did you -- when I say "testimony," I'm
 12 referring to what's written in this declaration. Did
 13 you talk to anyone about that before you received this
 14 declaration in the mail?
 15 MS. WELCH: Same objection.
 16 BY MS. KOURY:
 17 Q You can answer that, if you know the answer.
 18 A No.
 19 Q No?
 20 A No.
 21 Q So you got this declaration in the mail?
 22 A Yeah.
 23 Q What did you do with it?
 24 A Well, first I read it to see if it was the same
 25 thing that I said, and signed it.

1 Q You said you read it?
 2 MS. WELCH: He doesn't understand the question,
 3 just so you know. I mean --
 4 MS. KOURY: I can kind of figure that from his
 5 answer.
 6 Q You said that you read it to see if it said the
 7 same thing as you said?
 8 A Um-hmm.
 9 Q What do you mean?
 10 A Because when I was testifying by home -- by
 11 phone, they were writing it down. They were writing
 12 down what I said.
 13 Q When were you testifying on the phone?
 14 A I don't remember.
 15 Q Was it this school year?
 16 A Yes.
 17 Q Was it before Christmas vacation?
 18 A I don't know. Yeah, I think it was, yeah.
 19 Q Who were you testifying to on the phone? Do
 20 you remember the person's name?
 21 A No.
 22 Q Do you remember if it was a woman or a man?
 23 A Oh, it was a woman.
 24 Q Do you know if it was a lawyer?
 25 A Yeah.

1 Q It was a lawyer?
 2 A Yeah.
 3 Q How do you know it was a lawyer?
 4 A I think she told me.
 5 Q Did she call you or did you call her?
 6 A She called me.
 7 Q Do you know how she got your phone number?
 8 A Nope.
 9 Q Was that the first time you had talked to her?
 10 A Yeah.
 11 Q Do you know why she called you?
 12 A Yeah.
 13 Q Why?
 14 A For the lawsuit.
 15 Q How do you know that?
 16 A They talked to me about it.
 17 Q Who is "they"?
 18 A The same lady that had called me.
 19 Q Was that the first time she talked to you about
 20 it?
 21 A Yeah.
 22 Q So the -- was that the first time you heard
 23 about the lawsuit?
 24 A Yeah.
 25 Q So the first time you heard about the lawsuit

1 was when you talked to her on the phone, and she called
 2 you?
 3 MS. WELCH: Objection. Vague.
 4 BY MS. KOURY:
 5 Q Go ahead, you can answer that. Was that the
 6 first time you heard about the lawsuit, was when she
 7 called you?
 8 MS. WELCH: Same objection.
 9 THE WITNESS: I think someone talked to me
 10 about it that -- I think it was my dad, that they were
 11 going to call, when he told me what was happening.
 12 BY MS. KOURY:
 13 Q Okay. So when you were testifying on the phone
 14 to this woman, did you ever talk about your testimony
 15 that's in this declaration, again --
 16 MS. WELCH: Objection.
 17 BY MS. KOURY:
 18 Q -- to that woman?
 19 MS. WELCH: Objection. Calls for
 20 attorney-client privileged information.
 21 And I instruct you not to answer.
 22 BY MS. KOURY:
 23 Q Are you going to follow your lawyer's
 24 instruction?
 25 A Yes.

- 1 MS. KOURY: Can we stipulate that your client
2 will follow your instruction?
3 MS. WELCH: Yes.
4 BY MS. KOURY:
5 Q When you received the declaration in the mail,
6 Exhibit 1 in the mail, and you said you read it, did you
7 sign it?
8 A Yes.
9 Q Okay. How old are you?
10 A 13.
11 Q 13. What grade are you in?
12 A Seventh.
13 Q And how long have you lived in Palo Alto?
14 A Three years.
15 Q And where did you live before that?
16 A I lived in my country, El Salvador.
17 Q Is that where you were born?
18 A Yes.
19 Q And how do you get to and from school?
20 A My mom drops me off and my dad picks me up.
21 Q Does your mom drive you to school or do you
22 walk?
23 A Yeah, she drives me to school.
24 Q Does she drive you every day?
25 A Yes.

- 1 Q And your dad picks you up every day?
2 A Yes.
3 Q Does he drive you back from home -- from
4 school, or do you guys walk?
5 A No, he drives me back to home.
6 Q How long does it take to get to school every
7 day?
8 A Five minutes.
9 Q Do you -- who lives with you right now?
10 A My dad, my mom, my two brothers, and my sister.
11 Q How old are your brothers?
12 A 19 and 16.
13 Q How old is your sister?
14 A 14.
15 Q Does anyone else live with you?
16 A No.
17 Q How about last year; who lived with you?
18 A Same people.
19 Q Year before?
20 A Same people.
21 Q How long have you been a student at
22 Edison-McNair?
23 A Three years.
24 Q Since the fifth grade?
25 A Fourth grade.

- 1 Q Fourth grade.
2 Did you start at the beginning of the fourth
3 grade?
4 A Yes.
5 Q And you were there all fifth grade, all sixth
6 grade?
7 A Yes.
8 Q And now seventh grade?
9 A Um-hmm.
10 Q Do you have any after-school jobs?
11 A No.
12 Q Have you ever had a job?
13 A No.
14 Q Do you play any sports?
15 A Yes.
16 Q What do you play?
17 A Soccer.
18 Q Where did you play that?
19 A In school.
20 Q Is it a school team?
21 A No.
22 Q Is it during recess?
23 A Yes.
24 Q Do you play any other sports at school?
25 A Not at school.

- 1 Q Do you play any other sports outside of school?
2 A Yeah, but I'm not playing it now. I used to
3 play baseball.
4 Q Baseball?
5 A Yeah.
6 Q Did you -- where did you play that?
7 A East Palo Alto.
8 Q Was it an organized sport or --
9 A Yeah.
10 Q Do you know the name of the team?
11 A Yeah.
12 Q What was the name?
13 A RP.
14 Q I'm sorry?
15 A RP.
16 Q How did you come up with that name?
17 A I don't know. I don't know what it stands for.
18 Q How long did you play baseball?
19 A Three years.
20 Q Three years?
21 A Yeah, three -- three seasons.
22 Q But you're not playing this season?
23 A No.
24 Q Any other sports other than baseball?
25 A No.

- 1 Q Are you involved in any clubs at school?
 2 A Yes.
 3 Q What clubs?
 4 A Boys & Girls Club.
 5 Q What's that?
 6 A It's a recreation center for kids, go there and
 7 do your homework, and you could play in the gym.
 8 Q What time of day is it?
 9 A It starts at -- I think at 1:10 and it ends at
 10 9:00.
 11 Q It starts at 1:00 in the afternoon and it ends
 12 at 9:00 p.m.?
 13 A Yeah.
 14 Q Is that -- what days of the week is that?
 15 A From Monday to Friday.
 16 Q Where is it?
 17 A Next to my school.
 18 Q Do you know if it's through your school?
 19 A No, it's next to my school.
 20 Q Do you know the name of the organization?
 21 A Yeah, Boys & Girls Club of the Peninsula.
 22 Q How often do you go there?
 23 A Like two times a week.
 24 Q What times do you usually go there?
 25 A Right after I finish school, like until 4:30,

- 1 5:00.
 2 Q What time do you finish school?
 3 A 3:30.
 4 Q What do you do while you're there?
 5 A In school? Or in the Boys & Girls Club?
 6 Q At the Boys & Girls Club.
 7 A I do my homework and I play, play basketball in
 8 the gym.
 9 Q Is there anyone there to help you with your
 10 homework?
 11 A Yeah.
 12 Q Who?
 13 A His name is Mr. Franco.
 14 Q Do you ever ask for help with your homework?
 15 A Yeah.
 16 Q How often?
 17 A Every time I need help.
 18 Q How often is that?
 19 A Very often.
 20 Q Does he help you with all your subjects or only
 21 certain subjects?
 22 A All my subjects.
 23 Q Any other groups other than the Boys & Girls
 24 Club? Or any other clubs, I should say.
 25 A No.

- 1 Q Have you received any awards at school?
 2 A Hmm-um.
 3 Q Any scholarships?
 4 A No.
 5 Q Any honors?
 6 A No.
 7 Q Where do you normally do your homework
 8 assignments?
 9 A At home.
 10 Q Where at home?
 11 A In my room.
 12 Q Do you have your own room or do you share a
 13 room?
 14 A I share a room.
 15 Q Who do you share it with?
 16 A My sister.
 17 Q And where do you study in your room?
 18 A My desk.
 19 Q Is that your own desk?
 20 A Yes.
 21 Q Do you have a computer at home?
 22 A Yes.
 23 Q Where is the computer?
 24 A One's in my room, and one's in the garage.
 25 Q Which one do you use?

- 1 A The one in my room.
 2 Q And do you have -- do you know what the
 3 Internet is?
 4 A Yes.
 5 Q Do you have Internet access at home?
 6 A I can get into the Internet, but I don't,
 7 because we only have one phone line.
 8 Q That probably would create problems at home,
 9 then.
 10 A Yeah.
 11 Q What do you use the computer at home for?
 12 A For doing my homework and playing games.
 13 Q What kind of games?
 14 A Cartoon games.
 15 Q How often do you use the computer at home to do
 16 your homework?
 17 A Every day.
 18 Q Do you have homework almost every day?
 19 A Yes.
 20 Q Do you use the computer for all subjects?
 21 A No.
 22 Q What subjects do you use the computer for?
 23 A For language arts.
 24 Q Any other subjects?
 25 A No.

1 Q Earlier you were telling me that when the woman
2 called you and you testified on the phone, I think you
3 said that your father had told you she was going to
4 call?
5 A Yeah.
6 Q Do you know why you're here today?
7 A Yes.
8 Q Why do you think you're here today?
9 MS. WELCH: Objection. Vague.
10 BY MS. KOURY:
11 Q You can answer that.
12 A For a class representative.
13 Q Do you know what a lawsuit is?
14 A Yeah, I think I have an idea of what it is.
15 Q Do you know if you're suing anyone?
16 A Yes.
17 Q Are you suing anyone?
18 A Yeah, the State of California.
19 Q Anyone else?
20 A No.
21 Q Do you know why you're suing the State of
22 California?
23 A Yeah.
24 Q Why?
25 A For the schools.

1 Q For the schools?
2 A Yeah.
3 Q When did you first decide to sue the State of
4 California?
5 A When they called me and -- yeah, then I said
6 yes.
7 Q When you say "when they called" you, is that
8 the same telephone call as when you testified?
9 A Yes -- no, not when I testified. I testified
10 at another day.
11 Q Did they call you about suing before you
12 testified, on the phone?
13 A Yeah.
14 Q Do you remember when that was?
15 A No.
16 Q Do you remember who called you?
17 A The same lady.
18 Q Do you know if that lady was a lawyer?
19 A Yes.
20 Q Was her name Dalia?
21 A Um-hmm.
22 Q Do you remember if she called you this school
23 year?
24 A Yes.
25 Q It was this school year?

1 A Yes.
2 Q While you were in the seventh grade?
3 A Um-hmm.
4 Q Do you remember if it was in the beginning of
5 the school year?
6 A Yeah, I think it was, like, at the beginning of
7 the school year.
8 Q And then she called you again a second time,
9 and you testified?
10 A Yeah, yeah, I think it was the second time.
11 Q When she called you and asked you if you wanted
12 to sue; is that -- do you know how she got your phone
13 number?
14 A Yeah, I think it was from my dad.
15 Right?
16 Q Why do you think your dad gave her your phone
17 number?
18 A Because he's involved in the school, in the
19 school stuff.
20 Q Did your dad tell you anything about filing a
21 lawsuit?
22 A Yeah.
23 Q What did he tell you?
24 A That they were suing the State of California
25 for not -- to improve the schools.

1 Q Who is "they"?
2 A Huh?
3 Q Who is "they"? You said "they are suing."
4 A The lawyers.
5 Q The lawyers are suing?
6 A Yes, the lawyers.
7 Q Did your dad tell you how he heard about the
8 lawsuit?
9 A No.
10 Q Did you talk to anyone about suing the State of
11 California?
12 MS. WELCH: Objection. Vague.
13 THE WITNESS: Yeah.
14 BY MS. KOURY:
15 Q Who did you talk to?
16 A What's her name? Dal- --
17 Q Dalia?
18 A Dalia.
19 Q Anyone else?
20 A No.
21 Q Did you talk to your dad about it?
22 A Yes.
23 Q What did you say to your dad?
24 A I don't know what I said to him, but I did talk
25 to him about it.

1 Q So other than Dalia calling you and asking you
2 if you wanted to sue, and then she called you another
3 time when you said that you testified to her, did you
4 talk to Dalia any other time besides those two times?

5 A Yes.

6 Q When?

7 A When she told me.

8 MS. WELCH: You don't want to talk about the
9 things that your lawyer said to you. So you can answer
10 when, if you know the time frame, but you can't answer
11 when using things that she said to you; understand?

12 THE WITNESS: Um-hmm.

13 MS. WELCH: Okay.

14 THE WITNESS: When she asked me that we were
15 going to go to San Francisco --

16 MS. WELCH: Same -- you can give the time, if
17 you remember, but don't identify the conversation by
18 what it was about. Does that make sense?

19 THE WITNESS: Um-hmm. It was on Saturday.

20 BY MS. KOURY:

21 Q This past Saturday?

22 A No.

23 Q The Saturday before?

24 A No. It was -- I don't remember.

25 Q Was it this month?

1 person?

2 A In person.

3 Q How long was it?

4 MS. WELCH: Objection. Asked and answered.

5 BY MS. KOURY:

6 Q Was that two hours; is that what we discussed
7 earlier?

8 A Yes.

9 Q And today, I take it, it was in person?

10 A Um-hmm.

11 Q How long did you meet with her?

12 A About a half an hour.

13 Q Other than Ms. Welch and Dalia, did you talk to
14 any other lawyers about this lawsuit?

15 A No.

16 Q Have you heard the term "American Civil
17 Liberties Union"? Terms, I should say.

18 A No.

19 Q Have you ever heard of the term "ACLU"?

20 A Hmm-um.

21 Q How about "Public Advocates"?

22 A No.

23 Q Okay. "Center of Law in the Public Interest,"
24 does that sound familiar?

25 A Sounds familiar, but don't get it.

1 A No.

2 Q Was it during May?

3 A Yeah.

4 Q Was it by phone?

5 A Yes.

6 Q How long did you talk to her?

7 A I don't know, five minutes, ten minutes.

8 Q Other than talking to Dalia on Saturday and the
9 other two conversations we've already discussed, did you
10 talk to her any other times?

11 A No.

12 Q Did you talk to any other lawyers besides
13 Dalia?

14 A Yes.

15 Q What other lawyers?

16 A Her.

17 Q Ms. Welch?

18 A Yeah.

19 Q Any other lawyers besides Ms. Welch?

20 A No.

21 Q How many times did you talk to Ms. Welch?

22 A Two times.

23 Q Do you remember when?

24 A Thursday and today, before coming here.

25 Q And on Thursday, was it by telephone or in

1 Q Have you talked to anyone from UCLA?

2 A Dalia.

3 Q Excuse me?

4 A Dalia.

5 Q Dalia. Do you know if Dalia is a law student
6 at UCLA?

7 A No.

8 Q You don't know?

9 A I don't know.

10 Q Did you ever fill out a survey from Dalia?

11 A No.

12 Q Did you talk to anybody else from UCLA?

13 A No.

14 Q Do you know what a class action is?

15 A Yes.

16 Q What is it?

17 A Representing a lot of the students from the
18 state.

19 Q Do you know if this case is a proposed class
20 action?

21 A What --

22 MS. WELCH: Objection. Vague.

23 BY MS. KOURY:

24 Q You can answer that if you know the answer.

25 A No.

- 1 Q Do you know if you -- do you know the
2 definitions of the class in this case?
3 A Yes.
4 Q What are they?
5 A All the students in the state complaining.
6 Q I'm sorry, I didn't understand the last part.
7 A Complaining.
8 Q Complaining?
9 A Yeah.
10 Q Do you know if there's any subclasses in this
11 lawsuit?
12 A No, I don't.
13 Q And you just told me the definition of the
14 class: all the students complaining; is that what you
15 said?
16 A Yeah.
17 Q Do you know if you're a member of this class?
18 A Yes.
19 Q Are you a member of this class?
20 A Yes.
21 Q Do you know if you're a proposed class
22 representative?
23 A No.
24 Q You don't know?
25 A No.

- 1 MS. WELCH: I'm going to object, because I
2 think it's a vague question.
3 MS. KOURY: Okay, that's fine.
4 Q Do you know if you represent any of the class
5 members in this case?
6 A Hmm-um.
7 MS. WELCH: Same objection.
8 BY MS. KOURY:
9 Q You don't know? You don't know?
10 A No, I don't know.
11 Q Do you know what your -- do you know if you're
12 a plaintiff in this case?
13 A I don't understand that question.
14 Q Do you know what a plaintiff is?
15 A Hmm-um.
16 Q Do you know if you have any duties in this
17 lawsuit?
18 A Only to say the truth. No.
19 Q I'd like you to say the truth.
20 MS. WELCH: He said "only to say the truth."
21 BY MS. KOURY:
22 Q Oh, only to say the truth. Is that --
23 A Yeah.
24 Q Other than to say the truth in this lawsuit, do
25 you know if you have any other duties?

- 1 A No.
2 Q Did anyone promise you anything for being in
3 this lawsuit?
4 A No.
5 Q Do you know if you're being paid for being in
6 this lawsuit?
7 A No, I'm not being paid.
8 Q How do you know that?
9 A They talked to me about it.
10 Q Who is "they"? Your lawyers?
11 A Yeah.
12 I keep forgetting your name.
13 Q Do you know if you have any agreements to pay
14 your lawyers?
15 A No.
16 Q You don't know?
17 A No, they don't. I mean --
18 Q What do you mean?
19 A They're not getting paid.
20 Q How do you know that?
21 A She's told me.
22 Q "She's" your lawyer?
23 A Yes, she's --
24 Q Do you know what your -- do you know what you
25 want for the class members in this lawsuit?

- 1 A Improvement; that's all.
2 Q Improvement of what?
3 A Of the schools.
4 Q What do you mean by that?
5 A Hoping for the schools to get better.
6 Q Anything else?
7 A No.
8 Q You said earlier that you were sent this, the
9 complaint, in the mail?
10 A Um-hmm.
11 Q And declaration?
12 A Um-hmm.
13 Q What did you do with them when you got them,
14 other than -- you told me you read the declaration and
15 you signed it. What did you do with the complaint?
16 A Nothing. I just saw it and said -- looked at
17 it.
18 Q I'm sorry?
19 A I looked at it.
20 Q How did you look at it?
21 MS. WELCH: Objection. Vague.
22 THE WITNESS: There it is. I didn't flip the
23 pages or anything.
24 BY MS. KOURY:
25 Q You didn't flip the pages or anything?

- 1 A No.
 2 Q Have you received any other types of documents
 3 that look like this first amended complaint that have
 4 the same caption page?
 5 A I don't know.
 6 Q Do you know if you've received any letters or
 7 any mail from your lawyers in this case?
 8 A No.
 9 Q No, you don't know, or no, you haven't received
 10 any?
 11 A He's got it, my dad.
 12 Q Your dad gets it?
 13 A Yeah.
 14 Q How do you know that?
 15 A He's told me.
 16 Q What does he tell you?
 17 A He gets them.
 18 Q Does he tell you anything about them?
 19 A No.
 20 Q Does he explain to you what's in them?
 21 A Hmm-um; I don't know.
 22 Q You don't know?
 23 A I don't know what's in them.
 24 Q So you've never seen any of the letters that he
 25 gets?

- 1 A Hmm-um.
 2 Q I want to ask you about the classes you've
 3 taken at Edison-McNair this year and last year. Could
 4 you tell me all the classes that you took at
 5 Edison-McNair last year, while you were in the sixth
 6 grade?
 7 A Um-hmm. Language arts, reading, math, science,
 8 and art.
 9 Q You took language arts, reading, math, science
 10 and art?
 11 A And PE.
 12 Q You took language arts, reading, science, math
 13 art, and PE?
 14 A Yes.
 15 Q Any other classes?
 16 A Hmm-um, no.
 17 Q Were all of these classes throughout the school
 18 year; did they last throughout the school year?
 19 A Yes.
 20 Q How about in the seventh grade, what classes
 21 are you taking?
 22 A PE, language arts, reading, history, math,
 23 world language.
 24 Q What was that?
 25 A World language.

- 1 Q World language, uh-huh.
 2 A Drama, and art.
 3 Q You're taking PE, language arts, reading,
 4 history, math, world language, drama and art?
 5 A Um-hmm.
 6 Q Is that yes?
 7 A Yes.
 8 Q Are all of these classes -- do you have them in
 9 the beginning of the school year throughout the school
 10 year?
 11 A No.
 12 Q Do some of these classes end halfway through
 13 the school year?
 14 A No, some of those classes started, like, after
 15 we started school.
 16 Q Which classes did you have in September of this
 17 year?
 18 A World language, drama, math, and art.
 19 Q Do you still have those classes?
 20 A Yes.
 21 Q When did PE start?
 22 A At 8 o'clock.
 23 Q I'm sorry, what month did you start taking PE?
 24 A Oh, it was like the second month, after we
 25 started school.

- 1 Q Like in October?
 2 A Yeah.
 3 Q What about language arts?
 4 A That too, the same.
 5 Q In October?
 6 A Yeah, in October.
 7 Q How about reading?
 8 A Yeah, October.
 9 Q How about history?
 10 A October.
 11 Q Are you still taking all of those classes as
 12 well?
 13 A Yes, yes.
 14 Q Do you know what a core subject is?
 15 A No.
 16 Q What was your best subject last year in the
 17 sixth grade?
 18 MS. WELCH: Objection. Vague.
 19 THE WITNESS: I think it was science.
 20 BY MS. KOURY:
 21 Q What is your best subject or subjects this
 22 year, in seventh grade?
 23 MS. WELCH: Same objection.
 24 THE WITNESS: Drama. Drama and PE.
 25 BY MS. KOURY:

- 1 Q What was your worst subject last year in the
2 sixth grade?
3 MS. WELCH: Same objection.
4 THE WITNESS: Do I have to answer that?
5 MS. WELCH: (No audible response.)
6 THE WITNESS: Okay. I don't have no worst
7 subject.
8 BY MS. KOURY:
9 Q No? What about worst subject this year, in
10 seventh grade?
11 MS. WELCH: Same objection.
12 THE WITNESS: Language arts.
13 BY MS. KOURY:
14 Q Language arts.
15 Who is your best teacher this year?
16 A Best teacher, Mr. Smith, my history teacher.
17 Q Excuse me?
18 A Mr. Smith, my history teacher.
19 Q What class does he teach?
20 MS. WELCH: History.
21 THE WITNESS: History.
22 BY MS. KOURY:
23 Q Who was your best teacher last year?
24 A Mr. Skilling.
25 Q What class did he teach?

- 1 A Science.
2 Q Did you say Mr. "Skill-ee"?
3 A Skilling.
4 Q Skilling. What makes one teacher better than
5 another teacher, in your opinion?
6 A The way he treats students.
7 Q What do you mean by that?
8 A Because Mr. Skilling, he treats us well, he was
9 really cool; he played with us, he made -- he made the
10 class fun.
11 Q Anything else?
12 A No.
13 Q What do you mean "he played with" you?
14 A Like when he was teaching us, he made jokes and
15 everything, like to -- so we won't get bored.
16 Q Did he do anything else to make it fun?
17 A No.
18 Q When you said he treats you well, what do you
19 mean by that?
20 A Like he gave us attention, helped us a lot.
21 Q How does he give you attention?
22 A If we needed something, he gave it to us or he
23 explained it to us.
24 Q During class?
25 A Yeah, during class.

- 1 Q Did he help you after class?
2 A Yeah.
3 Q Did he help you before class?
4 A No.
5 Q What do you mean he helped you?
6 A He helped us. If we didn't understand
7 something, he made it easy for us to understand it.
8 Q How would he do that?
9 A Like -- I can't explain it right now. Like
10 in -- like if we were doing a project, we didn't
11 understand something, like he gave us an idea of how to
12 do it.
13 Q Like examples?
14 A Yeah, examples.
15 Q Did he do anything else?
16 A Yeah, but right now, I can't remember.
17 Q Do you know if Mr. Skilling taught at your
18 school last year?
19 A Yes.
20 Q I'm sorry, he did.
21 How about the year before that, when you were
22 in the fifth grade, do you know --
23 A Yes.
24 Q Do you know how long Mr. Skilling has been at
25 your school?

- 1 A I think it was like four, five years.
2 Q Who was your worst teacher last year?
3 A I didn't have no worst teacher.
4 Q What about this year, who is your worst
5 teacher?
6 A [REDACTED]
7 Q Who?
8 A [REDACTED]
9 Q [REDACTED]
10 A Yeah.
11 Q What class does he teach?
12 A Math.
13 Q Do you consider yourself to be a good student?
14 A Yeah, yeah.
15 Q Why do you consider yourself to be a good
16 student?
17 A I don't know. I help a lot, and -- like if
18 someone doesn't understand something, and he's next to
19 me, I explain to him. And I try to be good with
20 everybody, like -- that's all.
21 Q When you said you help a lot --
22 A Um-hmm.
23 Q -- do you mean you help the other students?
24 A Yeah, I help the other students: translate.
25 Q Translate?

- 1 A Yeah.
 2 Q What do you mean by that?
 3 A Because some kids in my class, they just came
 4 from other countries, non-English speaking, and like if
 5 they don't understand something, I ask the teacher if I
 6 can help them so they can understand it. And translate
 7 it.
 8 Q So do you translate it back into Spanish for
 9 them?
 10 A Yes.
 11 Q Do you help in any other ways?
 12 A Yeah, but not all the time.
 13 Q Do you have -- have you heard the term "English
 14 language learner" before?
 15 A Yes.
 16 Q Do you know if your school has an English
 17 language learner program?
 18 A Yes.
 19 Q Are you a member in the English language --
 20 A No.
 21 Q Were you ever in the English language program?
 22 A Yes.
 23 Q When?
 24 A In fourth grade.
 25 Q Do you know if your teachers, when you were in

- 1 Credential"?
 2 A No.
 3 Q Okay. Have you ever heard the term "emergency
 4 permit"?
 5 A No.
 6 Q Have you ever heard the term "credential
 7 waiver"?
 8 A No.
 9 Q You said that you were in the English language
 10 learner program?
 11 A Um-hmm.
 12 Q Can I refer to that as ELL; do you understand
 13 that?
 14 A Yes.
 15 Q Were you in ELL for the whole fourth grade?
 16 A No.
 17 Q How long?
 18 A A few months.
 19 Q Do you remember when? Was it in the beginning
 20 of the school year?
 21 A The beginning of the school year.
 22 Q Then what happened?
 23 A I got switched to a normal class.
 24 Q What do you mean by "normal"?
 25 A They weren't helping me with like -- it was

- 1 the English language program, had special credentials to
 2 be in that program, to teach that program?
 3 MS. WELCH: Objection. Vague.
 4 THE WITNESS: I don't understand your question.
 5 BY MS. KOURY:
 6 Q Do you know what a credential is?
 7 A Hmm-um.
 8 Q Have you ever heard the term "Full Nonemergency
 9 Teaching Credential"? Is that no?
 10 A No.
 11 Q Have you ever heard the term "Multiple Subject
 12 Credential"?
 13 A No.
 14 Q Have you ever heard the term "Single Subject
 15 Credential"?
 16 A No.
 17 Q Have you ever heard the term "University
 18 Internship Credential"?
 19 A Are those like tutors?
 20 Q Excuse me?
 21 A Tutors?
 22 Q I don't know.
 23 A From like from high schools and universities,
 24 you mean?
 25 Q Have you ever heard the term "Internship

- 1 like the same class as the ELL, because in the ELL
 2 class, they didn't teach me any English, and in the
 3 other class, they're all English-speaking students and
 4 teacher, and I just had to learn English, that's --
 5 like, that's the difference. In the other one, the
 6 first one, the ELL, everybody speaks Spanish; no one
 7 speaks English.
 8 Q Did the teacher speak Spanish?
 9 A Yeah.
 10 Q But then when you said you went to a normal
 11 class --
 12 A Yes.
 13 Q -- everyone spoke English?
 14 A Yes.
 15 Q Did you speak English?
 16 A No, I had to learn it.
 17 Q How did you learn?
 18 A By reading. Someone sat next to me and, like,
 19 helped me read.
 20 Q Who sat --
 21 A It was a lady, like for -- for the students
 22 that have, like, problems with reading and with
 23 subjects, she helps them.
 24 Q Was she a teacher?
 25 A I don't know.

- 1 Q Was she an adult?
 2 A Yeah.
 3 Q Was there another teacher in the classroom
 4 while this woman was helping you?
 5 A Yes.
 6 Q Did you learn English?
 7 A Yes.
 8 Q Did you have to take a test to switch from the
 9 ELL to the normal classroom?
 10 A No.
 11 Q Do you know, did you have to do anything? Did
 12 anything happen?
 13 A Yeah.
 14 Q What happened?
 15 A My mom went to the office to complain.
 16 Q Do you know when your mom complained?
 17 A I don't know the date, but it was in the first
 18 conferences, school conferences, and then she found out
 19 that I wasn't improving in anything.
 20 Q When you say you weren't improving in anything,
 21 is this while you were in ELL?
 22 A Yeah.
 23 Q Do you know what your mom complained about?
 24 A Yeah.
 25 MS. WELCH: Objection. Asked and answered.

- 1 A The office.
 2 Q Do you know who in the office?
 3 A The principal.
 4 Q Do you know the principal's name at that time?
 5 A Mr. Morganstein.
 6 Q Do you know if your mom complained just that
 7 one time, or did she complain more than that one time?
 8 A More than one time.
 9 Q Was that the first time, that you just told me
 10 about, that she complained?
 11 A Yes.
 12 Q Did anything happen after that first time that
 13 she complained?
 14 A No.
 15 Q How many more times did she complain?
 16 A I don't know. A lot, every day.
 17 Q How do you know that?
 18 A Because I went with her to the office.
 19 Q Did you ever hear -- did she always complain to
 20 the principal?
 21 A To the principal and the secretary.
 22 Q Were you ever there when she said the
 23 complaint?
 24 A Yes.
 25 Q Did you hear if anyone said anything to her?

- 1 BY MS. KOURY:
 2 Q What did she complain about?
 3 MS. WELCH: Same objection.
 4 BY MS. KOURY:
 5 Q Go ahead.
 6 A That in ELL, they're supposed to teach you
 7 English; right? And they didn't do that.
 8 Q I'm asking you, though, what your mom
 9 complained about. Is that what she --
 10 MS. WELCH: He's telling you what she
 11 complained about.
 12 MS. KOURY: Counsel, if you have an objection,
 13 state it for the record, but I'm asking for his
 14 testimony.
 15 MS. WELCH: Objection. Asked and answered.
 16 BY MS. KOURY:
 17 Q Go ahead.
 18 A It was supposed to be that I was to be learning
 19 English. I didn't learn any English. That's what she
 20 complained about.
 21 Q Do you know who she complained to?
 22 MS. WELCH: Objection. Asked and answered.
 23 THE WITNESS: Yes.
 24 BY MS. KOURY:
 25 Q Who?

- 1 A Yes.
 2 Q What did you hear?
 3 A I don't know. I didn't speak English at that
 4 time.
 5 Q Does your mom speak English?
 6 A Yeah, a little bit, yeah.
 7 Q Was she speaking English at that time when she
 8 was making the complaint?
 9 A Yes.
 10 Q Does she ever complain in Spanish?
 11 A No.
 12 Q Did she ever tell you what they told her?
 13 A Hmm-um.
 14 Q Do you remember how long after she complained
 15 that you got switched into a normal classroom?
 16 A Yeah, it was a week -- like, three weeks.
 17 Q Do you know why it took three weeks?
 18 A Because they had to find a place for me in the
 19 normal class.
 20 Q How do you know that?
 21 A She -- that's the only thing that she talked to
 22 me about.
 23 Q Who is "she"?
 24 A My mom.
 25 Q So your mom wanted you to be in a normal

- 1 classroom?
 2 A Yes.
 3 Q Do you remember how many students were in your
 4 ELL class?
 5 A About 31.
 6 Q About?
 7 A 31.
 8 Q How do you know that?
 9 A Because they were all my friends. I still have
 10 them.
 11 Q When you got switched into a normal class, do
 12 you remember how many students there were?
 13 A No.
 14 Q Do you think that the ELL program, when you
 15 were in it, affected your education?
 16 MS. WELCH: Objection. Vague.
 17 BY MS. KOURY:
 18 Q Do you understand that question?
 19 A Yes. Yeah.
 20 Q How do you think it affected your education?
 21 A Because I wasn't -- they gave me easy books,
 22 for babies, like those hardcover books. I wasn't
 23 learning anything by that. They didn't even -- like
 24 they only gave me the book to read it, they didn't give
 25 me anybody to help me read it.

- 1 Q Do you think you learned better being in a
 2 normal classroom --
 3 A Yes.
 4 Q -- with an English -- with everyone speaking
 5 English?
 6 A Yes.
 7 Q Why?
 8 A I don't know. Because they translate it for
 9 me, everything; they asked me if I understood. They
 10 gave me English homework. My dad helped me. That's how
 11 I learned English.
 12 Q When you say "they translated," did you mean
 13 that woman that would sit next to you?
 14 A Her and my -- and the other students.
 15 Q Do you remember how many teachers were in the
 16 classroom or how many adults were in the classroom when
 17 you got switched into the normal classroom?
 18 A One.
 19 Q There was one teacher?
 20 A Yes.
 21 Q And what about the woman you referred to
 22 earlier?
 23 A She only came, like, three times a week.
 24 Q Do you remember for how long she would come?
 25 A For the whole period.

- 1 Q What period?
 2 A For the whole -- reading and language arts.
 3 Q Before, we were talking about your classes.
 4 I'm going to ask you about your -- you said that your
 5 best subject last year was science?
 6 A Um-hmm.
 7 Q Why was it your best subject?
 8 A Because of my teacher, Mr. Skilling.
 9 Q Is that the only reason?
 10 A Yes.
 11 Q Other than what you already told me about
 12 Mr. Skilling, is there anything else about him that made
 13 the class so good?
 14 MS. WELCH: Objection. Asked and answered.
 15 THE WITNESS: No, same thing.
 16 BY MS. KOURY:
 17 Q What did you learn in this class?
 18 A I learned about science, human body, animals.
 19 Q Did you have a book in this class?
 20 A Yeah.
 21 Q How many books did you have?
 22 A Not enough for everybody.
 23 Q Okay. But, I mean, did you have only one type
 24 of book or did you have more than one type of book?
 25 A One type of book.

- 1 Q Do you remember the name of the book?
 2 A No.
 3 Q You said there weren't enough books for
 4 everyone in the class?
 5 A Um-hmm.
 6 Q What do you mean by that?
 7 A If we had to do something, we had to share the
 8 book sometimes.
 9 Q Did you have this class beginning in September
 10 of the sixth grade?
 11 A (No audible response.)
 12 Q And it lasted all the way until the end of the
 13 school?
 14 A In sixth grade?
 15 Q Yes.
 16 A Yes.
 17 Q And how often did you use the book in this
 18 class?
 19 A Every day.
 20 Q Every day?
 21 A Yes.
 22 Q How did you get this book?
 23 A I don't know. They were already there when I
 24 started the year.
 25 Q Could you remember the first time -- the first

- 1 day of school, did you use this book, do you remember?
 2 A (No audible response.)
 3 Q Do you remember the first time you used this
 4 book?
 5 A No.
 6 Q Did you take this book home with you?
 7 A No.
 8 Q Did you -- was it somewhere in the classroom,
 9 the books?
 10 A Yes.
 11 Q Where?
 12 A On the shelf.
 13 Q How did you get them from the shelves?
 14 A I have to go get for -- three or four every
 15 table.
 16 Q What do you mean by that?
 17 A There was five people in one table, or four, we
 18 had to get -- the team captain had to get books for
 19 everyone in the table.
 20 Q Did this happen every day?
 21 A Yeah, every day we had science.
 22 Q Did the teacher tell the team captain to go get
 23 the books?
 24 A Yes.
 25 Q Do you remember -- or you said sometimes there

- 1 BY MS. KOURY:
 2 Q Who told you that?
 3 A Huh?
 4 Q Who told you that?
 5 A We saw them, when they were all ripped up, old.
 6 Q Did you see people throw the books away?
 7 A No. Mr. Skilling just put them away. He threw
 8 them away.
 9 Q Who is "he"?
 10 A Mr. Skilling.
 11 Q You saw Mr. Skilling throw them away?
 12 A No, he put them away, and then he threw them
 13 away.
 14 Q How do you know he threw them away?
 15 A Because, when he went to put them in the desk,
 16 the next day, they weren't there.
 17 Q Did you ask him where they went?
 18 A No.
 19 Q Did he ever tell you he threw them away?
 20 A Yeah.
 21 Q He told you that he threw them away?
 22 A Yeah. He used to remind us, like, very often,
 23 to not write on the books, we needed them.
 24 Q But that's not what I'm asking you. I'm asking
 25 you, did he ever tell you that he threw the books away?

- 1 weren't enough books for all the kids?
 2 A Um-hmm.
 3 Q And kids would have to share the books?
 4 A Yes.
 5 Q Do you remember -- do you know why they had to
 6 share the books?
 7 A There wasn't enough for everyone.
 8 Q Was there ever a time where no one had to
 9 share?
 10 MS. WELCH: Objection. Vague.
 11 THE WITNESS: Yeah, when only -- when --
 12 when -- when some people didn't come to school.
 13 BY MS. KOURY:
 14 Q Then you wouldn't have to share?
 15 A Yeah.
 16 Q Do you know why there weren't enough books?
 17 A Yeah.
 18 Q Why?
 19 A They were all torn up, old, too much graffiti.
 20 Q But I'm asking you, do you know why there
 21 weren't enough of the books?
 22 A Yeah, because --
 23 MS. WELCH: Objection. Asked and answered.
 24 THE WITNESS: Because they had to throw them
 25 away.

- 1 A He didn't tell us that he threw the books away,
 2 but --
 3 Q He never told you that?
 4 A No.
 5 Q And you never saw him throw them away?
 6 A No.
 7 MS. WELCH: Do you want to take a break?
 8 THE WITNESS: No.
 9 BY MS. KOURY:
 10 Q Are you sure?
 11 A Um-hmm.
 12 Q You said that you would have to share the
 13 books. And do you sit at tables in the science class?
 14 A Um-hmm.
 15 Q And did it bother you to share the books?
 16 A To me, no, but with the people that didn't get
 17 along, yeah, they'd bother.
 18 Q How do you know it bothered them?
 19 A Because they didn't get along with the other
 20 people.
 21 Q Would you see kids fighting with the books?
 22 A Yeah.
 23 Q Did the teacher say anything?
 24 A No, not to me.
 25 Q Did you ever complain about having to share the

- 1 books?
 2 A Me?
 3 Q Yes.
 4 A No.
 5 Q Did you ever hear any of the other students
 6 complain about having to share the books?
 7 A Yes.
 8 Q How many times did you hear them?
 9 A All the time.
 10 Q I'm sorry?
 11 A All the time.
 12 Q When is the last time you heard a student
 13 complain about sharing a book?
 14 MS. WELCH: Objection. Vague.
 15 THE WITNESS: Don't remember.
 16 BY MS. KOURY:
 17 Q You said "a lot of times." Do they complain to
 18 each other or do they complain to a teacher?
 19 A To a teacher.
 20 Q You can't remember -- can you remember any
 21 specific time that you heard a student complain to the
 22 teacher?
 23 A Yeah.
 24 Q Tell me about that time.
 25 A When we were doing a science project, the kids,

- 1 they didn't get along so well, and one kid pulled the
 2 book, like in front of him, and the one pulled it back
 3 and started -- they started pushing each other, started
 4 complaining to the teacher. She sent them out, and the
 5 books -- they just gave the book to someone else.
 6 Q The teacher sent both students out?
 7 A Yeah, both students.
 8 Q Do you know what happened?
 9 A No. Sent them out.
 10 Q Do you know if any parents have ever complained
 11 about sharing books? Are you saying yes?
 12 A Yes.
 13 Q How do you know?
 14 A My parents.
 15 Q How do you know your parents complained?
 16 A Because all the times I have homework and
 17 there's only books -- only for one class, and when
 18 we're, like, three seventh grade classes, and can't get
 19 enough books for all the seventh grade.
 20 Q So your parents complained about not being able
 21 to take the book home?
 22 A Yes.
 23 Q What I'm asking you, though, is what about
 24 complaining about having to share the book in class; do
 25 you know if any parents have complained about that?

- 1 A (No audible response.)
 2 Q Is that yes?
 3 A Yes.
 4 Q How do you know?
 5 A Because this time, this girl's mother, Angie,
 6 came, because she got scratched by another girl, saying
 7 that it was because the teacher's fault and the teacher
 8 said it was their fault, because they were arguing about
 9 the books.
 10 Q While they were sharing books in class?
 11 A Yeah.
 12 MS. WELCH: Were you asking specifically about
 13 his science class or any class?
 14 MS. KOURY: I'm asking specifically about
 15 science class.
 16 Q Is that what you've been telling me about?
 17 A Yes.
 18 Q Thank you.
 19 Other than this one science book that we've
 20 been discussing, does your teacher, Mr. Skilling, in
 21 sixth grade -- did he use any other types of materials
 22 in class, any other types of papers?
 23 A Yes.
 24 Q What kinds?
 25 A Sometimes he made copies, but it was from books

- 1 that only he had.
 2 Q What other types of papers did he use?
 3 A That was all of them.
 4 Q Did you have worksheets?
 5 A Yeah.
 6 Q Did you ever use magazines?
 7 A Yeah.
 8 Q Did you ever do experiments in this class?
 9 A Yes.
 10 Q Did you ever have to do research projects?
 11 A Yes.
 12 Q Did you ever use the Internet in this class?
 13 A Yes.
 14 Q Other than the photocopies that you told me
 15 about that he would bring, worksheets, magazines,
 16 experiments, research projects, and using the Internet,
 17 did you use any other types of materials in this class?
 18 A No.
 19 Q Did you ever -- okay.
 20 You were starting to describe to me the
 21 handouts, the copies that he made. Could you describe
 22 to me more specifically what they were like?
 23 A Yeah, they had like one whole page of, like,
 24 stories, like about animals and, like, facts about
 25 animals. Then in another page, it had like a picture of

1 an animal, and saying -- describing all the parts of the
 2 animal. And on another page, they had questions, but
 3 sometimes we couldn't see the letters in the picture,
 4 because it was in black and white.
 5 Q Sometimes you -- I'm sorry, can you repeat
 6 that.
 7 A Couldn't see the letters. We couldn't read,
 8 because the -- it was in black and white, and, you know,
 9 like the ink gets all split up.
 10 Q Because it was in black and white, you couldn't
 11 read it?
 12 A Yeah.
 13 Q I don't --
 14 A Because of the ink in the copy machine.
 15 Q What would happen when you can't read it?
 16 A Nothing would happen, we would just have to
 17 guess the words.
 18 Q Did you ever tell the teacher that you couldn't
 19 read it?
 20 A Yeah.
 21 Q What does the teacher say?
 22 A "That's too bad, we don't have enough books."
 23 Q Did you ask the teacher to tell you what the
 24 words meant?
 25 A Yeah.

1 Q Does he?
 2 A Yeah.
 3 Q Then what do you do?
 4 A Keep on reading.
 5 Q Do you write it in?
 6 A Yeah.
 7 Q You said the teacher says "It's too bad"?
 8 A "We don't have no books."
 9 Q What teacher said this; Mr. Skilling?
 10 A Skilling.
 11 Q How many times did he say that?
 12 A I don't know.
 13 Q Do you remember when he said it?
 14 A Yes.
 15 Q When?
 16 A The one time that I was asking him "Why don't
 17 you give us books?" he said that he didn't have no -- he
 18 didn't have books for the whole class, he had to make
 19 copies.
 20 Q Did you ask him why?
 21 A Hmm-um.
 22 Q Do you remember when this was?
 23 A Yeah, in sixth grade.
 24 Q In sixth grade?
 25 A Yeah.

1 Q Do you remember when in the sixth grade?
 2 A Hmm-um, no.
 3 Q Other than that one time, did you ever talk to
 4 him about not having books in class?
 5 A Yes.
 6 Q When?
 7 A This time that we had to do a project, he said
 8 to come early, like after school, so we could get a
 9 book, and if we came late, there wasn't going to be any
 10 books for us to do the homework on the project.
 11 Q The book to which you're referring, is that the
 12 same book that you share in class?
 13 A Yes.
 14 Q When he gives you handout copies, the ones you
 15 were describing to me, about the stories or the animals,
 16 do you each get your own handout?
 17 A Yes.
 18 Q What do you do with it after -- do you use it
 19 in class?
 20 A Yes.
 21 Q What do you do after you use it in class?
 22 MS. WELCH: Objection. Vague.
 23 THE WITNESS: We had to keep it until the next
 24 day that we used it.
 25 BY MS. KOURY:

1 Q Where do you keep it?
 2 A In our binder.
 3 Q What's your binder?
 4 A Folder.
 5 Q Do you have a folder specifically for the
 6 science class?
 7 A Yes.
 8 Q Does each student have a folder for the science
 9 class?
 10 A Yes.
 11 Q Where do you keep the folder?
 12 A In our backpacks.
 13 Q Do you take the folder home?
 14 A Yes.
 15 Q Why do you take it home?
 16 A So we can do our homework.
 17 Q What other -- what type of worksheets do you
 18 have in this class? You said you have worksheets.
 19 A Yeah, sometimes like for -- like for fun, we
 20 did puzzles about the same subject, and questions, and
 21 all that stuff.
 22 Q Are the puzzles questions about science?
 23 A No.
 24 Q What are they about?
 25 A Puzzles, like crossword puzzles, about science,

- 1 words about science.
 2 Q They're crossword puzzles using words about
 3 science?
 4 A Yes.
 5 Q Are these worksheets used in class?
 6 A Yeah, when we finish our work.
 7 Q Do you ever have to take them home for
 8 homework?
 9 A No.
 10 Q And after you finish filling out your
 11 worksheet, what happens to the worksheet?
 12 MS. WELCH: Objection. Calls for speculation.
 13 BY MS. KOURY:
 14 Q Go ahead. What do you do with your worksheet
 15 after you finish filling it out?
 16 A I give it to the teacher.
 17 Q Why?
 18 A Huh?
 19 Q Why?
 20 A Are you saying the worksheet, the crossword
 21 puzzles and the questions?
 22 Q Do you have other kinds of worksheets?
 23 A No.
 24 Q Yeah -- yes, I'm talking about these
 25 worksheets.

- 1 A Okay, we give it to the teacher.
 2 Q Why do you give it to the teacher?
 3 A So they can put it in our folders, files.
 4 Q What are your folder files?
 5 A Where we keep our work, the work that we do in
 6 class.
 7 Q Does your teacher keep these folders?
 8 A Yes.
 9 Q Have you ever seen your folder?
 10 A No.
 11 Q Do you know if he grades these worksheets?
 12 A Yes.
 13 Q How do you know that?
 14 A Because that's where he gets all our grades.
 15 Q How do you know that, though?
 16 A He's told us.
 17 Q Does he grade them in front of you?
 18 A No.
 19 Q Does he grade them with you?
 20 A No.
 21 Q Do you ever see them after they're graded?
 22 A Yeah.
 23 Q How do you see them after they're graded?
 24 A He gives them back to us so we can see our
 25 grade, and we give it back to him.

- 1 Q During class?
 2 A Yes.
 3 Q Do you review them --
 4 A No.
 5 Q I'm sorry, do you review them after he's graded
 6 them?
 7 A Yes.
 8 Q How about the magazines? You say you use
 9 magazines in the class.
 10 A Yes.
 11 Q Can you describe that?
 12 A For projects, like "National Geographic," and
 13 we cut out pictures, put in paper.
 14 Q Does he pass magazines out in class?
 15 A Yes.
 16 Q What do you do with the magazines after -- you
 17 said you sometimes cut out the pictures. What do you do
 18 with them?
 19 A We use them for projects.
 20 Q How many projects did you have in this class,
 21 do you remember?
 22 A We had projects. Once we finished doing one,
 23 we started making another one.
 24 Q So you had a project every day?
 25 A Yeah.

- 1 Q Did you only use these magazines for projects?
 2 A Yes.
 3 Q Did you ever read from these magazines?
 4 A No.
 5 Q No. You just used them for the pictures?
 6 A Yes, we took out information from there too.
 7 Q What do you mean by that?
 8 A Information like -- in the "National
 9 Geographic," right, animals and all of that.
 10 Q What other kind of information?
 11 A Information -- we read them, and we took facts
 12 and put them into a paper, and put it on our project.
 13 Q Would you get -- how would you pass out the
 14 magazines? Would each student get their own magazine or
 15 would you --
 16 A Yeah, we put out a pile of magazines for one
 17 table.
 18 Q And you would just pick a magazine?
 19 A Yeah.
 20 Q Was there enough for everyone?
 21 A Yes.
 22 Q How about experiments, what type of experiments
 23 did you do in class?
 24 A Like, we made fun experiments, like the things
 25 that float.

- 1 Q What do you mean by that?
 2 A Like rocks can float; right? Sticks float, and
 3 all that stuff like that. Fun projects. Like which
 4 liquid is heavier than the other one, like the oil and
 5 the water don't mix, stuff like that.
 6 Q You were describing the rocks and sticks --
 7 A Yeah.
 8 Q -- experiment. How did you do that experiment?
 9 A Put it on oil and water, and see which one
 10 would float.
 11 Q Did each student do this?
 12 A No, it was, like, one table had to do the
 13 project.
 14 Q Each table did their project?
 15 A Yeah.
 16 Q And there's how many students at a table?
 17 A Four or five.
 18 Q What did you use to do the project?
 19 A He gave us cans, like glass; he gave us a
 20 little bit of oil, soap, water, and we mixed it.
 21 Q So all the kids at a table would do it
 22 together?
 23 A Yes.
 24 Q Yes. And you also did a rocks and sticks
 25 experiment?

- 1 A Um-hmm.
 2 Q That's different than the oil and water
 3 experiment; right?
 4 A Yeah.
 5 Q Did you do this experiment in the same way?
 6 A Yes.
 7 Q In other words, you had the group of kids at
 8 the table?
 9 A Yes.
 10 Q Would you do it together?
 11 A Yes.
 12 Q Any other types of experiments?
 13 A Yeah.
 14 Q What other type?
 15 A The fire one, but that one, we did it outside,
 16 just in case.
 17 Q Can you describe to me the fire one?
 18 A Like this rock thing, you have to take like --
 19 you know how you can make fire from the rocks?
 20 Q I've heard.
 21 A And sticks.
 22 Q Yeah.
 23 A We did that one in the dirt outside.
 24 Q Did it work?
 25 A Yeah.

- 1 Q Did you set the school on fire?
 2 A No.
 3 Q Any other types of experiments?
 4 A No.
 5 Q You said you had research projects?
 6 A Um-hmm.
 7 Q What kind of research projects?
 8 A Like, every table would get -- we'd choose an
 9 animal, or whatever they chose, and they had to -- they
 10 had to make a -- do a research on it.
 11 Q What animal did you choose?
 12 A Chose a tiger.
 13 Q How did you do your research?
 14 A Some kids looked up in the Internet, some on
 15 the magazines, and we took our pictures of animals --
 16 tigers, and then we got some facts from the computer,
 17 from the Internet.
 18 Q Did you use the Internet for your project?
 19 A Yes.
 20 Q Where?
 21 A In the computer lab.
 22 Q Where is the computer lab?
 23 A It's inside our school, Room 2.
 24 Q Room 2?
 25 A (No audible response.)

- 1 Q Did you do the research for your tiger animal
 2 project at the computer lab during class time?
 3 A Yeah, he took us to the computer lab for one
 4 class.
 5 Q For one class?
 6 A Yeah.
 7 Q Was it specifically to do research for your
 8 project?
 9 A Yes.
 10 Q How did you know how to do the research on the
 11 Internet?
 12 A He gave us Web sites where we could go.
 13 Q Did you also use the magazines to do your
 14 project?
 15 A Yes.
 16 Q Did you see the other students doing the
 17 Internet research as well?
 18 A Yes.
 19 Q Was this the only research project that you
 20 had?
 21 A No, we had a lot.
 22 Q Were they all about animals?
 23 A Yeah. Nature.
 24 Q Could you remember about how many you had?
 25 A No, we had a lot.

- 1 Q Was it more than ten?
 2 A Yeah, a little bit more than ten.
 3 Q Do you need a break?
 4 A No.
 5 Q Would you -- how would you do the project after
 6 you did the research? What would you do then?
 7 A We type it in the computer and make it neat,
 8 and we put it on the -- on the big piece of paper.
 9 Q What would you put on the big piece of paper?
 10 A All the stuff that we cut out, all the stuff
 11 that we cut.
 12 Q And that would include pictures of the animals?
 13 A Facts, and all that.
 14 Q Okay. Did you type the facts out on the
 15 computer?
 16 A Uh-huh, yes.
 17 Q How did you learn how to type?
 18 A In this -- games that we have at school.
 19 Q When did you learn how to do that?
 20 A Since fifth grade, we started to.
 21 Q Did you get grades on the research projects?
 22 A Yes.
 23 Q Do you remember what grades you got on them?
 24 A Yeah, we often had B plus, and C's.
 25 Q Did you ever have -- you said that you used the

- 1 Q One or two times a week.
 2 Did you go -- how long did you go for, each
 3 time you went?
 4 A 45 minutes.
 5 Q How long is your class period?
 6 A 45 minutes.
 7 Q Did Mr. Skilling go with you to the computer
 8 lab?
 9 A Yes.
 10 Q Were there any other teachers in the computer
 11 lab?
 12 A Yes.
 13 Q Who?
 14 A The computer lab teacher.
 15 Q Did you ever have questions while you were in
 16 the Internet?
 17 A Yes.
 18 Q What did you do?
 19 A Like, the computers often froze.
 20 Q Frustrating, isn't it?
 21 A I don't know how to unfreeze them.
 22 Q Did you ever have any questions about the
 23 research you were doing?
 24 A No.
 25 Q Did you ever see any of the other students have

- 1 Internet for this class. Other than using the Internet
 2 to research these projects, did you use the Internet for
 3 anything else?
 4 A Yes.
 5 Q For what?
 6 A For learning how to type.
 7 Q During science class?
 8 A No. It was in another class.
 9 Q How about for science class, did you use the
 10 Internet for anything other than doing the research for
 11 these projects?
 12 A No.
 13 Q How often did you go to the computer lab in
 14 your science class?
 15 A We had certain days that we had to go.
 16 Q Was it a couple times a week?
 17 A No, it was like once or twice a week.
 18 Q And it was only to do the research for these
 19 projects?
 20 A Yeah.
 21 Q So it was more than two times a week?
 22 A No.
 23 MS. WELCH: Objection. Asked and answered.
 24 THE WITNESS: One or two times a week.
 25 BY MS. KOURY:

- 1 questions about the research they were doing?
 2 A Yes.
 3 Q Did they ask the teacher?
 4 A Yes.
 5 Q Mr. Skilling?
 6 A Yes.
 7 Q And he would answer their questions?
 8 A Yes.
 9 Q Did you ever print anything out from the
 10 Internet when you did research?
 11 A Yes.
 12 Q Why would you print it out?
 13 A So we could -- so we could put it on a project,
 14 like pictures of the animal we had chose.
 15 Q Did you ever -- is that it? I'm sorry, I
 16 didn't mean to cut you off.
 17 A Um-hmm.
 18 Q Did you ever take it home, the Internet
 19 research?
 20 A Um-hmm, yes.
 21 Q Did you ever work on your projects at home?
 22 A Yes.
 23 Q How often?
 24 A Not very often, but --
 25 Q Once a week?

- 1 A Yeah, like once a week, twice a week.
 2 Q Did you use any other kind of materials, other
 3 than the ones we've discussed?
 4 A Hmm-um.
 5 Q No.
 6 What kind of homework did you get in this
 7 class, other than what we've talked about, which is
 8 sometimes the worksheets and the research projects?
 9 A We always had worksheets.
 10 Q And you said these worksheets were puzzles?
 11 A Not all the time.
 12 Q What other kinds would you have?
 13 A We had to read and then answer questions.
 14 Q What would you read about?
 15 A The stuff that he gave us.
 16 Q Was it about animals?
 17 A Yeah, nature.
 18 Q Nature?
 19 A Yeah.
 20 Q Where were the questions? Were the questions
 21 on the worksheet?
 22 A Um-hmm, yes.
 23 Q How would you answer them?
 24 MS. WELCH: Objection. Vague.
 25 BY MS. KOURY:

- 1 Q Would you write them down, the answers?
 2 A Yes. In another piece of paper.
 3 Q Would you type the answers out or would you
 4 write them?
 5 A Write them.
 6 Q What would you do with them after you wrote
 7 them; did you turn them in?
 8 A Yes.
 9 MS. WELCH: Objection. Asked and answered.
 10 BY MS. KOURY:
 11 Q To the teacher?
 12 A Yes.
 13 Q Is it -- is this work like the puzzles work; in
 14 other words --
 15 A Yes.
 16 Q Okay. So it would also go into your binder or
 17 your folder?
 18 A Yes.
 19 Q Any other kinds of worksheets?
 20 A No.
 21 Q Just the puzzles and these stories and
 22 questions?
 23 A Yeah, sometimes we had to take a book.
 24 Q Sometimes you'd have to take a book? Was that
 25 the book that we were discussing earlier?

- 1 A Yes.
 2 Q You don't remember the name of the book?
 3 A No.
 4 Q Do you remember what color it was?
 5 A Yeah.
 6 Q What color?
 7 A It was purple.
 8 Q How many times did you have to take the purple
 9 book home for homework?
 10 A I don't know. It was a few times.
 11 Q More than five times?
 12 A Yeah.
 13 Q More than ten times?
 14 A No.
 15 Q Do you remember the first time that you had to
 16 take this book home?
 17 A No.
 18 Q Can you specifically remember any time that you
 19 had to take this purple book home?
 20 A No.
 21 Q You can't remember any instance when you had to
 22 take the book home?
 23 MS. WELCH: Objection. Asked and answered,
 24 argumentative.
 25 MS. KOURY: For the record, the witness looks

- 1 as if he's not clearly understanding the question, so I
 2 was just trying to get -- to make sure that he doesn't
 3 specifically recall any instance.
 4 Q Can you remember any particular time when you
 5 had to take the book home?
 6 MS. WELCH: Same objections.
 7 THE WITNESS: When we did the projects.
 8 BY MS. KOURY:
 9 Q When you did the research projects?
 10 A Yeah.
 11 Q And you had to take the purple book home?
 12 A Yes.
 13 Q What happened?
 14 A What would happen?
 15 Q Yeah, how did you know that you would have to
 16 take the book home?
 17 A He told us. Because in class, when we were
 18 using the book, if we didn't finish it, then we had to
 19 go check out a book.
 20 Q Where did you check out the book from?
 21 A We went after school to his classroom.
 22 Q Mr. Skilling's classroom?
 23 A Yes.
 24 Q Did you get a book?
 25 A Yeah.

- 1 Q Do you know if all the other students got a
2 book?
3 A No.
4 Q You don't know?
5 A No, they didn't get a book if they went late.
6 Q How do you know that?
7 A Because my friends, they asked me if I [sic]
8 could borrow the book after I finished, like the next
9 day.
10 Q Do you remember how many of your friends asked
11 you?
12 A No.
13 Q Was it more than one?
14 A Yeah.
15 Q More than two?
16 A Yeah.
17 Q More than three?
18 A Yeah.
19 Q More than four?
20 A Yeah.
21 Q More than five?
22 A Yeah.
23 Q More than ten?
24 A No.
25 Q Do you remember their names?

- 1 A No.
2 Q You don't remember any of their names?
3 A Yeah.
4 Q How many -- tell me the names you remember.
5 A Martin and Carlos.
6 Q Those are two separate children?
7 A Yeah.
8 Q Any other names?
9 A No, those are the only ones I remember.
10 Q And do you remember when this was?
11 A Yeah.
12 Q When?
13 A Last year.
14 Q Do you remember when during the year it was?
15 A No.
16 Q Was it before Christmas break?
17 A Yeah.
18 Q Was it before Halloween?
19 A No. It was right in between there.
20 Q And they asked to borrow the book the next day?
21 A Yeah.
22 Q Did you ask them why they wanted to borrow the
23 book?
24 A Yeah, they said because they didn't get a
25 chance to get one.

- 1 Q Did they tell you whether they went to check a
2 book out from Mr. Skilling?
3 A Um-hmm.
4 Q What did they say?
5 A They said that they went to check out a book
6 but there wasn't any more.
7 Q Did they say what Mr. Skilling said?
8 A No.
9 Q And you weren't there when they went to check
10 out the books?
11 A No, I wasn't there.
12 Q Did you ever have an instance when you wanted
13 to check out one of the purple books and you couldn't
14 because there were none left?
15 A Yes.
16 Q When?
17 A I don't remember, but it was like one or two
18 times, I didn't get a book.
19 Q Do you remember -- do you remember the first
20 time that it happened?
21 A No, I don't remember the first time it
22 happened.
23 Q Do you remember -- can you specifically
24 remember any single time that it happened?
25 MS. WELCH: Objection. Asked and answered.

- 1 THE WITNESS: No.
2 BY MS. KOURY:
3 Q Describe to me what happened when you couldn't
4 find your purple book.
5 A I had to ask my friends to let me borrow the
6 book.
7 Q What happened? How did you know there were no
8 books?
9 A Because when I went there, there wasn't any.
10 Q Can you remember going to Mr. Skilling and
11 asking him for a book?
12 A Yes.
13 Q Do you remember what he said?
14 A He said, "You should have come early."
15 Q Did he -- he said you should have come --
16 A Early.
17 Q Okay. And do you remember if anyone else was
18 there?
19 A No.
20 Q No one else was there or --
21 A No one else was there.
22 Q And Mr. Skilling, after he said that, did you
23 say anything else?
24 A No.
25 Q Did he say anything else?

- 1 A No.
 2 Q Did you need the book to do your homework that
 3 night?
 4 A Yes.
 5 Q Did you ask him -- did you tell him "How am I
 6 going to do my homework?"
 7 A Yeah.
 8 Q What did he say?
 9 A He told me to ask my friends.
 10 Q What did he --
 11 A Ask my friends.
 12 Q Ask your friends for what?
 13 A For the book.
 14 Q When? When were you supposed to ask your
 15 friends?
 16 A The next day, as soon as they did their
 17 homework, and give me the book.
 18 Q So you could turn in your homework the
 19 following day?
 20 A Yeah.
 21 Q Did he tell you that?
 22 A No, but we had to turn it in the next day.
 23 Q So that night, you couldn't do your homework,
 24 but the next day did you ask to borrow a book from one
 25 of your friends?

- 1 A Yes.
 2 Q Do you remember doing your homework that night,
 3 after you borrowed the book from your friends?
 4 MS. WELCH: Objection. Vague.
 5 THE WITNESS: No, I had to do it in the class.
 6 BY MS. KOURY:
 7 Q So you used the purple book the next day in
 8 class to do the assignment?
 9 A Yes.
 10 Q Did you finish the assignment?
 11 A Not all the time, but yeah.
 12 Q What do you mean "not all the time"?
 13 A Because it was like two times that I didn't get
 14 a book, and one time, I couldn't finish it, but I could
 15 stay after class to finish it.
 16 Q Let's -- let's talk about that one time we were
 17 talking about before, where you remembered asking
 18 Mr. Skilling for a book, and he told you to borrow it
 19 from a friend the next day.
 20 A Um-hmm.
 21 Q And you said you borrowed it the next day?
 22 A Yes.
 23 Q And you did the assignment in class?
 24 A Yes.
 25 Q Do you remember if you finished the assignment

- 1 that day?
 2 A Yeah, I finished it.
 3 Q And do you remember when during the school year
 4 this happened, that one time we were talking about?
 5 A Yeah, before Christmas.
 6 Q Did you complain to anyone? Did you tell your
 7 parents?
 8 A Yeah.
 9 Q What -- do you know if your parents did
 10 anything?
 11 A Hmm?
 12 Q Do you know if your parents did anything?
 13 A Yeah, they said something, but I don't
 14 remember.
 15 Q How do you know they said something?
 16 A Because -- I remember that they said something,
 17 but I don't remember what they said.
 18 Q Do you remember if they said something to
 19 somebody at school?
 20 A No.
 21 Q Other than that one time before Christmas, you
 22 said there was another time when you went to check out a
 23 purple book and you couldn't?
 24 A Um-hmm.
 25 Q What happened?

- 1 A I couldn't get a book, couldn't do the
 2 homework.
 3 Q Let's try to specifically remember what
 4 happened. Did you go to Mr. Skilling and ask him for a
 5 book?
 6 A Yeah, I asked him. He told me to get one from
 7 my friends, but I forgot to ask him. I forgot about the
 8 homework. Couldn't turn it in.
 9 Q Did you go to him -- when did you go to him to
 10 get the book?
 11 A The day after.
 12 Q No, when did you go to Mr. Skilling to check
 13 out the purple book?
 14 A Oh, right after school. And when I asked my
 15 friend the day after, it was already too late; it was
 16 like -- it was inside the class, and we were doing
 17 something else.
 18 Q Okay. Let me ask you again. When you went to
 19 ask Mr. Skilling for a book that day, after class --
 20 A Yeah.
 21 Q -- what did he say?
 22 A "Ask your friends to give you" -- "to let you
 23 borrow one."
 24 Q Did he say why you had to ask your friends?
 25 A Yeah -- he didn't say, but I know it was so I

1 could do my homework.
 2 Q Was that because there weren't any purple books
 3 for you to take home?
 4 A Yeah.
 5 Q And then the next day during class, you were
 6 supposed to ask someone for a book?
 7 A Yeah, I was supposed to ask my friends, but
 8 when I remembered to ask them, it was already -- it was
 9 too late. We were inside a class already.
 10 Q Were you supposed to ask before class started?
 11 A Yeah -- like at the beginning of the day, so I
 12 could start doing my homework.
 13 Q And other than these two times, where you tried
 14 to check out a book and you couldn't, can you remember
 15 any other time where you tried to check out a book and
 16 couldn't?
 17 A No.
 18 THE REPORTER: May we take a break?
 19 (Recess.)
 20 MS. WELCH: I just want to say something before
 21 you get back into your questioning. During the break,
 22 Carlos and I talked about whether there was anything he
 23 didn't understand in the earlier part -- and would you
 24 like me to say?
 25 THE WITNESS: (No audible response.)

1 MS. WELCH: He told me that he -- while he
 2 understands what "class action" means and what "class
 3 representative" means, and that this is going to be one
 4 where he is going to be a class representative, he
 5 didn't understand what "proposed class action" means and
 6 "proposed class representative." The "proposed" is the
 7 thing that was confusing to him.
 8 Right?
 9 THE WITNESS: (No audible response.)
 10 BY MS. KOURY:
 11 Q Okay. Could you tell me what a class
 12 representative is?
 13 A Representing the students and -- that has the
 14 same problems as me in the state.
 15 Q Are you a representative?
 16 A Yeah.
 17 Q How do you know that?
 18 A Because they've told me -- they asked me if I
 19 wanted to be a class representative.
 20 Q "They" meaning your lawyers?
 21 A Yeah.
 22 Q Anyone else?
 23 A No.
 24 Q What do you -- what do you want as a class
 25 representative?

1 A Schools to change.
 2 Q Anything else?
 3 A No.
 4 Q And earlier we talked about the definitions of
 5 a class representative, and you told me what you thought
 6 the definition was.
 7 A Um-hmm.
 8 Q Did you understand that?
 9 A Yeah.
 10 Q Did you want to add anything to that?
 11 A No.
 12 Q Did you want to add anything else to any of the
 13 other questions that I asked you about?
 14 A No.
 15 Q So the only thing that was confusing you was
 16 the "proposed"?
 17 A Yeah.
 18 Q Okay. Just wanted to remind you: I know we
 19 just took a break, but you're still under oath. Do you
 20 understand that?
 21 A (No audible response.)
 22 Q Yes?
 23 A Yes.
 24 Q You were telling me before about your science
 25 books, and you told me that the condition -- you were

1 describing a little bit of the conditions of the books,
 2 that you -- I think you said they were torn?
 3 A Um-hmm.
 4 Q And there was writing in them?
 5 A Um-hmm.
 6 Q Could you tell me what -- describe the
 7 conditions of your books other than that, the purple
 8 book that you were talking about.
 9 A Okay. They were old, pages missing, and they
 10 had graffiti and -- they were old.
 11 Q Is that it?
 12 A Yeah.
 13 Q What do you mean by "old"?
 14 A Old, they've been there for too many years.
 15 Q How do you know that?
 16 A Because, just by looking at them and their
 17 condition.
 18 Q And by that, you mean the pages are missing and
 19 the graffiti?
 20 A Yeah.
 21 Q Have you ever used a book and seen that a page
 22 was missing?
 23 A Yes.
 24 Q How many times?
 25 A A lot of times.

- 1 Q When is the last time that that happened?
 2 A In my drama class or --
 3 Q I'm talking --
 4 A Only --- you mean only in science?
 5 Q Yeah, I'm talking about only in science, the
 6 purple book.
 7 A Okay. I don't remember the last time, but I
 8 did see pages missing.
 9 Q Can you specifically -- or can you recall --
 10 think about the last time or think about the only time
 11 that you can remember it happening; can you remember
 12 that?
 13 A Yeah. Mr. Skilling asked us to go to open our
 14 books to page -- I don't know what, and I noticed that
 15 the page -- the next page was missing; because like 22,
 16 then it skipped 23 and 24, and then the other one was
 17 25, so it was missing one page.
 18 Q What did you do?
 19 A I just told him, and he told me to get -- to
 20 ask the person that had the other book if I could read
 21 with him.
 22 Q So you shared with another kid?
 23 A Yeah.
 24 Q Other than that time, was there ever a time
 25 where a page was torn out, that you can remember?

- 1 A No, I don't remember.
 2 Q Have you -- have you ever heard or seen another
 3 student unable to read a page because it was torn out?
 4 A Yes.
 5 Q Can you specifically remember that happening?
 6 A No, I can't. I can't remember, but yeah, it
 7 did happen.
 8 Q But you can't ever remember it happening; you
 9 just know that it happened?
 10 A Yeah.
 11 Q How do you know?
 12 A Because I was sitting in my table and he told
 13 Mr. Skilling that he couldn't read with that book, the
 14 pages were missing.
 15 Q Who is "he"?
 16 A The kid that couldn't read the book.
 17 Q Do you remember his name?
 18 A No.
 19 Q Other than this student that you can't remember
 20 his name, what happened that time; do you remember?
 21 A No, he told him the same thing he told me,
 22 Mr. Skilling.
 23 Q Which is to share?
 24 A To share with another kid.
 25 Q And was he able to share, do you remember?

- 1 A Yeah.
 2 Q Other than that happening, do you remember any
 3 other students complaining or saying that they couldn't
 4 read a page because it was torn out?
 5 A Hmm-um.
 6 Q How about graffiti, you said there's graffiti
 7 in these books. What do you mean by that?
 8 A Graffiti, gang signs, the finger, the F word, B
 9 word.
 10 Q Where is the graffiti on the book?
 11 A On the pages. Like if they see something, like
 12 they want to add a little picture to it.
 13 Q Is it on the pages of the book?
 14 A On the pages, on the book, and on the inside
 15 cover.
 16 Q On the inside cover?
 17 A Yeah.
 18 Q What about the pages of the book; is it on
 19 top -- is it on the sides of the pages?
 20 A No, all over.
 21 Q Is it sometimes written on top of the text of
 22 the page?
 23 A Um-hmm.
 24 MS. WELCH: Objection. Asked and answered.
 25 BY MS. KOURY:

- 1 Q Did you say "yes"?
 2 A Yes.
 3 Q Have you ever been using a book and seen it on
 4 top of the text of the page such that you couldn't read
 5 the book?
 6 A Um-hmm.
 7 Q Is that yes?
 8 A Yes.
 9 Q What happened?
 10 A Like you said. Like on top of a word, yeah.
 11 Q I'm asking you; is that what you saw?
 12 A Yeah. And it said "surf," this word said
 13 "surf," they erased the "f," so it could only say "sur."
 14 Q Is that the only time that you remember seeing
 15 writing on top of the text in the book?
 16 A No, a lot of the times.
 17 Q That one time that you were telling me about,
 18 were you able to read the word; were you able to figure
 19 it out?
 20 A Yeah.
 21 Q Have you ever had an instance where there's
 22 writing on top of the text and you couldn't read the
 23 book?
 24 A Yeah.
 25 Q Tell me about it.

- 1 A Kids write with markers, permanent markers,
2 black markers. And, you know, the writings are in
3 black; right? And you couldn't see anything.
4 Q Do you remember that happening to you --
5 A Um-hmm.
6 Q -- that you couldn't --
7 And what did you do?
8 A Nothing, I just asked the one -- the other
9 person that had the other book to see what it said
10 there, because I couldn't read it.
11 Q Is this only one time that you remember this
12 happening?
13 A Yeah.
14 Q Other than that time, do you remember that
15 happening?
16 A No.
17 Q Have you heard other students or seen other
18 students unable to read their book because there's
19 writing on it?
20 A Yeah, all the time.
21 Q All the time. Can you specifically remember
22 the last time that happened?
23 A Not from that year.
24 Q Not from sixth grade?
25 A Not in that class.

- 1 Q In the science class?
2 A Yeah.
3 Q We're just going to talk about science for now.
4 You said that you used the science book, the purple
5 book. Did you -- you said you used it every day?
6 A Um-hmm.
7 Q Yes? Is that yes?
8 A Yes, every time that we had that class.
9 Q Except for -- how about the days that you go to
10 the computer lab?
11 A We don't use them when we use the computer.
12 Q And when you use the purple book, for how long
13 do you use it during class?
14 A Sometimes for 15 -- 45 minutes.
15 Q Sometimes you use it the whole class?
16 A Yes.
17 Q How often do you use it for the whole class?
18 A Very often.
19 Q What about when you're using the worksheets in
20 class; do you use the book, the purple book?
21 A Yes.
22 Q So you use both the purple book and the
23 worksheets?
24 A Um-hmm.
25 Q How about when you're using the magazines, do

- 1 you use the magazines and the purple book?
2 A No.
3 Q Do you just use the magazines?
4 A Um-hmm.
5 Q Is that yes?
6 A Yes.
7 Q What about when you're doing experiments in
8 class, do you also use the purple book?
9 A Yeah.
10 Q You use the purple book while you're doing
11 experiments?
12 A Not while we're doing experiments, but before
13 we started doing the experiments.
14 Q Okay.
15 A You have to read about the experiment we're
16 going to do and the directions and everything.
17 Q So are the directions for the experiments in
18 the purple book?
19 A Yes.
20 Q Are all the -- all the experiments, the
21 directions are in the purple book?
22 A Yes.
23 Q How about your research projects; do you use
24 the purple book for your research projects?
25 A Yeah, sometimes, and sometimes we got it from

- 1 the magazines and the computer.
2 Q Do you remember how many times you used the
3 purple book for your research project?
4 A How many times?
5 Q Yeah, yes.
6 A Almost all the time. If we didn't get any
7 magazines or if we didn't go to the computer lab.
8 Q Then you would use the purple book?
9 A Yeah, then we would use it.
10 Q How would you use the purple book for your
11 research project? Would the whole class use the purple
12 book for the whole time that you did your research
13 project?
14 A Um-hmm.
15 Q Is that yes?
16 A Yes.
17 Q And you use it in class for your research
18 project?
19 A Yeah, in class. Sometimes for homework.
20 Q Sometimes you do -- you use the purple book to
21 research for the project for homework?
22 A Yeah, for homework.
23 Q You said that there's writing in the books and
24 the pages are torn out?
25 A Um-hmm.

- 1 Q Have you ever seen students write in their
2 books?
3 A No.
4 Q Have you ever written in your book?
5 A No.
6 Q Have you ever heard of other students writing
7 in their book?
8 A Yeah.
9 Q Who do you hear it from?
10 A Kids that don't go there anymore, like Jaron,
11 Michael.
12 Q Other students?
13 A Yeah, other students.
14 Q They tell you that they write in their books?
15 A Yeah.
16 Q Do the teachers ever tell you -- did
17 Mr. Skilling ever tell you how to take care of your
18 book?
19 A How to take care of it? No, but that is -- he
20 only told us not to mess it up or write on it.
21 Q He told you not to write in it?
22 A Yes.
23 Q Did you ever see students tear pages out of
24 their books?
25 A No.

- 1 Q Do you ever hear students talking about that?
2 A Yeah, they're, like, "Oh, look, I ripped that
3 page."
4 Q Did Mr. Skilling tell you not to tear the pages
5 out of them?
6 A Um-hmm.
7 Q Is that yes?
8 A Yes.
9 Q Have you ever heard of -- or have you ever
10 heard of a student taking their purple book home and not
11 bringing it back?
12 A No.
13 Q Did Mr. Skilling ever say that someone forgot
14 to bring back a purple book?
15 A Yeah.
16 Q When did he say that?
17 A When -- because, you know, like when you're --
18 when you're going to turn it in, you have to give it to
19 the teacher; right? And he says, "Who forgot to bring
20 it?" And, like, if they have it, turn it in, or if they
21 don't, to turn it in the next day.
22 Q And how often do students forget to turn them
23 in?
24 A Not very often, but yeah.
25 Q Have you ever had a student that just never

- 1 turned it back in to the sixth grade?
2 A No.
3 Q They eventually brought it back?
4 A Yeah.
5 Q Does he have some sort of record to show who
6 brings the books back?
7 A No.
8 Q Is there a number on the book that he writes
9 down?
10 A Yeah.
11 Q Can you describe that to me; is it -- is there
12 a number on the book --
13 A Yeah.
14 Q -- and then he writes your name next to the
15 number?
16 A Uh-huh.
17 Q And he checks it off when you bring it back?
18 A Yes.
19 Q Have you ever missed -- did you ever miss this
20 science class; did you not attend it ever in the sixth
21 grade?
22 A No, I always went to that class.
23 Q In other words, were you ever absent from it?
24 A No.
25 Q Were you ever late?

- 1 A Yeah, I was late.
2 Q How often were you late to this class?
3 A One or two times.
4 Q Why were you late; do you remember?
5 A Yeah, one time I was in the office, and the
6 other time I was talking to one of the teachers that I
7 had before him, and plus she always wrote me a pass.
8 She wrote me a pass.
9 Q When you say you were in the office the first
10 time, do you mean the principal's office or the
11 administrative office?
12 A No, I just went to get an ice pack.
13 Q An ice pack, from the office?
14 A Uh-huh.
15 Q How about your language arts class in the sixth
16 grade, who was your teacher for that class?
17 MS. WELCH: And before we get going on language
18 arts, I just want to say for the record that we've spent
19 about an hour on Carlos' sixth grade science class.
20 BY MS. KOURY:
21 Q How about your language arts, who is your
22 teacher in that class?
23 A From last year?
24 Q Uh-huh.
25 A [REDACTED]

- 1 Q Was [REDACTED] a good teacher?
 2 A Um-hmm, yeah, she was a good teacher.
 3 Q Actually, before we talk about your language
 4 arts class, could you tell me about your science
 5 classroom? Did you have the same classroom for the
 6 whole year?
 7 A Yes.
 8 Q Do you have any problems with that classroom?
 9 A Yeah, it wasn't that good for a science class.
 10 Q What do you mean?
 11 A Because it was the same classroom as the math
 12 class.
 13 Q Why did it make -- why wasn't it a good class
 14 for your science class?
 15 A Because, you know, like, if someone -- if you
 16 spilled something on the floor, there was carpet, and it
 17 was all -- with stains all over it, and then in the
 18 science class, there's not a carpet. You could wipe off
 19 whatever you throw on the ground, like if there was
 20 stains all over.
 21 Q What color was the carpet?
 22 A Blue.
 23 Q Was it a light blue or a dark blue?
 24 A Light blue.
 25 Q Did you ever see anyone spill anything in your

- 1 A No.
 2 Q Nothing else?
 3 A No, nothing else.
 4 Q Any other reason you felt that that classroom
 5 wasn't good for science?
 6 A Yeah, we didn't have all the supplies that we
 7 needed.
 8 Q What do you mean by that?
 9 A Because, like one time when we were using
 10 bleach, and if it gets on your eyes, it really hurts.
 11 We had to use glasses, but not everyone had their
 12 glasses on, and they messed up their clothes, their
 13 pants; they messed it up with the bleach.
 14 Q "Their pants," did you say?
 15 A Yes.
 16 Q Uh-huh.
 17 A And this kid grabbed the bleach, he put his
 18 hand on the bleach, and he threw it at the other kid's
 19 face, and hurt his eyes.
 20 MS. WELCH: When you say "glasses," do you mean
 21 like goggles?
 22 THE WITNESS: Yeah, goggles.
 23 BY MS. KOURY:
 24 Q When you said that not everyone had the glasses
 25 on, why didn't everyone have the glasses on?

- 1 science class?
 2 A Yes.
 3 Q What did they spill?
 4 A It was this red thing. It was some red liquid.
 5 I don't know what it was.
 6 Q What was the red liquid from?
 7 A From one of the experiments.
 8 Q What type of experiment was it?
 9 A The -- I don't know which type of experiment it
 10 was, but it was using food colors.
 11 Q So it was an experiment that we didn't talk
 12 about before?
 13 A No, we didn't talk about that.
 14 Q So you had another type of experiment?
 15 A Yeah.
 16 Q Other than that red stuff or red liquid that
 17 someone spilled, do you remember anything else that got
 18 spilled on the floor?
 19 A Yeah, I spilled water once.
 20 Q Water?
 21 A Yeah.
 22 Q Anything else?
 23 A No.
 24 Q Other than the carpet, did anything else in
 25 that classroom bother you?

- 1 A Because there wasn't enough for everyone. Only
 2 the ones that were doing the experiment would have the
 3 glasses on.
 4 Q So did the teacher do it so that some people
 5 had glasses on and could do the experiments --
 6 A Yeah.
 7 Q -- and others would have to wait?
 8 A Yeah, because some were taking notes, like what
 9 would happen, like the prediction, what would happen,
 10 and the results.
 11 Q Right. So every student that was using the
 12 bleach was wearing glasses?
 13 A Yeah.
 14 Q And one of the students that was using the
 15 bleach and had glasses on threw bleach at another
 16 student who didn't have glasses on?
 17 A Yeah.
 18 Q Was that other student who didn't have glasses
 19 on, he wasn't, or she wasn't using the bleach; right?
 20 A No.
 21 Q Do you know, did that child get in trouble?
 22 A No.
 23 Q Was that --
 24 A He said it was an accident.
 25 Q Did you believe him?

- 1 A No.
 2 Q And some of the students got bleach on their
 3 pants?
 4 A Yeah.
 5 Q What happened?
 6 A They got messed up because of the bleach.
 7 Q Did they complain about it?
 8 A No.
 9 Q Did the teacher say anything about it?
 10 A No, but they did mess up their clothes.
 11 Q Other than what we've described, is anything
 12 else in this classroom -- or did anything else in this
 13 classroom, your science classroom, bother you?
 14 A Hmm-um.
 15 Q Is that no?
 16 A No.
 17 Q You were telling me about language arts.
 18 [REDACTED] was your teacher?
 19 A Yes.
 20 Q Did you say that you thought she was a good
 21 teacher?
 22 A Yes.
 23 Q Why did you think she was a good teacher?
 24 A Well, she wasn't that good of a teacher, but
 25 yeah. She helped us a lot, but we often got bored, and

- 1 she gave us too much work.
 2 Q Anything else? Is that no?
 3 A No.
 4 Q What do you mean, she helped you a lot?
 5 A Like in -- like in -- if we were doing -- if we
 6 were writing, like, she always went to check if it was
 7 right, like, to edit our papers and everything, so we
 8 won't have to spend more time.
 9 Q So she would correct your homework and review
 10 it with you?
 11 A Yeah.
 12 Q What else?
 13 A That's all.
 14 Q Did she ever stay after class with you to help
 15 you?
 16 A Yeah.
 17 Q How often?
 18 A Not often, but yeah, once, when we were doing a
 19 poem and I didn't finish it, because it was too long,
 20 and she stayed with me to give me ideas on what I could
 21 write on the poem.
 22 Q You say that sometimes you were bored in that
 23 class. What do you mean?
 24 A Yeah. When she gave us too much work, the
 25 class was very quiet, we could easily fall asleep.

- 1 Q Because you were supposed to be doing your work
 2 in class?
 3 A Yeah.
 4 Q Did she give you homework?
 5 A Yeah.
 6 Q You thought she gave you too much work in
 7 class, during class?
 8 A In class.
 9 Q Did you ever fall asleep in class?
 10 A No.
 11 Q What kind of work did she give you in class?
 12 A In language arts, we had two short stories,
 13 poems, scary stories, stuff like that.
 14 Q Did you get homework -- or, I'm sorry, what
 15 kind of homework did you get? You said you did get
 16 homework?
 17 A If we couldn't finish our in-class homework --
 18 in-class work, we could finish it at home.
 19 Q Did you have to write these stories, these
 20 short stories or poems, or did you read them?
 21 A Yes.
 22 Q Did you do both, read and write?
 23 A Uh-huh.
 24 Q How often did you have homework?
 25 A Every day.

- 1 Q Did you always do your homework?
 2 A Yeah.
 3 Q You always did your homework?
 4 A Um-hmm.
 5 Q What about, did you get your homework graded --
 6 A Yeah.
 7 Q -- did she grade your homework?
 8 And did you have a book in this class?
 9 A No.
 10 Q There are no books?
 11 A Hmm-um.
 12 Q Where did you read the short stories from?
 13 A From papers that she gave us, like books that
 14 she had, like from famous poets.
 15 Q From famous poets?
 16 A Yeah.
 17 Q Were the poems on these handouts as well?
 18 A Um-hmm.
 19 Q And the scary stories?
 20 A No, those we had to make up.
 21 Q Oh, you made up the scary stories?
 22 A Um-hmm.
 23 Q When she gave you handouts, did each student
 24 get their own handout?
 25 A Yes.

- 1 Q Did you get to keep the handouts?
 2 A Yes.
 3 Q Where would you keep them?
 4 A In our backpacks.
 5 Q Did you have a binder for this class?
 6 A Yeah.
 7 Q Did each student have a binder for this class?
 8 A Yeah.
 9 Q Did the teacher give you the binder?
 10 A No.
 11 Q Where did you get the binder from?
 12 A She kept it on a bin.
 13 Q On a bin?
 14 A Yeah, if we did our short stories, we kept them
 15 there, like, so they would be safe --
 16 Q So you put --
 17 A -- and wouldn't lose them.
 18 Q Would you put all the handouts when you were
 19 done in the bin -- I mean, in the folder?
 20 A No.
 21 Q In the binder?
 22 A Yeah.
 23 Q You would put the handouts in the binder?
 24 A (No audible response.)
 25 Q Did you ever take the binder home?

- 1 A Yeah, it was my own binder.
 2 Q Did you have tests in this class?
 3 A Yeah.
 4 Q What kind -- or what -- how would you study for
 5 your test?
 6 MS. WELCH: Objection. Vague.
 7 BY MS. KOURY:
 8 Q Did you study for your tests?
 9 A No, it was -- like, spelling, she'd give us a
 10 word, and studied them.
 11 Q How would she give you the words? Did she
 12 write them on the board?
 13 A Yeah.
 14 Q Did you copy them down?
 15 A Yeah.
 16 Q Other than spelling tests, did you have any
 17 other kinds of tests?
 18 A Yeah, but they were still from spelling tests.
 19 Q Any other kinds of tests --
 20 A No.
 21 Q -- besides spelling? No?
 22 Did you want a book in this class?
 23 A Yeah.
 24 Q Why?
 25 A Because we didn't have enough books for

- 1 everyone, and like -- we didn't have books at all, but
 2 sometimes she bought books, like for stories and all
 3 that, so we could read them; she gave us papers, like
 4 copies of stories; read them, and, like, so we could get
 5 a better idea of what we have to do.
 6 Q You said that sometimes she brought books in?
 7 A Um-hmm.
 8 Q Books with stories in them?
 9 A Yeah.
 10 Q What would she do with the books?
 11 A She'll make copies, because there wasn't enough
 12 books for everyone.
 13 Q How do you know that?
 14 A There was like 28 people.
 15 Q How did you know there wasn't enough books for
 16 everyone?
 17 A Because she kept them on the blackboard.
 18 Q She kept the books on the blackboard?
 19 A Yeah. Like, you know where you put the chalk,
 20 right there?
 21 Q Right. And she would put the books up there?
 22 A Yeah.
 23 Q Do you know why she put the books up there?
 24 A Yeah, so if we needed some ideas, we could take
 25 up some ideas from there.

- 1 Q Ideas for what?
 2 A Like for poems, stories.
 3 Q Did you ever use any of these books to get
 4 ideas?
 5 A Yeah.
 6 Q But when you were reading the stories from --
 7 she would give you handouts of the stories?
 8 A Um-hmm.
 9 Q Yes?
 10 A Yes.
 11 Q Do you know if these stories that were in the
 12 handouts came from the books that were on the
 13 chalkboard?
 14 A Yeah.
 15 Q How do you know that?
 16 A Because when you looked through them, the story
 17 was right there.
 18 Q Did you ever want to look through a book but
 19 you weren't able to?
 20 A Yeah, because there was only one of each book,
 21 so --
 22 Q So each book was a different short story?
 23 A Um-hmm. No, it had a lot of short stories on
 24 it -- inside of it, like from different authors and
 25 everything.

- 1 Q What do you mean "there was only one book of
2 each"?
- 3 A There was only one -- one book of a kind, of
4 one kind.
- 5 Q Each book was different?
- 6 A Yeah, each book was different.
- 7 Q And each book had different short stories in
8 it?
- 9 A Yes.
- 10 Q And do you remember when you wanted to use a
11 book and you couldn't?
- 12 A No, but I did want to use one book, and I
13 couldn't.
- 14 Q Was that --
- 15 A Because some other kids had it.
- 16 Q Did you have to wait until the other kid was
17 finished?
- 18 A Yes.
- 19 Q Did you eventually get to use the book?
- 20 A Yes.
- 21 Q Do you remember that happening another time,
22 besides that one time you're telling me about?
- 23 A No.
- 24 Q Did you ever complain about not having a book?
25 A (No audible response.)

- 1 Q Yes?
- 2 A Yes.
- 3 Q Who did you complain to?
- 4 A To my teacher, [REDACTED]
- 5 Q What did you say?
- 6 A Hmm?
- 7 Q What did you say?
- 8 A She didn't say nothing, only she -- the books
9 that she had there were hers, she bought them with her
10 own money.
- 11 Q Did she say why?
- 12 A Huh?
- 13 Q Did she say why?
- 14 A No.
- 15 Q Did you complain to anyone else besides
16 [REDACTED]?
- 17 A No.
- 18 Q Did you ever -- or I'm sorry, never mind.
19 Do you know if any of the other students
20 complained about not having books?
- 21 A No, I don't.
- 22 Q Do you know if you were supposed to have books
23 in this class?
- 24 MS. WELCH: Objection. Vague, calls for
25 speculation.

- 1 BY MS. KOURY:
- 2 Q You can answer that.
- 3 A I don't know.
- 4 Q Did you ever -- did anyone ever tell you you
5 could check one of these books out from this class to
6 take home?
- 7 A No, you couldn't check any books out from
8 there.
- 9 Q Did you ever try to check a book out to take
10 home?
- 11 A Yes.
- 12 Q When?
- 13 A One time I needed help, like to give me some
14 ideas, and so I could take it home; she said no, because
15 then, like I would -- that would be called cheating.
- 16 Q That would be called cheating?
- 17 A Yeah.
- 18 Q Was that because it was something that was
19 supposed to be done during class time?
- 20 A Yeah -- no, because -- because she said that I
21 might copy the -- in the same thing from the book.
- 22 Q And she didn't want you to copy it from the
23 book?
- 24 A No.
- 25 Q She wanted you to use it from your memory?

- 1 A Yeah, in my own words.
- 2 Q Did anything bother -- did you -- well, did the
3 handouts that you received, were you able to use them --
4 were you able to read from them?
- 5 A Yeah.
- 6 Q Were there any problems with them?
- 7 A No.
- 8 Q Other than the handouts, were there any other
9 types of materials that she used in this class?
- 10 A No.
- 11 Q Any types of worksheets?
- 12 A No.
- 13 Q Magazines?
- 14 A Yeah.
- 15 Q What kind of magazines?
- 16 A Like the same ones as "National Geographic,"
17 and car magazines. Like for the short stories, you
18 could add a little picture to it.
- 19 Q I'm sorry, what do you mean?
- 20 A For the short stories --
- 21 Q Uh-huh.
- 22 A -- you could add a picture to it, like you
23 could cut it from a magazine.
- 24 Q So when you would write a short story, you
25 would cut out pictures from the magazine and put it on

- 1 the short story?
 2 A Yes.
 3 Q Other than cutting out the pictures, did you
 4 use the magazines for anything else?
 5 A No.
 6 Q Did you read the magazines?
 7 A No.
 8 Q Did you take notes in this class?
 9 A No.
 10 Q How about this classroom, do you remember your
 11 language arts classroom?
 12 A Yeah.
 13 Q Did you have this classroom the entire school
 14 year?
 15 A Yes.
 16 Q Were there any problems with it?
 17 MS. WELCH: Objection. Vague.
 18 BY MS. KOURY:
 19 Q Were there any problems with it?
 20 A No.
 21 Q Anything bother you about this classroom?
 22 MS. WELCH: Objection. Vague.
 23 THE WITNESS: Yeah.
 24 BY MS. KOURY:
 25 Q What bothered you?

- 1 A The sinks.
 2 Q There were sinks in this classroom?
 3 A Yeah, there was one sink.
 4 Q Where was the sink located?
 5 A The very back of the room, in the center.
 6 Q What bothered you about it?
 7 A Well, if we wanted to drink water, we couldn't.
 8 They were there just like -- it didn't work.
 9 Q Was it a sink or a water fountain?
 10 A Sink and water fountain.
 11 Q So would you try to use the sink or would you
 12 try to use the water fountain?
 13 A The water fountain. The water fountain didn't
 14 work, and the sink did work, but the water fountain
 15 didn't.
 16 Q When you would turn the water fountain on,
 17 nothing happened?
 18 A Um-hmm.
 19 Q Yes?
 20 A Yes.
 21 Q Did you ever complain to anyone about the water
 22 fountain?
 23 A Yeah.
 24 Q Who did you complain to?
 25 A [REDACTED]

- 1 Q And what did she say?
 2 A Nothing. She just said that she already told
 3 the janitor to fix it. They hadn't fixed it yet.
 4 Q Did you ever use the water fountain and it
 5 worked?
 6 A No.
 7 Q So throughout the whole school year, it didn't
 8 work?
 9 A Um-hmm.
 10 Q Yes?
 11 A Yes.
 12 Q Do you know if any other students tried to use
 13 the water fountain?
 14 A No.
 15 Q Do you have a water fountain in each classroom?
 16 A Yeah, almost in each classroom. Only some
 17 classrooms have water fountains.
 18 Q Do you remember, in the sixth grade, if any of
 19 your other classrooms had water fountains?
 20 A Yeah.
 21 Q Which other classrooms?
 22 A Science, they had water -- oh, it had a water
 23 fountain --
 24 Q Right.
 25 A -- in the sink, and it did work.

- 1 Q Any other classrooms have water fountains in
 2 the sixth grade?
 3 A No.
 4 Q Did you use the science water fountain?
 5 A Yeah.
 6 Q Do you know whose responsibility it is to fix
 7 the water fountain?
 8 MS. WELCH: Objection. Calls for speculation.
 9 THE WITNESS: No.
 10 BY MS. KOURY:
 11 Q No? Do you ever see anyone trying to fix the
 12 water fountain?
 13 A No.
 14 Q Other than complaining to [REDACTED] about the
 15 water fountain, did you complain to anyone else?
 16 A No.
 17 Q Other than the water fountain not working, did
 18 anything else bother you about this classroom?
 19 A Yeah.
 20 Q What?
 21 A The blackboard. The blackboard, when you try
 22 to put it up, you couldn't; it was stuck, like it got
 23 stuck right on the middle, and it was hard to pull down.
 24 Q Was this a blackboard -- was there only one
 25 blackboard in your classroom?

- 1 A No, there were two.
 2 Q Which blackboard was difficult to pull down?
 3 A The one on the right.
 4 Q How about the one on the left; did it work
 5 properly?
 6 A No, we never moved that one, because we had
 7 stuff taped on there.
 8 Q On the blackboard?
 9 A Yeah.
 10 Q What kind of stuff?
 11 A Like poems and our stuff that we did inside the
 12 class.
 13 Q So your teacher would display all of your work
 14 on that blackboard?
 15 A Yes.
 16 Q The right blackboard, you said it would get
 17 stuck. Did the teacher use the blackboard?
 18 A Yeah.
 19 Q Did the students use the blackboard?
 20 A No, only the teacher did.
 21 Q Did you ever try to pull the blackboard down?
 22 A Yeah.
 23 Q Why?
 24 A Because there wasn't any more space to write
 25 on, and the teacher asked if we could move it.

- 1 Q And were you able to pull it down?
 2 A Hmm-um.
 3 Q No?
 4 A Hmm-um, no.
 5 Q Okay. Was that --
 6 MS. WELCH: Remember to answer "yes" or "no."
 7 I know it's hard to remember that.
 8 MS. KOURY: It's hard. It's very hard.
 9 Q Do you remember if that happened more than
 10 once?
 11 A Yeah.
 12 Q How many times did that happen?
 13 A Like about five times. It got stuck on the
 14 middle, and then we have to put it back up, because we
 15 couldn't.
 16 Q Did you pull it back up and then pull it back
 17 down?
 18 A Yes.
 19 Q And then did it work when you pulled it down
 20 the second time?
 21 A No.
 22 Q What happened?
 23 A It got stuck.
 24 Q And then what happened?
 25 A We just have to put it back up.

- 1 Q Did the teacher use the blackboard that day?
 2 A No, she only waited until like -- until people
 3 were done, like halfway, then she would erase like half
 4 the stuff she had written on it, and then continue.
 5 Q Do you know if she complained to anyone about
 6 the blackboard?
 7 A No.
 8 Q Did you ever see anyone trying to fix the
 9 blackboard?
 10 A No.
 11 Q Other than the blackboard and the water
 12 fountain, did anything else bother you about this
 13 classroom?
 14 A No.
 15 Q What about your reading class in the sixth
 16 grade, who was your teacher in that class?
 17 A [REDACTED]
 18 Q Is reading and language arts the same class?
 19 A Yeah -- no, it's a different class, but it was
 20 the same teacher and the same classroom.
 21 Q Okay. So your reading classroom and your
 22 language arts class are the same?
 23 A Um-hmm.
 24 Q Did you have reading and language arts during
 25 the same period, or was it a separate period?

- 1 A Separate period.
 2 Q Okay. Did you think [REDACTED] was a good
 3 reading teacher?
 4 A Yeah. That was the only one I had, the only
 5 reading teacher I ever had.
 6 Q Did she also give you a lot of work in this
 7 class?
 8 A Yeah.
 9 Q Do you not like getting a lot of work?
 10 A Hmm-um, no.
 11 Q Why not?
 12 A Because I get bored of doing just writing or
 13 reading, like I feel more comfortable doing more fun
 14 stuff.
 15 Q What do you mean by "more fun stuff"?
 16 A Like, if she puts us to read a book, like --
 17 and it -- she usually gives us, like, a good book, that
 18 we like, not the one that she likes. That's what she
 19 used to do: She gave us books that she liked, not that
 20 we liked.
 21 Q So you would prefer it if she gave you your
 22 choice of which books to read?
 23 A Yeah.
 24 Q Did you do all your reading in this class?
 25 A Yeah, I did all my reading.

- 1 Q Do you know, was [REDACTED] a teacher there -- is
2 she still a teacher there?
3 A No.
4 Q Do you know when she left?
5 A Yeah.
6 Q When?
7 A She left in the -- at the end of the year.
8 Q The end -- at the end of sixth grade?
9 A Yeah, at the end of sixth grade.
10 Q Did she leave before school let out for summer
11 vacation?
12 A No, after.
13 Q Do you know if [REDACTED] - how long [REDACTED]
14 had been at Edison-McNair?
15 A No, I don't.
16 Q Do you know if she was there while you were in
17 the fifth grade?
18 A Yeah, she was there, but before that, I don't
19 remember.
20 Q Do you know if she was there in the fourth
21 grade?
22 A No, I don't know.
23 Q Did you have a book in reading class?
24 A Yeah.
25 Q You did?

- 1 A She told us. Because she told us to take care
2 of them because no one had given them to her. She
3 bought them with her own money.
4 Q She said that?
5 A Yeah.
6 Q And she gave them to you at the beginning of
7 the year?
8 A Not the beginning of the year, but yeah.
9 Q Did you have books in the beginning of the
10 year?
11 A No.
12 Q What did you do in the beginning of the year
13 before you had books?
14 A She would give us handouts.
15 Q Handouts of what?
16 A From, like, a story, but that was for like only
17 one or two weeks. Then we got books, like so we could
18 start our reading class, because it was a mixed class,
19 like half of my class and half from another class
20 together in the same room, like at the same level; and
21 then we got books, but like only for -- like for that
22 class, we had, like -- like only for that class, because
23 we couldn't take them home or anything; it was only for
24 the school.
25 Q So if I'm understanding you correctly, you said

- 1 A Yeah.
2 Q How many books did you have?
3 A I don't remember how many books, but we had
4 enough for everyone.
5 Q I mean, did you have more than one type of book
6 in this class?
7 A Yeah.
8 Q You did?
9 A Yeah.
10 Q How many types of books did you have?
11 A A lot of books. We had "Goosebumps"
12 collections, and animals, and funny, like joke books,
13 books like that.
14 Q Did you get books in the beginning of the year
15 to take home, or were they books just that you used in
16 this class?
17 A No, we always had books to take home.
18 Q How did you get the books at the beginning of
19 the year?
20 A She bought them.
21 Q She brought them?
22 A Yeah, she brought them from home and she bought
23 them.
24 Q How do you know that she brought them from home
25 and she bought them?

- 1 that for the first couple weeks, it was half -- it was
2 your class and another class that was also a sixth grade
3 reading class?
4 A No, for the first -- for the first weeks, it
5 was in my class, and then we got mixed up.
6 Q With another class?
7 A Yeah.
8 Q So before you got mixed with the other class,
9 you didn't have a book?
10 A Hmm-um.
11 Q Is that correct?
12 A Yeah.
13 Q You had handouts?
14 A Yeah.
15 Q Was [REDACTED] your teacher?
16 A Yes.
17 Q And then a couple weeks later, you got mixed
18 with another sixth grade reading class?
19 A Yeah.
20 Q And you got books?
21 A Yes.
22 Q Did she give you all the books at the same time
23 or did you get books throughout the year?
24 A Yeah, throughout the year.
25 Q Were they -- what types of books were they?

- 1 They were reading books?
 2 A Yeah, reading books.
 3 Q Did you have -- was each book a different
 4 story?
 5 A Yeah, but the ones that we used for reading,
 6 like the whole class, it was books -- only one kind of
 7 book.
 8 Q So did you -- you had a reading textbook
 9 that --
 10 A Yeah, we had a reading textbook.
 11 Q Was it a hard cover?
 12 A Yeah.
 13 Q And it had more than one story in it?
 14 A Yeah.
 15 Q Did it have questions in it?
 16 A Yeah.
 17 Q Do you remember the name of it?
 18 A No.
 19 Q And she gave it -- each student their own
 20 textbook?
 21 A Yeah.
 22 Q Can we refer to this book as the hardback book?
 23 A Um-hmm.
 24 Q Okay. Did you take the hardback book home?
 25 A No.

- 1 Q Were you allowed to take it home?
 2 A No.
 3 Q Did she tell you you couldn't take it home?
 4 A Yeah.
 5 Q How often did you use that book?
 6 A Every day, until we finished reading it.
 7 Q And then when you finished using the hardback
 8 book, what happened; did you get other books?
 9 A Yeah, we got another book, like a chapter book.
 10 Q Was it a softback book or --
 11 A Yeah.
 12 Q And was it -- was it like a novel?
 13 A Um-hmm.
 14 Q Yes?
 15 A Yes.
 16 Q But first you finished the hardback book; that
 17 had different stories in it?
 18 A Yes.
 19 Q When you were using the hardback book, did you
 20 have any homework in class, for class?
 21 A Yes.
 22 Q What kind of homework?
 23 A Questions.
 24 Q Do you know where the questions came from?
 25 A Yeah, they came from the book, then at the end

- 1 of the story, it had questions, it had -- to see if you
 2 understood them.
 3 Q And you'd have to do that at home?
 4 A No, in class.
 5 Q What about homework, did you get any homework
 6 while you were using the hardback book?
 7 A No.
 8 Q You didn't have homework in this class during
 9 that time?
 10 A Yeah, we did have homework, but only reading,
 11 like read your own book.
 12 Q Read your own book at home?
 13 A Yeah.
 14 Q What kind of book?
 15 A Any kind of book, the book you liked.
 16 Q So she would tell you "Pick a book and read it
 17 at home for homework"?
 18 A Yeah, read it at home.
 19 Q Did you?
 20 A Yeah.
 21 Q Do you remember how many books you read?
 22 A I only read one book for the whole year.
 23 Q And the questions that you told me that you
 24 answered from the hardback book, would you write down
 25 the answers on paper?

- 1 A Yes.
 2 Q Did you turn them in to the teacher?
 3 A Yes.
 4 Q Would she grade them?
 5 A Yes.
 6 Q Did you review them with her?
 7 A No.
 8 Q Did you ever see the graded copies of your
 9 questions?
 10 A Yes.
 11 Q How would you see them?
 12 A She would put them on the board.
 13 Q She would put the answers on the board?
 14 A No.
 15 Q She would --
 16 A Like she would put the names of everybody, and
 17 then she would put the grade that they got.
 18 Q Okay. And then when you started using the
 19 softback books, they were novels; is that right?
 20 A No, it was like a chapter book, like -- it was
 21 like -- it was about -- it was a story about a little
 22 foster girl.
 23 Q Was it just one other book besides the hardback
 24 book that she gave you in class?
 25 A What?

- 1 Q I'm sorry. After you finished using the
2 hardback book, you said she gave you another book?
3 A Yes.
4 Q Was this other book about the foster child?
5 A Yes.
6 Q Was that the only other book that she gave you?
7 A No, we had read another one too, a chapter
8 book.
9 Q A chapter book?
10 A Yeah.
11 Q Were you able to take home these other books?
12 A No.
13 Q Did you use them in class?
14 A Yes.
15 Q And everyone had their own book in class?
16 A Yes.
17 Q And everyone had their own hardback book in
18 class?
19 A No, we finished using that.
20 Q But when you were using it, everyone had their
21 own?
22 A Yes, yes.
23 Q Did you ever have any other type of homework
24 besides reading, the book that you chose to read in
25 reading class?

- 1 A Not that I remember.
2 Q Did you have any tests in this reading class?
3 A Yeah.
4 Q Do you remember what kind of tests?
5 A It was like -- like you had to read, read one
6 page, and then answer questions A, B, C, and A, B, C,
7 like, you know, the SAT 9.
8 Q Was it the SAT 9?
9 A Yeah.
10 Q Other than the SAT 9, did you have any other
11 tests in the class that you can remember?
12 A Yeah. They were the same thing as the SAT 9,
13 but they won't grade it, just to see how you were doing
14 in class.
15 Q Other than those tests, did you have any other
16 types of test that were graded?
17 A No.
18 Q Did you study for those tests?
19 A No.
20 Q Did she use any types of magazines in this
21 class?
22 A No.
23 Q Did she use worksheets?
24 A Yeah.
25 Q What kind of worksheets?

- 1 A Like she'll give us the -- like from the
2 reading, she took out some spelling words, put them on
3 the paper, and then put questions, hard questions, and
4 we had to answer them at home; that was the only -- that
5 was, like, sometimes that she did that.
6 Q Okay. Any other types of worksheets?
7 A No.
8 Q And so you'd take those worksheets home?
9 A Yeah.
10 Q Do you know why, at the beginning of the
11 year -- or actually after a couple of weeks during the
12 year, your classes got combined with another seventh
13 grade class?
14 A Yeah, because -- because, like, there were a
15 lot of people, but they weren't in the same reading
16 level. So they had to put them in the -- like, they had
17 to put them in -- like, they have to mix the classes,
18 like, so everybody -- like, in one class, they have to
19 be the same level, and like lower reading level and the
20 higher reading level, like that.
21 Q Did some people that were in your class in the
22 first two weeks get moved to another class?
23 A Yeah.
24 Q So some people in the first couple weeks of
25 school got moved to other classes, and other people came

- 1 in?
2 A Yeah.
3 Q Were you -- did you ever miss this class; were
4 you ever absent from this class?
5 A No.
6 Q Were you ever late?
7 A No.
8 Q How about with your language arts class, did
9 you ever miss that class?
10 A No.
11 Q Were you ever late?
12 A No.
13 Q Other than the hardback books that we
14 discussed, and the two softback books that we
15 discussed -- one of them was about the foster girl?
16 A Um-hmm.
17 Q And the other one was about, you said,
18 chapters?
19 A No -- I don't remember the title.
20 Q But you remember it -- when you say "chapters,"
21 do you mean that it had chapters in the book?
22 A Yeah.
23 Q Were those the only other two books in that
24 class that you can remember?
25 A Yeah.

- 1 Q Do you remember, were these books in good
2 condition?
3 A Yeah, they were in good condition.
4 Q Was there anything about the books that
5 bothered you?
6 A No.
7 Q Do you remember if anyone ever complained about
8 the books in this class?
9 A No.
10 Q Did you ever use the computer for this class?
11 A No.
12 Q What about your math class last year, who
13 taught your math class?
14 A Mr. Skilling.
15 Q Skilling?
16 A Um-hmm.
17 Q Was he a good math teacher?
18 A Yeah.
19 Q What made him a good math teacher?
20 A He made it fun.
21 Q How did he make it fun?
22 A Like he made up these rap songs, like for the
23 math and everything, like -- some kids, they didn't know
24 all the timetables up to 11, so he would do the
25 timetable like in a song: He'll go "7, 14, 21," like

- 1 that, like fun.
2 Q To help you learn?
3 A Yeah, to help us learn.
4 Q Did he do anything else that made him a good
5 teacher?
6 A Yeah, he made a lot of stuff. He made jokes in
7 class, but about the -- like about having to do what we
8 were learning.
9 Q Right. Okay.
10 A That's all.
11 Q Did you have a book in this class?
12 A Yeah.
13 Q Do you remember if you had more than one type
14 of book?
15 A No, we only had one type of book.
16 Q Do you remember the name of the book?
17 A Yeah, "Reading Mathematics," something like
18 that.
19 Q Did you use this book in class often?
20 A Yeah.
21 Q How often?
22 A Every day.
23 Q Did you -- did every student have a book to use
24 in class without having to share?
25 A No, we didn't have to share.

- 1 Q Did you have a book to take home at night?
2 A No.
3 Q You didn't?
4 A No.
5 Q How did you use the book in class, did you --
6 were you assigned one specific book?
7 A No. The team captains had to go get books for
8 everyone.
9 Q What kind of condition were these books in?
10 A Bad conditions.
11 Q I'm sorry?
12 A Bad conditions.
13 Q What do you mean by that?
14 A The same as the science books: graffiti, old,
15 ripped.
16 Q Did you ever use a book that was ripped, that
17 had pages that were ripped?
18 A Yes.
19 Q What happened?
20 A Nothing, I just had to go change it for another
21 one.
22 Q Was there an extra book on the shelf that you
23 would go and get?
24 A Yeah, we had like five extra books.
25 Q Did you ever -- did you ever have a time when

- 1 your book that you were using was ripped and you weren't
2 able to go get another book?
3 A No.
4 Q When you say there was graffiti, what do you
5 mean there was graffiti?
6 A Writings all over it.
7 Q Was the writing ever on the text of the book?
8 A No, like on the backs, on the back of the book,
9 and in the front and the inside cover.
10 Q Okay. And you said that they were old?
11 A Yeah.
12 Q What made -- other than the writing -- yeah,
13 the writing and the ripped pages, is there anything else
14 that made you think that they were old?
15 A Yeah. You know, like, it was a hardcover book;
16 right?
17 Q Um-hmm.
18 A The corners, it was hard, like the center of
19 the book, they looked old, like they throw them on the
20 ground and everything, but --
21 Q Did you ever see students throwing the books on
22 the ground?
23 A Yeah.
24 Q Yes?
25 A Yes.

- 1 Q How often?
 2 A Not often, but yeah.
 3 Q Did Mr. Skilling tell you to take care of these
 4 books as well?
 5 A Yes.
 6 Q What did he tell you?
 7 A "Take care of them." Like he said to take care
 8 of them for little brothers and sisters and cousins --
 9 were going to use them next year.
 10 Q Did he tell you not to write in them?
 11 A Yeah.
 12 Q Did he tell you not to rip out the pages?
 13 A Um-hmm.
 14 Q Did you see people ripping out the pages?
 15 A Yeah.
 16 Q How often?
 17 A Not often, but yeah, I saw people.
 18 Q Did you see people writing in the books?
 19 A Yeah.
 20 Q How often did you see them writing in the
 21 books?
 22 A Every day.
 23 Q In this class, in your math class?
 24 A Um-hmm.
 25 Q Is that yes?

- 1 A Yeah.
 2 Q And you would take these math packets home?
 3 A Yeah, for homework.
 4 Q And who would correct them?
 5 A Mr. Skilling.
 6 Q Would you see them after he corrected them?
 7 A Yeah.
 8 Q Could you keep them?
 9 A No.
 10 Q What would happen to them?
 11 A We had to give it back to him.
 12 Q And he kept them?
 13 A Yeah.
 14 Q Other than the math packets, did you have any
 15 other types of homework?
 16 A No, only that.
 17 Q Did you have tests in this class?
 18 A Yeah.
 19 Q Tests that were graded?
 20 A Yeah.
 21 Q How did you study for them?
 22 A By the timetables, how to subtract, how to
 23 divide.
 24 Q Did you study at home for the test?
 25 A Yeah.

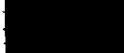
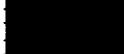
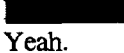
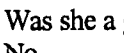
- 1 A Yes.
 2 Q Okay. Did you ever complain about your math
 3 book?
 4 A No.
 5 Q Did you ever hear any other students complain
 6 about it?
 7 A No.
 8 Q Did you get homework in this class?
 9 A Yeah.
 10 Q What kind of homework?
 11 A Packets, math packets.
 12 Q What is a math packet?
 13 A It's like two page -- two pages that you have
 14 to do, like timetables, divisions, and like that.
 15 Q Would he -- did Mr. Skilling give you these
 16 math packets?
 17 A Yeah.
 18 Q Did he give you more than one math packet?
 19 A No.
 20 Q Did you get one math packet in the beginning of
 21 the school year?
 22 A No. When we finished them, we have to turn it
 23 in, and get another one.
 24 Q So you got more than one math packet throughout
 25 the year?

- 1 Q How did you study at home for the test?
 2 A He gave us -- he gave us -- like the warmups
 3 that we used during the class, like so we could study,
 4 like that.
 5 Q What are warmups?
 6 A Warmups, like math problems, like -- so before
 7 we start the class.
 8 Q Where would the math problems come from?
 9 A From his book.
 10 Q Did he write them on the board?
 11 A No.
 12 Q Are they in your book?
 13 A No, only a book that he had, like so we
 14 wouldn't cheat.
 15 Q So are --
 16 A Because he had the questions in his book.
 17 Q Are the warmups quizzes?
 18 A No.
 19 Q But he would give you the math problems during
 20 the warmups?
 21 A Um-hmm.
 22 Q Did he do it orally?
 23 A No.
 24 Q How did you see the math problems?
 25 A The math problems. Like when we were done with

- 1 everything, he would give them the math problems for
2 homework.
- 3 Q How did he -- sorry.
- 4 A And we could start them there; like if we
5 finished early, we could start them, doing the math
6 problems there.
- 7 Q Is that a warmup?
- 8 A No.
- 9 Q What's a warmup?
- 10 A Like when we get to class, at the beginning of
11 class, he gives us a paper with, like, ten problems on
12 there, so we could do; and then when we're done, he
13 gives us more work, so we could start class.
- 14 Q So when he gave you the warmups in class, he
15 gave them to you on paper. How would you write the
16 answers? Where would you write the answers?
- 17 A On the bottom.
- 18 Q And you got to keep these warmups?
- 19 A Yeah.
- 20 Q And you would study these warmups for your
21 tests?
- 22 A Um-hmm.
- 23 Q Other than studying the warmups for your test,
24 what else did you study? Did you study your math
25 packets?

- 1 A No, only that.
- 2 Q Just the warmups?
- 3 A Yeah.
- 4 Q Did you ever want to take home your math book?
- 5 A No.
- 6 Q Do you know if anyone else in the class ever
7 said they wanted to take home their math book?
- 8 A No.
- 9 Q Did you ever miss this class? Were you ever
10 absent from it?
- 11 A No.
- 12 Q Were you ever late?
- 13 A No.
- 14 Q Did you take notes in this class?
- 15 A No.
- 16 Q Did you have the same classroom for math
17 throughout the school year?
- 18 A Yes.
- 19 Q Did anything bother you about the classroom,
20 the math classroom?
- 21 A No.
- 22 Q Nothing with respect to the facilities of the
23 classroom?
- 24 A Hmm-um.
- 25 Q In other words, I'm talking about like the

- 1 windows, the carpet.
- 2 A No.
- 3 Q Desks.
- 4 A Only the carpet, it was all stained.
- 5 Q Did that bother you?
- 6 A Not much, but yeah.
- 7 Q What color was the carpet?
- 8 A Light blue.
- 9 Q Do you know what kind of stains?
- 10 MS. WELCH: Asked and answered.
- 11 BY MS. KOURY:
- 12 Q This is a different class. Is this a different
13 classroom?
- 14 A No, same class.
- 15 Q Which classroom is it?
- 16 A Same one as science.
- 17 Q Same room as science?
- 18 A Yeah.
- 19 Q Okay. Do you know if students eat in this
20 classroom?
- 21 A No.
- 22 Q You don't know?
- 23 A No, they don't.
- 24 Q They don't eat?
- 25 A Hmm-um.

- 1 Q They're not allowed to eat in this classroom?
- 2 A Hmm-um.
- 3 Q What about your art class, who was your teacher
4 for art?
- 5 A 
- 6 Q 
- 7 A 
- 8 Q 
- 9 A Yeah.
- 10 Q Was she a good teacher?
- 11 A No.
- 12 Q Why not?
- 13 A Because she screams too much.
- 14 Q Why did she scream?
- 15 A I don't know. Because, like, if one people was
16 talking, she would start screaming at the whole class.
- 17 Q She didn't scream at individuals, she would
18 scream at the whole class at the same time?
- 19 A Yeah.
- 20 Q Did people talk a lot in the class?
- 21 A Yeah. No one listened to her.
- 22 Q Why not?
- 23 A I don't know.
- 24 Q What did she tell them when they would talk in
25 class?

1 A She would give them detention.

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1 A Yes.
2 Q Do you think that's a good rule?
3 A Yes.
4 Q Why?
5 A Because if you start talking -- if everyone --
6 if you start talking without permission, everyone is
7 going to be talking in class, so no one would be able to
8 listen to the teacher.
9 Q So you think that's why she screamed at the
10 class when they talked?
11 A Yeah.
12 Q Was she telling them to be quiet?
13 A No, she would say "Shut up."
14 Q She would say "Shut up"?
15 A Yeah.
16 Q Other than saying "Shut up," did she say
17 anything else?
18 A No.
19 Q Did it bother you when other kids in class were
20 talking?
21 A Yeah.
22 Q Why?
23 A Because I couldn't listen to her.

24
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4 Q Does Ms. Boene tell you to stay in your seat
5 during class?
6 A Yeah.
7 Q Do other kids get out of their seats during
8 class?
9 A (No audible response.)
10 Q Yes?
11 A Yes.
12 Q Were they getting detention for getting out of
13 their seats?
14 A Yes.
15 Q Are you supposed to ask permission first?
16 A Yes.
17 Q Do you think that's a good rule?
18 A Yeah.
19 Q Why?
20 A Because, like, so if you don't ask permission,
21 then everyone is going to be standing up all the time;
22 no one's going to be listening, disrupting the class.
23 Q Did Ms. Boene also have a rule that people
24 shouldn't talk in class unless they ask permission
25 first?

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7 Q Did you have a book in art class?
8 A No.
9 Q Did you have -- what did you do in art class?
10 A She would give us paper, like to draw on,
11 anything.
12 Q Did you like art class?
13 A Yeah.
14 Q Why did you like it?
15 A Because I liked drawing.
16 Q Did you draw almost every day?
17 A Yeah.
18 Q Did you paint?
19 A No.
20 Q What kind of markers or what kind of writing
21 utensils?
22 A Oil pastels.
23 Q Did you have enough oil pastels for this art
24 class?
25 A Yeah.

- 1 Q Did you get homework in this class?
 2 A No.
 3 Q Did you have tests in this class?
 4 A No.
 5 Q Did anything bother you about the art classroom
 6 itself?
 7 A No, except for the sink; it was always dirty.
 8 Q Did you have any other classes in this art
 9 classroom that we've talked about?
 10 A No.
 11 Q How many sinks were there?
 12 A One.
 13 Q Would you use the sink -- did you use the sink
 14 in the class?
 15 A Almost no one used it, because it was dirty.
 16 Q What do you mean "it was dirty"?
 17 A Like if you wanted to go drink water, it was
 18 dirty and you couldn't drink anything.
 19 Q When you say "the sink," was there a sink and a
 20 water fountain?
 21 A Yeah.
 22 Q So there was a sink with a faucet and next to
 23 it was a water fountain?
 24 A Yes.
 25 Q So was the water fountain dirty?

- 1 A Yes.
 2 Q Can you describe it to me?
 3 A Like the art classes use paint; right? But my
 4 class wasn't allowed to use paint, because they played
 5 around too much.
 6 Q Who is "they"?
 7 A My whole class, the students.
 8 Q Who told you that?
 9 A [REDACTED]
 10 Q What -- she said that you're not allowed to use
 11 paint because the students play around with it too much?
 12 A Yeah, and like when you go clean the thing
 13 where you put the paint, it gets -- the sink gets all
 14 full of paint; right? And it often flooded, the sink
 15 flooded, and it was all full of water. No one would
 16 want to drink water in there.
 17 Q Let's talk about the water fountain for a
 18 second, not the faucet. Is the water fountain separate
 19 from the sink and the faucet?
 20 A No, same thing.
 21 Q So the water faucet -- the water fountain is in
 22 the sink?
 23 A Yeah.
 24 Q So you have the water faucet and then right
 25 next to it is the water fountain?

- 1 A Yes.
 2 Q Okay. Do you know -- you said you didn't use
 3 paint in your class. Do other -- do you know if other
 4 art classes use paint?
 5 A Yeah.
 6 Q And it was paint that you saw in the sink?
 7 A Yeah.
 8 Q So do you think this paint is from the other
 9 art classes?
 10 A Yes.
 11 Q Do you know if the other art class had art
 12 class right before your class?
 13 A Yes.
 14 Q How do you know that?
 15 A Because when we were lined up to go inside the
 16 class, they're already coming out.
 17 Q So there would be paint in the sink from that
 18 class?
 19 A Yes.
 20 Q Was the paint wet?
 21 A Yeah.
 22 Q And you said that the sink sometimes was
 23 flooded?
 24 A Yeah.
 25 Q What do you mean?

- 1 A They throw paper towels in there.
 2 Q Who is "they"?
 3 A The students. And when the teacher washes the
 4 thing where you put the paint, she left them there too.
 5 And the plate would cover up the hole where -- for the
 6 water hole.
 7 Q The drain?
 8 A Yeah, the drain, and it would get flooded
 9 sometimes.
 10 Q So did you ever see students putting paper
 11 towels in the sink?
 12 A No, like they wash their hands, they dried
 13 their hands, and they left the towel there.
 14 Q Were they supposed to put the towels in the
 15 sink?
 16 A No.
 17 Q Where are they supposed to put the paper
 18 towels?
 19 A In the trash can.
 20 Q So sometimes that would cause it to flood?
 21 A Yes.
 22 Q And you said sometimes there's plates in the
 23 sink?
 24 A Yes, where you put the paint.
 25 Q Over the drain?

- 1 A Yeah.
 2 Q Do you know whose responsibility it is to clean
 3 the sink?
 4 MS. WELCH: Objection. Calls for speculation.
 5 BY MS. KOURY:
 6 Q No?
 7 A No.
 8 Q Have you ever seen anyone clean the sink?
 9 A No.
 10 Q Did you ever complain to your teacher about the
 11 sink being flooded?
 12 A Yeah.
 13 Q What does she say?
 14 A Nothing.
 15 Q Does she do anything?
 16 A Yeah, sometimes she'll call the janitor, but
 17 the minute it's clean, it's flooded again.
 18 Q Did you ever see the janitor come to clean the
 19 sink?
 20 A Yeah.
 21 Q How many times?
 22 A I don't know, three or four times.
 23 Q What do you mean it would be flooded right
 24 afterwards?
 25 A Because everyone uses the water fountain, it

- 1 gets flooded. It floods up again.
 2 Q And is that because more stuff goes into the
 3 sink?
 4 A No, because the water.
 5 Q Because students are using it all the time?
 6 A Yeah.
 7 Q Do you ever see this sink in the art classroom
 8 in the beginning of the day?
 9 A Yeah.
 10 Q Why? Why do you see it in the beginning of the
 11 day?
 12 A When did I see it?
 13 Q Why were you in there at the beginning of the
 14 day?
 15 A Because I sat right next to it. I -- right
 16 here was the sink; I sat right here.
 17 Q No, what I'm asking you is, your art
 18 classroom -- did you have it in the beginning of the
 19 school day?
 20 A Yes.
 21 Q Is it sometimes in the beginning of the school
 22 day and sometimes it was --
 23 A No, it was like the second period that we had.
 24 Q Did you ever have it the first period?
 25 A No.

- 1 Q And you had it second period, and the period
 2 before that was always another art class?
 3 A Yes.
 4 Q Anything else about this art classroom that
 5 bothered you?
 6 A Yeah, the tables; they're always dirty.
 7 Dried-up paint on them, glue, stuff stuck on it.
 8 Q Anything else about this room that bothered
 9 you?
 10 A No.
 11 Q That's it?
 12 A Yeah.
 13 Q What do you mean "the tables are dirty"? Do
 14 you just mean that there's dried-up paint and glue?
 15 A Yeah.
 16 Q Anything else?
 17 A No.
 18 Q How many -- can you describe to me the tables.
 19 Is it just one big table in the art class?
 20 A Yeah, one big table.
 21 Q And do all the students use the same big table?
 22 A Yes.
 23 Q And what kind of material is it made from? Is
 24 it wood or steel?
 25 A Wood.

- 1 Q At the end of your class, your art class, does
 2 the teacher ask you to clean up your area?
 3 A Yeah.
 4 Q Do the students clean up their areas?
 5 A Some.
 6 Q Some don't?
 7 A Some don't.
 8 Q What do -- do they leave paint out?
 9 A Yeah.
 10 Q Does paint fall on the table when you're doing
 11 your art?
 12 A Yeah.
 13 Q Do you know who cleans this table, other than
 14 the students?
 15 A No. The teacher doesn't.
 16 Q The teacher doesn't?
 17 A No.
 18 Q How do you know that?
 19 A Because she's always just standing there,
 20 looking at everyone.
 21 Q Do you know if the janitor or the custodians
 22 clean it?
 23 A Well, yeah, because -- but that's after school.
 24 Q How do you know they clean it after school?
 25 A Because when they go, like, mop the floor and

1 everything -- when they go mop the floor, they clean the
2 table.
3 Q Have you ever seen them clean the tables?
4 A Yeah.
5 Q Have you ever complained about there being
6 dried paint and glue on these tables?
7 A Yeah.
8 Q Who did you complain to?
9 A To my teacher.
10 Q Did you complain more than once?
11 A Yes.
12 Q What did [REDACTED] say when you complained to
13 her?
14 A She didn't say anything. She -- the only thing
15 she used to say was that it was our fault.
16 Q Why?
17 A Because we didn't clean -- we didn't clean it
18 good, and it was the other -- the class before us that
19 made up the mess.
20 Q And didn't clean it?
21 A Yeah.
22 Q Did anything else bother you about this
23 classroom?
24 A No.
25 MS. WELCH: Maybe this is a good time to take a

1 break. What do you think?
2 THE WITNESS: Yeah.
3 MS. WELCH: Okay.
4 MS. KOURY: Do you want to take --
5 MS. WELCH: Yeah, let's take a break.
6 (Lunch recess.)
7 BY MS. KOURY:
8 Q Mr. Santos, we just came back from the lunch
9 break. I just wanted to remind you again that you're
10 still under oath. Do you understand that?
11 A Yes.
12 Q Did you review any documents while you were on
13 your lunch break?
14 A No.
15 Q Did you consume any alcohol over the lunch
16 break or anything else that would interfere with your
17 ability to answer these questions?
18 A No.
19 Q Did you have a nice lunch break?
20 A Yes.
21 Q Good.
22 Can I ask you about some of your classes this
23 year, in the seventh grade?
24 You told me your worst class this year is
25 language arts. Can you tell me why that's your worst

1 class?
2 A It's my worst class because we never do
3 anything. Like right now, we're doing a project. We
4 can't go check out a book in the library because -- in
5 the school library, because they just, they don't
6 check -- they don't let any student check out a book in
7 the library, and we need books to do our project. And
8 we never do anything in class.
9 Q Who is your teacher?
10 A [REDACTED]
11 Q [REDACTED]
12 A Yeah, [REDACTED]
13 Q Has she been your teacher all year long?
14 A Yeah, all year long.
15 Q You said you're doing a research project right
16 now?
17 A Yeah.
18 Q What kind of research project?
19 A We picked our own title. We picked -- my
20 table, we picked --
21 Q A table?
22 A Yeah, my group.
23 Q Okay.
24 A We picked about soccer, the best of soccer
25 players. And in the library, in the school library,

1 when I was in fifth grade, I saw a lot of books about
2 soccer, like soccer players and everything, and I
3 want -- one of these days, I want to go and check it
4 out; and the teacher, they didn't let us go because --
5 Q Is that [REDACTED]
6 A Yeah, [REDACTED] she didn't let us go.
7 Q Is this -- the project that you have in your
8 class, is this a group project?
9 A Yes, a group project.
10 Q And did she tell you what subject areas you
11 could choose from?
12 A What do you mean "what subject areas"?
13 Q Did she give you any instruction about what
14 kind of subject that you could pick for your project?
15 A No, we have to pick our own topic.
16 Q And could it be about anything?
17 A Anything.
18 Q What do you have to do with it?
19 A Do a research on it.
20 Q And then what?
21 A And then present it to the class.
22 Q Do you have to write anything?
23 A Yeah, we have to write and cut out stuff, then
24 present it to the class.
25 Q Do you have to write -- do you write it as a

- 1 group?
 2 A Yeah.
 3 Q Did she tell you how to research it?
 4 A Yeah, on -- she told us to research it on the
 5 Internet and in the library, but none of my friends or I
 6 have a library card, so we can't go check any books out.
 7 Q Did she take you to the computer lab to do
 8 research on the Internet?
 9 A No, we used the computer in the class.
 10 Q You have a computer in your language arts
 11 classroom?
 12 A Yeah.
 13 Q How many computers do you have in that
 14 classroom?
 15 A Three.
 16 Q Does she give you time to use the computer in
 17 class to do the Internet research?
 18 A Yes.
 19 Q Have you done Internet research in class for
 20 this project?
 21 A Yes, but not enough.
 22 Q You're not finished yet?
 23 A No.
 24 Q And you said that you wanted to go to the
 25 library to do research for this class but you weren't

- 1 Q Who did you ask?
 2 A My teacher.
 3 Q Which teacher?
 4 A Mr. Smith, the history teacher.
 5 Q And he said that's a Spanish class in there?
 6 A Yes.
 7 Q Did you ever ask [REDACTED] if you could go
 8 into the library to do research?
 9 A Yes.
 10 Q What did she say?
 11 A She said that no one can go into the library to
 12 check out any books, because, first, you need a card,
 13 and you -- she can't take the whole class in the
 14 library.
 15 Q She said first you need a card?
 16 A Um-hmm.
 17 Q Did you ask her how you could get a card?
 18 A No.
 19 Q Do you know how you can get a card?
 20 A No.
 21 Q Did you ask anyone else how you can get a
 22 library card?
 23 A No.
 24 Q Have you ever been in the library?
 25 A Not this year.

- 1 able to?
 2 A Uh-huh.
 3 Q Was it that you weren't able to go into the
 4 library?
 5 A They don't let us into the library at all, no.
 6 Q Do other students go into the library?
 7 A No.
 8 Q Is the library closed right now?
 9 A Yeah, but only for one class, and -- a Spanish
 10 class; only they get to go in there, but just to have
 11 their class in there, not to get any books.
 12 Q How do you know that?
 13 A Because when I walk, like, through there, and I
 14 see the whole class in there.
 15 Q So you walked through the library?
 16 A No, I walk in front of the library.
 17 Q And you can see through the doors?
 18 A Yeah, I could see through the door, there's
 19 people in there.
 20 Q How do you know it's a Spanish class?
 21 A Because the Spanish teacher's in there all the
 22 time.
 23 Q Did you ever ask the Spanish class what was
 24 going on in that class?
 25 A Yes.

- 1 Q Not this year. When's the last time you were
 2 at the school library?
 3 A Fifth grade.
 4 Q So you didn't go at all in the sixth grade
 5 either?
 6 A No.
 7 Q Did you want to go in the sixth grade?
 8 A Yeah.
 9 Q When did you want to go in the sixth grade?
 10 A When we didn't have books, like, to get the
 11 proper information on the projects.
 12 Q For what class?
 13 A For science.
 14 Q Okay. And what happened; why weren't you
 15 allowed to go to the library?
 16 A For the same thing; you can't check out any
 17 book, any books from there.
 18 Q But were you allowed to just go to the library
 19 and see the library?
 20 A No.
 21 Q Did you ask to go to the library?
 22 A Yeah. They said no.
 23 Q Who said no?
 24 A Mr. Skilling.
 25 Q Did he say why?

- 1 A Hm-umm.
 2 Q Did you ask him why?
 3 A Yeah.
 4 Q And what did he say?
 5 A He didn't say anything.
 6 Q And this year [REDACTED] said that you needed
 7 a library card to check out books from the library?
 8 A Yes.
 9 Q Did you ask her how you could get a library
 10 card?
 11 A No. No one has a library card in the whole
 12 school.
 13 Q How do you know that?
 14 A Because no one goes in the library.
 15 Q How do you know that?
 16 A Because every time -- like, the only time that
 17 I see a class there is after reading, that a class --
 18 there's Spanish classes in there.
 19 Q Have you ever asked anyone why no one goes in
 20 the library?
 21 A No.
 22 Q Have you ever asked anyone why you can't go to
 23 the library, other than [REDACTED] and Mr. Smith?
 24 A Yeah.
 25 Q Who?

- 1 A I asked Mr. Smith and [REDACTED] too, and
 2 they said that "because you can't check out any books."
 3 Q So they said you can't go in the library
 4 because you can't check out any books?
 5 A Yeah, you have to be with an adult.
 6 Q You have to be with an adult?
 7 A Yeah.
 8 Q Have you ever asked to have an adult go in the
 9 library with you?
 10 A Yeah, and like the teacher, they always say no,
 11 because they have to take the whole class.
 12 Q So if you have an adult, you think you can go
 13 to this library?
 14 A Yeah, but I can't check out any books.
 15 Q Unless you have a library card?
 16 A Yes.
 17 Q And you don't know how to get a library card?
 18 A No.
 19 Q Have you ever asked your parents to take you to
 20 the school library?
 21 A No.
 22 Q Have you ever told them that you wanted to go
 23 to the school library?
 24 A No.
 25 Q Have you ever asked your parents about getting

- 1 a library card?
 2 A Yeah.
 3 Q For the school library?
 4 A No.
 5 Q For a public library?
 6 A Yeah, I used to have one, but I lost a book,
 7 and I canceled it, after I paid the --
 8 Q It happens. When is the last time you used the
 9 public library?
 10 A It was on the project that we were doing about
 11 Titanic.
 12 Q Was that this school year?
 13 A Yeah, this school year.
 14 Q How many times did you use the public library
 15 this school year?
 16 A Once.
 17 Q Just for that project?
 18 A Yes.
 19 Q And you checked out a book but you lost the
 20 book?
 21 A Yeah, I lost the book.
 22 Q So you don't have a card anymore for the public
 23 library?
 24 A Uh-huh.
 25 Q Other than this research project that you're

- 1 working on right now, what other kinds of work have you
 2 done in this class, in language arts? Have you done any
 3 other research projects besides this soccer -- this one
 4 on soccer?
 5 A Yeah, we did one about low-riders, but that, we
 6 took from our own magazines.
 7 Q Low-riders?
 8 A Yeah.
 9 Q Okay. Other than the research project for
 10 soccer and low-riders, have you done other research
 11 projects?
 12 A No, those are all in that class.
 13 Q In language arts?
 14 A Yeah, in language arts.
 15 Q What's a low-rider?
 16 A Low-rider, a car that jumps.
 17 Q Oh, okay. How did you get that assignment?
 18 A We chose it.
 19 Q Did the teacher tell you you had to do a
 20 research project, and you can choose whatever subject
 21 you wanted?
 22 A Yeah.
 23 Q And how did you choose that one?
 24 A We come up with ideas, a lot of ideas, and then
 25 we picked the bestest one. And that was the bestest one

- 1 we could come up with.
- 2 Q Was this a group project also?
- 3 A Yes.
- 4 Q How many people are in a group?
- 5 A In my group, there are three people.
- 6 Q And where did you get the ideas from?
- 7 A Well, we were all giving -- writing down ideas
- 8 that we want, like -- the ideas we wanted to do the
- 9 project about.
- 10 Q Did you look at magazines to get ideas?
- 11 A No.
- 12 Q Did you look at any of the books?
- 13 A No, we were just making them up.
- 14 Q Just talking to each other?
- 15 A Yeah.
- 16 Q What kind of research did you do on this
- 17 low-riders project?
- 18 A We went on the Internet, and my friends bought
- 19 magazines, low-rider magazines, and we cut out low-rider
- 20 cars from there, and we did research on it, like for the
- 21 smoothest low-rider. It kind of makes it real neat, and
- 22 we wrote down facts and all that.
- 23 Q Did you handwrite it or type it?
- 24 A Typed it.
- 25 Q On the computer at school?

- 1 A Yes.
- 2 Q The computer in your language arts classroom?
- 3 A Yes.
- 4 Q Did you do Internet research in the language
- 5 arts classroom?
- 6 A Yeah.
- 7 Q On the computer there?
- 8 A Yeah.
- 9 Q How many times did you use the computer to do
- 10 the Internet research for this particular project?
- 11 A Two times.
- 12 Q And it was during class time?
- 13 A Yes.
- 14 Q Other than Internet research, you said that one
- 15 of the other students brought magazines and you looked
- 16 through the magazines?
- 17 A Yes.
- 18 Q Did you read the magazine articles?
- 19 A Yes.
- 20 Q Other than the magazine articles and the
- 21 Internet research, did you do any other type of research
- 22 for it?
- 23 A No.
- 24 Q So other than these two research projects, what
- 25 else do you do in class for language arts?

- 1 A Nothing.
- 2 Q Do you have a book in this class?
- 3 A No.
- 4 Q Does the teacher give you worksheets?
- 5 A No.
- 6 Q Does she give you any types of handouts?
- 7 A No. Only sometimes she gives us -- she gives
- 8 us puzzles, crossword puzzles.
- 9 Q What kind of crossword puzzles?
- 10 A Any kind.
- 11 Q Does it use words that you're learning about in
- 12 your language arts class?
- 13 A No.
- 14 Q Does it -- does it have anything to do with
- 15 your language arts class?
- 16 A No.
- 17 Q Do you know why she gives you these crossword
- 18 puzzles?
- 19 A No.
- 20 Q Other than the handouts or the crossword
- 21 puzzles, does she give you any other types of papers in
- 22 class?
- 23 A Yeah, one time we were reading this story about
- 24 segregation in the South, and then we had to do -- we
- 25 had to do a lot -- like, answer questions in the book

- 1 about the thing.
- 2 Q Where were you reading this story about
- 3 segregation from?
- 4 A We were reading it out of a paper that she gave
- 5 us, like a five-page paragraph -- I mean, essay.
- 6 Q So she gave you a few pages with a story
- 7 written on them?
- 8 A Yes.
- 9 Q Is this the only time she's given you handouts
- 10 with stories on them?
- 11 A Yes.
- 12 Q And you said there were questions from a book?
- 13 A Yeah.
- 14 Q Where did -- how do you know it came from a
- 15 book?
- 16 A Because we took it from a book.
- 17 Q So you have a book?
- 18 A No.
- 19 Q What do you mean that you "took it from a
- 20 book"?
- 21 A I don't know how to explain it. Like, first we
- 22 read the story; right? Then we took it from this book.
- 23 We copied the questions down, and then we answered them
- 24 at home, like it wasn't like question -- it was
- 25 questions about the reading, but not about the story.

- 1 It was like general questions that you could use for any
2 kind of reading.
- 3 Q Did you use this book in class?
4 A Yes.
- 5 Q Did you -- did you have your own book to use in
6 class?
7 A No.
- 8 Q Did you share it with the other people at your
9 table?
10 A Yes. One per table.
- 11 Q How many people are at a table?
12 A In my table, there are three.
- 13 Q Is this the only time you've used this book?
14 A Yeah.
- 15 Q So you only used this book once?
16 A Yeah, only used it once.
- 17 Q Do you know where the book came from?
18 A No.
- 19 Q Is the book in the classroom?
20 A Yes.
- 21 Q Did the teacher hand out the books?
22 A Yeah.
- 23 Q Do you know where she put the books after you
24 used them?
25 A No.

- 1 have done about the -- about your research, and finish
2 your research. Those are the only questions for the
3 day: gave us directions.
- 4 Q And when you say "research," do you mean the
5 research project you're working on --
6 A Yeah.
- 7 Q -- with the soccer?
8 A Um-hmm.
- 9 Q So what did you do after you read those
10 directions?
11 A We asked her if we could use the computer and
12 she let us use the computer, but that was like 25
13 minutes after the class started.
- 14 Q What did you do for the first 25 minutes?
15 A Well, we just talked -- talking about how we
16 could, like, get the magazines or anything that could
17 help us.
- 18 Q For your soccer project?
19 A Yeah.
- 20 Q And then you did research on the Internet for
21 your soccer project?
22 A Yeah.
- 23 Q Have you begun writing this yet?
24 A Yeah.
- 25 Q Did you start writing on Thursday?

- 1 Q Do you see them in the classroom still?
2 A No, but I know they're in the classroom.
- 3 Q I'm sorry?
4 A But I know they're in the classroom.
- 5 Q How do you know that?
6 A Because one time, [REDACTED], she took one
7 out, but then I don't know what she did with it.
- 8 Q She didn't use it in class that time?
9 A No.
- 10 Q Does your teacher use the chalkboard?
11 A No.
- 12 Q Does she use an overhead projector?
13 A Yes.
- 14 Q What does she do with the overhead projector?
15 A She gives us directions for the day, like what
16 we have to do.
- 17 Q When's the last time you had this class? Was
18 it last Friday?
19 A No.
- 20 Q Did you have it last Thursday?
21 A It was on Thursday.
- 22 Q Do you remember what -- what did she write on
23 the overhead projector? What were the directions for
24 that day?
25 A Take out your -- take out the work that you

- 1 A Yes.
- 2 Q On the computer?
3 A No.
- 4 Q Handwritten notes?
5 A Yeah.
- 6 Q So each day, you said that [REDACTED] writes
7 the directions for what you're going to do in class on
8 the overhead projector?
9 A Um-hmm.
- 10 Q Do you ever take notes from what she's writing
11 on the overhead projector?
12 A No.
- 13 Q Do you ever have tests in this class?
14 A No.
- 15 Q You haven't had any tests in this class?
16 A No.
- 17 Q Have you had any quizzes?
18 A No.
- 19 Q Do you have warmups in this class?
20 A Yeah.
- 21 Q Can you describe to me what the warmups are?
22 A She gives us, like, three sentences, and we
23 have to put it -- put those three sentences in one
24 sentence, but using like -- using the same words and
25 everything.

- 1 Q How does she give you the sentences? Does she
2 write them on the overhead projector?
3 A Yes, she writes them on the overhead.
4 Q And do you copy them down on a piece of paper?
5 A Yes.
6 Q And after you -- do you do the assignment?
7 A Yeah.
8 Q And what happens after you do it?
9 A She gives us the directions.
10 Q What do you mean?
11 A The directions that she gives us for the day.
12 Q Oh, okay. But before she gives you the
13 directions and after you finish the assignment, do you
14 turn it in to her?
15 A Yeah.
16 Q And does she correct it, do you know?
17 A No -- I don't know.
18 Q Do you ever see it again?
19 A Yeah.
20 Q How?
21 A She gives us -- she gives it back to us, and
22 like -- and she asks us, like, what were our sentences,
23 and we have to tell her.
24 Q Okay. So you review it with her?
25 A Yeah, we review it.

- 1 Q Do you get to keep it after you finish it?
2 A No, we give it back to her.
3 Q Does she have a binder for you?
4 A Yeah, I think so.
5 Q Have you ever seen your binder?
6 A No.
7 Q Is this the only type of warmups you have?
8 A Yeah.
9 Q Other than the research projects, is there any
10 other type of homework that you get in this class?
11 A Yeah.
12 Q What kind of homework?
13 A Try to bring magazines for our project.
14 Q For these research projects?
15 A Yeah.
16 Q What else?
17 A That's the only thing.
18 Q Do you ever study for this class at home?
19 A No.
20 Q Does she ever tell you to study for this class
21 at home?
22 A No.
23 Q Do you want a book in this class?
24 A Hmm?
25 Q Do you want a book in this class?

- 1 A Yeah.
2 Q Why?
3 A Because, instead of her giving us the stories
4 and paper, like in copies -- like sometimes they have
5 like -- one of the African-Americans, they had pictures
6 and we couldn't tell what the pictures were, because it
7 was in black and white.
8 Q Why couldn't you tell from the black-and-white?
9 A Because they were copies. You know, like if it
10 was in a book, you could see everything, but in the
11 photocopy, you can't see anything. It's in black and
12 white; you can't tell.
13 Q Anything else bother you or is there any other
14 reason why you would want a book, other than the
15 pictures?
16 A No.
17 Q Do you know if she's getting these photocopies
18 from a book?
19 A Yeah.
20 Q How do you know that?
21 A She's always carrying the book, the teacher's
22 edition book.
23 Q Does she tell you to do writing at home for
24 this class?
25 A Yeah.

- 1 Q Do you do the writing at home?
2 A Not all the time, but, yeah.
3 Q What kind of writing does she tell you to do at
4 home?
5 A The projects, try to finish the project.
6 Q What project?
7 A The project that we chose to do, with the
8 research.
9 Q She tells you to do the writing at home for
10 those research projects?
11 A Yeah.
12 Q Is that the only type of writing she tells you
13 to do at home? Yes?
14 A Yes.
15 Q Do you do this writing individually, by
16 yourself, at home?
17 A Yes.
18 Q And you combine it with everyone else's?
19 A Yes.
20 Q Are there times when you don't do it at home
21 and she tells you to do it at home?
22 A Yeah, because we split everything in my group,
23 and sometimes --
24 Q Did you say "completed everything in your
25 group"?

- 1 A No, "split."
 2 Q "Split," got it.
 3 A And like sometimes I get work, and sometimes I
 4 don't. Because sometimes we only agreed to bring
 5 magazines, stuff like that.
 6 Q Then you don't have to do part of the writing?
 7 A Yeah.
 8 Q Did you ever complain to her or to anyone that
 9 you wanted a book in this class?
 10 A No.
 11 Q Do you know if any of the other students have
 12 complained that they want a book in this class?
 13 A No.
 14 Q Have you ever heard [REDACTED] complain about
 15 not having books in this class?
 16 A No.
 17 Q Have you been in the same classroom for
 18 language arts all this school year?
 19 A Yes.
 20 Q Does anything about the classroom itself bother
 21 you?
 22 A No.
 23 Q Nothing about the windows?
 24 A Yeah. The window in the door, last time they
 25 broke -- someone broke it with a rock, but they fixed

- 1 that, and another window, it's still cracked. It's
 2 about to fall; they haven't fixed it yet.
 3 Q Is this room Room 19?
 4 A Yes.
 5 Q You said that someone broke the window on the
 6 door with a rock?
 7 A Yeah.
 8 Q How do you know that?
 9 A Because -- what else would someone have broke
 10 it with?
 11 Q Did you see it when it was being broken?
 12 A No.
 13 Q Did you see it right after it was broken?
 14 A No, it was in spring break.
 15 Q So when you came back from spring break, the
 16 window was broken?
 17 A Yeah.
 18 Q Was -- was there any glass on the floor --
 19 A No.
 20 Q -- when you saw it? No.
 21 And when you got back from spring break, how
 22 did it look?
 23 A It had a hole in the middle.
 24 Q Was there anything covering up the hole?
 25 A No.

- 1 Q How big was the hole?
 2 A Very small, it was like --
 3 Q For the record, the witness is holding his
 4 forefinger and his thumb together to show a hole.
 5 MS. WELCH: About the size of a quarter; is
 6 that right?
 7 THE WITNESS: No.
 8 MS. WELCH: A little bigger?
 9 THE WITNESS: Size of a penny.
 10 MS. WELCH: Penny?
 11 THE WITNESS: Yeah.
 12 MS. WELCH: Okay.
 13 BY MS. KOURY:
 14 Q And how long did it stay that way, with the
 15 hole in the middle?
 16 A Very long time. They fixed it when it fell.
 17 Q When what fell?
 18 A When the window fell.
 19 Q When did the window fall?
 20 A Like five weeks ago.
 21 Q So sometime at the end of April?
 22 A Yeah.
 23 Q And you came back from spring break in the
 24 middle of April -- I mean, in the beginning of April,
 25 March?

- 1 A Yeah.
 2 Q Which?
 3 A No, wait. Then it was before spring break, but
 4 it was when we had a day off, but I don't remember.
 5 Q And were you there when the window fell?
 6 A Yeah.
 7 Q You were in class?
 8 A Yeah.
 9 Q Did you hear it fall?
 10 A Yeah.
 11 Q What happened?
 12 A Nothing. Ms. -- the teacher used to let us
 13 move, and she called the janitor.
 14 Q And what did the janitor do?
 15 A The janitor fixed it.
 16 Q How did he fix it?
 17 A He went and cut another piece of glass and then
 18 put it in there.
 19 Q Did he -- was the glass that was on the floor
 20 taken away?
 21 A No.
 22 Q It was still there?
 23 A Yeah.
 24 Q What happened?
 25 A He only took the -- he only cleaned the one

- 1 from inside, not the one outside.
 2 Q Did you see the glass outside that day?
 3 A Yeah.
 4 Q Did you see it there the next day?
 5 A Yeah.
 6 Q Did you see it there the day after that?
 7 A No, it was on the ground already.
 8 Q What do you mean "on the ground"?
 9 A It was on the blacktop, and it got covered by
 10 the dirt and everything.
 11 Q How do you know it got covered by the dirt?
 12 A Because you could still see some -- some in the
 13 dirt.
 14 Q Do you know if anyone complained about the
 15 glass outside?
 16 A No.
 17 Q Is it -- you said it's in dirt?
 18 A Yeah.
 19 Q Is that an area where kids play?
 20 A No. Where we line up.
 21 Q It's near where you line up?
 22 A Yeah.
 23 Q Do you line up on the dirt?
 24 A Yeah.
 25 Q And do you know if anyone complained about the

- 1 glass being there?
 2 A No, I don't know.
 3 Q When is the last time you saw glass there?
 4 A It got covered by the dirt already, so I
 5 haven't seen it, for --
 6 Q Do you know if someone maybe cleaned it up?
 7 A Yeah, maybe.
 8 Q You don't know?
 9 A Yeah, but I don't know.
 10 Q Do you know why the glass fell?
 11 A No.
 12 Q Do you know -- did you -- was anything thrown
 13 at the glass?
 14 A No, I don't know.
 15 Q Were there any students around the glass when
 16 it fell?
 17 A Yeah.
 18 Q Was anyone touching it when it fell?
 19 A I don't know.
 20 Q Did anyone get hurt?
 21 A No.
 22 Q And the janitor came and fixed the glass that
 23 day?
 24 A Yeah.
 25 Q And you said there was another window that's

- 1 cracked?
 2 A Yeah.
 3 Q Where is this other window?
 4 A Right to the side of the door.
 5 Q What door, the front -- the door to get into
 6 the classroom?
 7 A Yeah.
 8 Q So there's a window on top of the door to the
 9 classroom and that's the one that had the little hole
 10 the size of a penny?
 11 A No, it was on the door.
 12 Q I'm sorry, can you repeat that?
 13 A The window was on the center of the door.
 14 Q Which window, the window that had the glass --
 15 A Yes.
 16 Q -- I mean, with the penny hole?
 17 A Yeah.
 18 Q So the window on the door, on the center of the
 19 door, is the window that had the hole the size of a
 20 penny on it; is that correct?
 21 A Yes.
 22 Q And then there's another window that was
 23 cracked?
 24 A Yeah.
 25 Q Where is that window?

- 1 A Right next to it.
 2 Q To the left or the right, if you're --
 3 A To the left.
 4 Q If you're coming into the classroom?
 5 A Yeah, to the left.
 6 Q So there's another window there?
 7 A Uh-huh, yeah.
 8 Q And how is it cracked?
 9 A Like, it looks like someone threw a rock at it.
 10 It's only on the corner.
 11 Q The bottom corner, the top corner?
 12 A The top left corner.
 13 Q Is it pretty high up; can you reach it?
 14 A Yeah.
 15 Q You can reach it?
 16 A Yeah.
 17 Q How --
 18 MS. WELCH: Can I just ask one question?
 19 MS. KOURY: Sure.
 20 MS. WELCH: Is the window that had the hole the
 21 size of a penny the same one that cracked?
 22 THE WITNESS: No.
 23 MS. WELCH: That's a different window?
 24 THE WITNESS: Yeah, it's a different window.
 25 MS. WELCH: I'm not sure, so I thought maybe

- 1 you might be unsure as well.
 2 MS. KOURY: I was not sure. Thank you.
 3 Q Let's talk about the window with the hole in
 4 it. You said that's the window that is on the door
 5 itself --
 6 A Yeah.
 7 Q -- the door to your classroom; there's a hole
 8 the size of a penny; correct?
 9 A Yes.
 10 Q That did not crash?
 11 A Yeah.
 12 Q It did?
 13 A That one did, it fell.
 14 Q It fell. Okay. The window on the door fell?
 15 A Um-hmm.
 16 Q And that's when the janitor came and cleaned it
 17 up?
 18 A Yes.
 19 Q Okay, so we've got that.
 20 Then there's another window to the left of
 21 that; right?
 22 A Yeah.
 23 Q And it has a crack in the corner, the top
 24 corner?
 25 A Yeah.

- 1 Q Did you see how the crack came to be?
 2 A No, it was on the weekend.
 3 Q Do you remember when the crack happened?
 4 A No.
 5 Q Do you know if it was after Christmas break?
 6 A Yes, it was after Christmas break.
 7 Q Do you know if it was after spring break?
 8 A Yeah, it was after spring break.
 9 Q When was your spring break?
 10 A It was in April.
 11 Q In April?
 12 A Yeah, it happened after April.
 13 Q Did it happen in May?
 14 A Yeah.
 15 Q So it was within this past month --
 16 A Yeah.
 17 Q -- May?
 18 And how big is the crack? How long is the
 19 crack?
 20 A It almost covers the whole half of the --
 21 Q Of the window?
 22 A Of the window.
 23 Q How big is the window? Is the window as tall
 24 as you are?
 25 A No.

- 1 Q Does the window start at the floor?
 2 A No, it starts, like, three feet on the --
 3 Q Above the floor?
 4 A Above the floor.
 5 Q And how high does it go? Can you touch the top
 6 of the window?
 7 A Yeah. It's like 12 inches high.
 8 Q Okay. And there's a crack that goes across it?
 9 A Yeah.
 10 Q How thick is the crack? Is it a thin crack or
 11 is it a thick crack?
 12 A A thin crack.
 13 Q Is the crack still there?
 14 A Yeah.
 15 Q Do you know if anyone's complained about it?
 16 A No, I don't.
 17 Q Do you -- have you complained about it?
 18 A No.
 19 Q Do you know if the janitor is going to fix it?
 20 MS. WELCH: Objection. Calls for speculation.
 21 THE WITNESS: I think they're going to wait
 22 until it falls.
 23 BY MS. KOURY:
 24 Q Why do you think that?
 25 A They always wait for that.

- 1 Q What do you mean "always"?
 2 A Yeah, every time a window falls.
 3 Q How many times have you seen a window fall?
 4 A About five times.
 5 Q You've seen a window fall five times?
 6 A (No audible response.)
 7 MS. WELCH: Objection. Asked and answered.
 8 BY MS. KOURY:
 9 Q Other than the window we just discussed, the
 10 one with the penny [sic] that fell, what other windows
 11 did you see that fell?
 12 A My arts class.
 13 Q This year?
 14 A Yeah.
 15 Q The window fell?
 16 A Um-hmm.
 17 Q Which window?
 18 A The one in the door. And then --
 19 Q Do you know why it fell?
 20 A Why? No.
 21 Q Did anybody throw anything at the window?
 22 A Yeah, I think so.
 23 Q Why do you think so?
 24 A Because -- well, it was, like, on the weekend,
 25 and the Monday that we went to that class, there was a

- 1 plastic window instead of a glass window on it.
 2 Q Okay. There was a plastic window. Did you see
 3 the plastic window fall?
 4 A No, that was the one that they already
 5 replaced.
 6 Q So you never saw it fall?
 7 A No, but it was a different one. And there was
 8 glass on the floor.
 9 Q Okay, I'm confused. What do you mean? Did you
 10 ever see a window in your art class fall?
 11 A No.
 12 Q No?
 13 A No.
 14 Q But you know that it fell because you came to
 15 school on Monday and there was a plastic window there?
 16 A Yeah.
 17 Q Okay. So you think it fell over the weekend?
 18 A Yes.
 19 Q When you came on Monday, and you saw the
 20 plastic window --
 21 A Um-hmm.
 22 Q -- did you see glass on the floor?
 23 A Yes.
 24 Q Where was the glass?
 25 A On the -- right below it, and inside too.

- 1 Q Inside the classroom?
 2 A Yeah, but then they cleaned it up with the
 3 blower.
 4 Q Who is "they"?
 5 A The janitor.
 6 Q That same day?
 7 A Yeah.
 8 Q Before class started?
 9 A No, on Monday, on recess.
 10 Q Was it before -- did you have class that day in
 11 art class?
 12 A Yeah.
 13 Q While you had art class, was the glass on the
 14 floor?
 15 A No.
 16 Q Did he -- did the janitor with the blow -- did
 17 you say --
 18 A Blower.
 19 Q Blower. -- clean the glass before your class?
 20 A Yeah.
 21 Q Other than that window, what other windows have
 22 you seen fall?
 23 A Another one was in my class. This boy in my
 24 class broke it accidentally.
 25 Q What class was it, do you remember?

- 1 A Room 19.
 2 Q I'm sorry?
 3 A Room 19.
 4 Q Which is your language arts class?
 5 A Yeah.
 6 Q Okay. And how did he make it fall by accident?
 7 A I don't know. I wasn't there when it fell,
 8 but --
 9 Q So you --
 10 A No, but he got -- he was going to get in
 11 trouble because of that, but everybody in the class that
 12 saw him said it was an accident.
 13 Q Do you know -- so you weren't there when it
 14 happened?
 15 A No, I wasn't there.
 16 Q Do you know if anyone got hurt?
 17 A No, no one got hurt.
 18 Q Do you know if they fixed the window?
 19 A Yeah, they fixed it.
 20 Q How do you know?
 21 A Because when we were still in class, they were
 22 fixing it; the janitor was there fixing it.
 23 Q Did they pick up the glass that was broken?
 24 A Yeah.
 25 Q Did they put a new glass in the window?

- 1 A Yeah.
 2 Q So other than the window in Room 19, and the
 3 window we discussed in your art class, and the other
 4 window we talked about with a hole, are there any other
 5 windows that you know that have fallen?
 6 A Yeah, in drama class.
 7 Q What happened there?
 8 A This one fell.
 9 Q Was that this year?
 10 A No, it was last year. Yeah, it was last year.
 11 Q Last school year while you were in the sixth
 12 grade --
 13 A Yeah.
 14 Q -- the window fell?
 15 A Yeah, the window fell.
 16 Q Were you there?
 17 A No.
 18 Q Were any kids in class when it fell?
 19 A Yeah. In that class, yeah.
 20 Q Do you know how it fell?
 21 A No.
 22 Q How did you hear about it?
 23 A We saw the janitor cleaning up, cleaning up the
 24 glass. And this other one in the room right in front of
 25 it --

- 1 Q Let's talk about this one for a second. Did
2 you see the janitor go to the drama room and fix the
3 window?
4 A Yes.
5 Q Did you see him pick up the glass?
6 A Yes.
7 Q Do you know if he came right after the glass
8 was broken?
9 A Yeah.
10 Q How do you know?
11 A We saw him right there. We asked the teacher
12 when it fell, and she said, "A few minutes ago."
13 Q Other than this drama class, is there another
14 window that fell --
15 A Yeah.
16 Q -- that we haven't talked about?
17 A Um-hmm.
18 Q Which window?
19 A Right in front of it; it's P2.
20 Q What happened?
21 A Someone hit it with the soccer ball, and the
22 glass is still there.
23 Q And what?
24 A The glass is still there on the ground.
25 Q What do you mean it's still there? Is it still

- 1 Q So is it fixed now?
2 A Yeah, but the glass is still there.
3 Q There's broken glass?
4 A Yeah.
5 Q Where is the broken glass?
6 A In the ground.
7 Q Ground where?
8 A In the ground where the window fell.
9 Q Is that the ground outside or the ground in the
10 classroom?
11 A Yeah, outside.
12 Q What does the ground look like? Is it dirt?
13 A No, it's blacktop.
14 Q Blacktop. And there's broken glass there
15 still?
16 A Yeah.
17 Q How do you know?
18 A Because we always play there.
19 Q Did you ever tell anyone?
20 A Yeah, they always said not to play there
21 because there's glass, but there's nowhere else to play.
22 Q Who tells you not to play there?
23 A The PE teacher.
24 Q Do you know why the PE teacher hasn't -- or do
25 you know why the glass is still there?

- 1 there today?
2 A Yeah, on the ground, yeah.
3 Q Where is -- the soccer ball hit the window?
4 A Yeah.
5 Q And the window broke?
6 A Yeah.
7 Q Is this P2 a classroom?
8 A Yeah.
9 Q Were you there when it broke?
10 A Yeah.
11 Q Did you see it?
12 A Yeah.
13 Q What happened after it broke?
14 A Nothing. The kids just ran.
15 Q Was it during recess?
16 A Yeah, it was during recess, and --
17 Q Do you know if the janitor fixed it?
18 A No.
19 Q You don't know?
20 A No.
21 Q When did this happen?
22 A It happened a long time ago. It was in the
23 beginning of the year.
24 Q Is there a window now in that room?
25 A Yeah.

- 1 A No.
2 Q Did the PE teacher say why it was still there?
3 A No.
4 Q Other than -- has anyone gotten hurt from this
5 glass, the one near P2, the broken glass?
6 A I don't know.
7 Q Do you know of anyone getting hurt?
8 A No.
9 Q Do you know if the janitor knows that there's
10 broken glass there?
11 A Yes.
12 Q How do you know he knows or she knows?
13 A I've seen them there; when he was putting back
14 the window, it was there.
15 Q Did you ever ask him why he hasn't picked up
16 the broken glass?
17 A No.
18 Q Other than the windows we've talked about, are
19 there any other windows that are broken that you know
20 about?
21 A No.
22 Q And you were telling me about the cracked
23 window in your language arts classroom?
24 A Yeah.
25 Q And is it still cracked?

- 1 A No.
 2 Q When was it fixed?
 3 A You mean the one --
 4 Q The one --
 5 A -- next to the door?
 6 Q Yeah.
 7 A Yeah, it's still there.
 8 Q It's still there. Do you know if there's any
 9 plans to fix it?
 10 A No.
 11 MS. WELCH: Objection. Calls for speculation.
 12 BY MS. KOURY:
 13 Q Have you ever asked your teacher about it?
 14 A No.
 15 Q Have you ever asked the janitor about it?
 16 A No.
 17 Q Anything else about your language arts class
 18 that bothers you?
 19 A No.
 20 Q The classroom itself?
 21 A No.
 22 Q Did you miss any classes for your language arts
 23 class? In other words, were you ever absent from it?
 24 A I don't think so.
 25 Q Ever late?

- 1 A No.
 2 Q You said that this was your worst class. And
 3 is [REDACTED] -- do you think she's a good teacher?
 4 Is that no?
 5 A No.
 6 Q Why don't you think she's a good teacher?
 7 A She never gives us any work, never lets us do
 8 anything.
 9 Q What do you mean she doesn't give you any work?
 10 A Sometimes she doesn't have anything to give us,
 11 she puts -- she puts us a movie.
 12 Q What kind of movies?
 13 A Disney movies.
 14 Q How many movies have you seen in the class?
 15 A About seven, eight movies.
 16 Q Seven or eight movies.
 17 When was the last time you saw a movie in this
 18 class?
 19 A Two weeks ago.
 20 Q What movie was it?
 21 A "Tarzan."
 22 Q Do you know why --
 23 A Why?
 24 Q -- you saw this movie?
 25 A No.

- 1 Q Did you have to do anything besides watch the
 2 movie?
 3 A No.
 4 Q Did you write anything about the movie?
 5 A No.
 6 Q Did she tell you to write anything about the
 7 movie?
 8 A No.
 9 Q Other than "Tarzan," what other movies have you
 10 seen in this class?
 11 A I think it was "Chicken Run."
 12 Q "Chicken"?
 13 A "Chicken Run."
 14 MS. WELCH: "Chicken Run."
 15 BY MS. KOURY:
 16 Q Did she say why you were watching a movie in
 17 this class when you were watching movies?
 18 A No.
 19 Q Did you ever ask why?
 20 A No.
 21 Q Did anyone ever complain about watching movies
 22 in this class?
 23 A No.
 24 Q Did you ever tell your parents that you were
 25 watching movies in this class?

- 1 A Yeah.
 2 Q Did they get upset?
 3 A I don't know.
 4 Q Do you know if they complained about it?
 5 A I don't know.
 6 Q Other than "Chicken Run" and "Tarzan," what
 7 other movies have you seen in this class?
 8 A A Malcolm X movie.
 9 Q Do you know why you saw this movie in class?
 10 A Yeah, because we were reading the story about
 11 the segregation in this house.
 12 Q Did you have to write anything about the movie?
 13 A No.
 14 Q Other than "Tarzan," "Chicken Run" and Malcolm
 15 X, any other movies?
 16 A Yeah, and there's movies about the freedom in
 17 the United States. We watched like five of those.
 18 Q Freedom in the United States?
 19 A Yeah, with the African-Americans.
 20 MS. WELCH: "March to Freedom"?
 21 THE WITNESS: Yeah, "March to Freedom."
 22 Thanks.
 23 BY MS. KOURY:
 24 Q Do you know why you watched those movies?
 25 A Yeah.

- 1 Q Why?
 2 A Because we were reading the -- the -- the --
 3 Q Stuff about segregation?
 4 A Stuff about segregation.
 5 Q Did you learn anything from these movies?
 6 A From those? No.
 7 Q You didn't learn anything from the "March to
 8 Freedom"?
 9 A No.
 10 Q Did you have to write anything?
 11 A No.
 12 Q Were they about segregation?
 13 A Yeah.
 14 Q Did they talk about American history?
 15 A Yeah.
 16 Q Other than the "March to Freedom" movies,
 17 Malcolm X and "Chicken Run," were there any other
 18 movies?
 19 A Yeah.
 20 Q What movies?
 21 A "Remember the Titans."
 22 Q Do you know why you saw that?
 23 A Yeah.
 24 Q Why?
 25 A For the same thing: We were reading the thing,

- 1 A No.
 2 Q So this was her first year, this year, at
 3 Edison-McNair?
 4 A Yes.
 5 Q Okay. You said that she doesn't let you guys
 6 do anything. What do you mean by that?
 7 A Like, she doesn't -- like, she doesn't give us
 8 any work, but -- and she doesn't let us talk or do
 9 anything.
 10 Q What do you mean by "anything, other than
 11 talking"? Getting up in class?
 12 A Um-hmm.
 13 Q She doesn't let you get up out of your seat in
 14 class?
 15 A No.
 16 Q And she doesn't let you talk to each other?
 17 A Only in our group, but silently. The only
 18 thing that she sometimes makes us do is do sentences
 19 about -- do sentences about -- like she gives us
 20 sentences, and then we have to put that in one sentence.
 21 Q So the one that you were telling me about
 22 before, when you have the three sentences and you have
 23 to put it in one sentence --
 24 A Yeah.
 25 Q -- I think those are your warmups; right?

- 1 the paper -- the story.
 2 Q About segregation?
 3 A Yeah, about segregation.
 4 Q Any other movies?
 5 A Yeah, but I can't remember them right now.
 6 Q Do you know if they were also about
 7 segregation?
 8 A No.
 9 Q They weren't about segregation?
 10 A They weren't about segregation.
 11 Q Do you know if they were part of any other
 12 stories that you were learning?
 13 A No.
 14 Q You don't know, or they weren't?
 15 A They weren't.
 16 Q Can you remember how many other movies there
 17 were?
 18 A No, I can't remember any.
 19 Q Was it more than one?
 20 A More than one, yeah.
 21 Q More than two?
 22 A More than two.
 23 Q Less than five?
 24 A Less than five, yeah, like three, four.
 25 Q Was [REDACTED] a teacher there last year?

- 1 A Yeah.
 2 Q Has she been your teacher all year long?
 3 A Yes.
 4 Q Who -- I'm sorry, I have here -- who's
 5 [REDACTED]
 6 A [REDACTED]
 7 Q Is she your language arts teacher?
 8 A Yes.
 9 Q I thought [REDACTED] was your language arts
 10 teacher.
 11 A No, she is my world language teacher.
 12 Q I thought we were talking about your language
 13 arts. Is [REDACTED] your --
 14 A World language.
 15 Q World language? So this whole time that we've
 16 been talking about [REDACTED] and that class, we've
 17 been talking about world language class?
 18 A Yeah, I think so.
 19 Q That's okay. And is world language in Room 19?
 20 A Yes.
 21 Q So world language is a different class from --
 22 I'm sorry, that's world history, isn't it?
 23 A No, world language.
 24 Q Here we go. Okay.
 25 So we were talking about world language. And

- 1 that's [REDACTED]. But you're also taking language
 2 arts this year; right?
 3 A Yeah.
 4 Q When you said your worst class was language
 5 arts, did you mean your worst class was world language?
 6 A Yeah, world language.
 7 Q Okay. Let's talk about your language arts
 8 class now.
 9 A Okay.
 10 Q Who is your teacher in that class?
 11 A [REDACTED].
 12 Q Do you like [REDACTED]?
 13 A Not much.
 14 Q Do you think she's a good teacher?
 15 A Yeah, but not much.
 16 Q Why not much?
 17 A Because she's like -- sometimes she's not -- I
 18 better explain. Sometimes she doesn't help people.
 19 Like, if they're talking, and asking someone for help,
 20 she doesn't help them because they're talking, and if,
 21 like -- like, this one time, my friend asked her if he
 22 could go to the bathroom, and then after he got back, I
 23 asked her if I could go to the bathroom, and she didn't
 24 let me go, but she let him go.
 25 Q What did she say?

- 1 A Yeah.
 2 Q You said she doesn't -- does she not allow you
 3 to talk in class?
 4 A No.
 5 Q Do you ever talk in class when you're not
 6 supposed to?
 7 A No.
 8 Q Do other students talk in class when they're
 9 not supposed to?
 10 A Yeah.
 11 Q Do people get up out of their seat during class
 12 when they're not supposed to?
 13 A Yeah.
 14 Q What happens?
 15 A Nothing.
 16 Q Do you ever get out of your seat when you're
 17 not supposed to?
 18 A Sometimes.
 19 Q Why?
 20 A To get a drink of water.
 21 Q But are you supposed to ask permission first?
 22 A Yeah.
 23 Q Is there anything else about Ms. Crement that
 24 makes her not such a good teacher?
 25 A No.

- 1 A Huh?
 2 Q I'm sorry, I didn't mean to cut you off.
 3 A And I think that I don't like her because
 4 sometimes she's unfair.
 5 Q Did she say why she didn't let you go to the
 6 bathroom?
 7 A No.
 8 Q Did you ask her why?
 9 A Yeah.
 10 Q What did she say?
 11 A Nothing.
 12 Q What did you ask her?
 13 A "Why didn't you let me go to the bathroom?"
 14 And she didn't say nothing.
 15 Q Did you complain to anyone about not being able
 16 to use the bathroom?
 17 A No. My friends.
 18 Q How do you think she's unfair?
 19 A I don't know how to explain it, but I think she
 20 isn't fair because, like, she only lets people go to the
 21 bathroom whenever she feels like it, not when they need
 22 it.
 23 Q So sometimes when people need to use the
 24 bathroom, she doesn't let them go to the bathroom; is
 25 that what you mean?

- 1 Q Do you have a book in this class?
 2 A Yes.
 3 Q Do you have more than one type of book in this
 4 class?
 5 A No, only one type.
 6 Q Just one type. What kind of book is it?
 7 A It's a book with different stories in it.
 8 Q Different stories in it?
 9 A Yeah.
 10 Q Do you have your own book to use in class?
 11 A No.
 12 Q Do you have to share the book with other
 13 students in class?
 14 A Yeah, sometimes.
 15 Q Sometimes?
 16 A Yeah, when everybody is there, yeah.
 17 Q How many kids do you have to share with?
 18 A With one.
 19 Q One other person at a time?
 20 A Yeah.
 21 Q Do you -- are you allowed to take this book
 22 home?
 23 A No.
 24 Q Can you describe to me the condition of this
 25 book?

- 1 A They look new, no writings on it; only some,
2 but not all.
- 3 Q Only some books have writing?
4 A Yeah, some books have a few.
- 5 Q Where is writing on the books that have
6 writings?
7 A In the pages.
- 8 Q Have you ever had a book or seen a book that
9 has writing on the text of the pages?
10 A Yeah.
- 11 Q Can you describe it to me?
12 Do you need a break?
- 13 A No. There was a monkey with his mouth open,
14 like screaming, and someone drew a penis on his mouth.
- 15 Q Is it -- was it on the text of the book?
16 A Yeah.
- 17 Q So were you not able to read the book?
18 A Uh-huh.
- 19 Q What happened?
20 A Nothing, I just seen what it said on another
21 book.
- 22 Q I'm sorry?
23 A What it said on another book.
- 24 Q Did you look at another student's book?
25 A Yeah.

- 1 Q Did you tell anybody about that picture on the
2 book?
3 A Yeah.
- 4 Q Who did you tell?
5 A [REDACTED]
- 6 Q What did she do?
7 A Nothing.
- 8 Q Did she say anything?
9 A No.
- 10 Q Other than that one book that you were
11 describing to me that had a picture on top of the text,
12 have there been any other books that you've used or seen
13 in this class that have writing on the text of the book?
14 A Yeah.
- 15 Q Can you describe that to me?
16 A On the very back page, it talked about gangs.
- 17 Q But is that on the text of the book? Do you
18 understand what I mean by "text"?
19 A Yeah, like in the stories; right?
20 Q Yes.
- 21 A Like in the back, it has about the author and
22 everything, and right there.
- 23 Q Other than that, has there been any other
24 writing on the text?
25 A No.

- 1 Q You said that these books look new?
2 A Yeah, they look new.
- 3 Q Do you know if they are new?
4 A Yeah, I think they're new. They're from this
5 year.
- 6 Q How do you know that?
7 A They said "2001" on it, so --
- 8 Q So do you think that some of the students in
9 your class wrote in the book?
10 A Yeah.
- 11 Q Did anyone, like [REDACTED] --
12 A [REDACTED]
- 13 Q -- tell you not to write in the books?
14 A Yeah.
- 15 Q She did tell you not to write in books?
16 A Yeah.
- 17 Q Did she also tell you not to tear the pages?
18 A No.
- 19 Q No, she didn't tell you?
20 A Hm-umm.
- 21 Q Did she tell you how else to take care of the
22 books?
23 A She just said "Don't write in it," that's it.
- 24 Q Have you seen students write in the book?
25 A No.

- 1 Q Do you know why you have to share books in
2 class, this book, this language arts book?
3 A Yeah, because sometimes, like, they -- people
4 leave them inside the desks, and can't find them, and I
5 have to share.
- 6 Q So that --
7 A Sometimes there are enough, but not all the
8 time.
- 9 Q So sometimes if someone leaves a book in a
10 desk --
11 A Yeah.
- 12 Q -- you have to share?
13 A Yeah, but there are enough for everyone, for
14 one class only.
- 15 Q And how often do you use this language arts
16 book?
17 A We only started using it like three weeks ago.
- 18 Q What did you use before that?
19 A Nothing, we only did short stories.
- 20 Q Where did you get the short stories from?
21 A From the books like she has, that she bought.
- 22 Q How do you know she bought them?
23 A She told us.
- 24 Q What did she say?
25 A That -- to take care of those books, "Those are

- 1 the only poem books we have, short-story books."
 2 Q Did she say she bought them?
 3 A Yeah.
 4 Q So before you got the language arts book, you
 5 used other books that had poems in them?
 6 A Yeah.
 7 Q Are they soft? Are they soft books? In other
 8 words, are the covers soft or are they hard?
 9 A Yeah, soft.
 10 Q Did you have your own books with the poems
 11 inside, or the soft books, to use in class?
 12 A My own books? No.
 13 Q Did you have to share with other students, the
 14 books?
 15 A Yeah.
 16 Q How --
 17 A We have to wait for our turn, because there are
 18 only -- there are like only ten books that she has, with
 19 poems.
 20 Q What did you use them for?
 21 A To get ideas, to make our poems.
 22 Q So you use these books, these softcover books,
 23 just to get ideas to write poems yourself?
 24 A Yeah.
 25 Q Other than those books, did you use any other

- 1 types of books before you got this new language arts
 2 book?
 3 A No.
 4 Q Before you got the language arts book to use in
 5 class, you said you would write poems in class?
 6 A Yeah.
 7 Q What else did you do besides write poems?
 8 A Scary stories, short stories.
 9 Q Did you write these scary stories?
 10 A Yeah.
 11 Q Did you write short stories?
 12 A Yes.
 13 Q What else?
 14 A I think that's all I did.
 15 Q Did you read any stories in class before you
 16 got these language arts books?
 17 A No.
 18 Q Did she pass out any handouts?
 19 A Yeah, she used to pass out handouts.
 20 Q What were the handouts?
 21 A Stories.
 22 Q So you'd read the stories from the handouts?
 23 A Yeah.
 24 Q Any other types of handouts?
 25 A No.

- 1 Q Did she use the chalkboard?
 2 A No.
 3 Q Did she use an overhead projector?
 4 A Yeah.
 5 Q What would she do with the overhead projector?
 6 A She would put the story right -- like -- the
 7 story, for the poem that we have to read, and she read
 8 it to us, and then -- and then she -- because some of
 9 them, she typed them, and you have to see what -- if
 10 they have mistakes or something; you have to edit it,
 11 check it. That's what she used it for. And also to
 12 write the homework in.
 13 Q She would put the short stories on the overhead
 14 projector?
 15 A Yeah.
 16 Q And you would either edit them or read them?
 17 A Yeah.
 18 Q And what kind of homework did you get in this
 19 class?
 20 A To do the short stories.
 21 Q To write short stories?
 22 A Yeah.
 23 Q What else?
 24 A Whatever we were doing in class, that we didn't
 25 finish, that's what we would have to do.

- 1 Q What would you be doing in class that you
 2 wouldn't finish?
 3 A Maybe like -- whatever we didn't finish --
 4 like, we didn't have much time to finish, because
 5 sometimes we started to do something, like almost at the
 6 end of the period.
 7 Q Like answering -- would you be doing the
 8 stories from the overhead projector?
 9 A Yeah, the stories.
 10 Q How would you finish that at home?
 11 A Well, we take the sheet that she gives us and
 12 bring that back the next day.
 13 Q Would you continue to read it at home?
 14 A Yeah.
 15 Q Would you have to answer any questions at home?
 16 A No.
 17 Q Would you have to do any writing at home?
 18 A No.
 19 Q How would you write the short stories? Would
 20 you handwrite them or would you have to type them on the
 21 computer?
 22 A Handwrite them.
 23 Q Was that turned back in to her to grade?
 24 A Yes.
 25 Q Did you ever see it after she graded it?

- 1 A No.
 2 Q How do you know she graded it, then?
 3 A Because that's what we used it for, see how
 4 well we were doing.
 5 Q How do you know that?
 6 A She told us.
 7 Q Did you ever review the short stories, after
 8 you finished them, with her?
 9 A No, we had to make two copies, one for her and
 10 one for us to keep.
 11 Q Where did you keep your copy?
 12 A In our folder, inside the class.
 13 Q What else was in your folder?
 14 A Only my -- the work that I had done this year.
 15 Q In that class?
 16 A Um-hmm.
 17 Q Did you have warmups in this class?
 18 A No.
 19 Q No. Do you have tests in this class?
 20 A Yes.
 21 Q How many tests have you had?
 22 A We had a lot this year. I don't know how many.
 23 Q How do you study for the test? Do you study at
 24 home?
 25 A Yeah.

- 1 Q How do you study at home for them?
 2 A Like -- and then you have to see, like -- if
 3 you don't know a word that you might use, you have to
 4 see how it's spelled, how it's spelled and everything,
 5 and review the other short stories that you've done.
 6 Q The short stories from the handouts?
 7 A Yeah.
 8 Q And you keep those handouts; right?
 9 A Yes.
 10 Q How do you know what words to study?
 11 A She gives us some words that we could study.
 12 Q So she puts them on the overhead projector?
 13 A No, she gives us a paper.
 14 Q Like a handout?
 15 A Yeah, like a handout.
 16 Q Have you had any research projects?
 17 A No.
 18 Q And the book that you said you got about three
 19 weeks ago, do you know why you got this book three weeks
 20 ago?
 21 A No.
 22 Q You said you can't take it home?
 23 A No.
 24 Q Do you know why you can't take it home?
 25 A No.

- 1 Q Have you ever asked to take it home?
 2 A No.
 3 Q Do you want to take it home?
 4 A No.
 5 Q Do you know if anyone else in your class has
 6 asked to take it home?
 7 A Yeah.
 8 Q Who?
 9 A My friends, because they didn't have -- they
 10 didn't have the paper that she gave to us, and it was
 11 from the book, the copy, and she didn't have no more
 12 copies, and she had to -- you had to go make some more,
 13 but --
 14 Q Did he --
 15 A Huh?
 16 Q Did the student get the copies?
 17 A Yeah, but he couldn't take the book home.
 18 Q So you wanted to take the book home because he
 19 didn't have copies?
 20 A Yeah.
 21 Q But then he got copies?
 22 A Yeah, because he couldn't take the book home.
 23 Q Right. So she makes copies of the book for you
 24 to take home?
 25 A Yeah.

- 1 Q How do you know the copies are from the book?
 2 A Because when we see the book, they're in there.
 3 Inside -- when we're in there during class, she tells us
 4 to open the books to some page, and then we read the
 5 story, and then she gives us the same story on another
 6 paper.
 7 Q Before you got this book, you were telling me
 8 how you had other books in the class that you used to
 9 find ideas, softback books --
 10 A Yeah.
 11 Q -- with poems inside?
 12 Did you use these books only in class?
 13 A Yeah, only in class.
 14 Q Did you ever want to use a book but you were
 15 unable to?
 16 A Yeah.
 17 Q Was that because another student was using it?
 18 A Yeah.
 19 Q Did you get to use it after the other student
 20 was finished?
 21 A Yes.
 22 Q Your language arts class, do you know what room
 23 it's in?
 24 A Yeah.
 25 Q What room?

- 1 A Room 19.
 2 Q And that's the same class as your --
 3 A World language class.
 4 Q Okay. Which we've already discussed?
 5 A Yeah.
 6 THE REPORTER: May we go off for a second?
 7 MS. KOURY: Sure.
 8 (Recess.)
 9 BY MS. KOURY:
 10 Q We were talking about your language arts class.
 11 Did you miss any classes for this -- were you absent
 12 from this class at all?
 13 A Yeah, I was absent like one or two times.
 14 Q Have you ever been late for this class?
 15 A Yeah.
 16 Q How many times?
 17 A Three; three times.
 18 Q Why were you late for it?
 19 A Because I was in PE, running.
 20 Q And what happened?
 21 A And time passed by very fast, and I didn't
 22 notice when my class already went in.
 23 Q Did you get in trouble for being late?
 24 A No.
 25 Q How about missing this class, why did you miss

- 1 A Yeah, she helps other students.
 2 Q And you said she's fun. What do you mean she's
 3 fun? How is she fun?
 4 A Makes jokes during class.
 5 Q Do you know if Ms. Gaffney taught at the school
 6 last year?
 7 A Yeah, she did.
 8 Q Do you know if she taught at the school the
 9 year before?
 10 A Yeah.
 11 Q How about when you were in the fourth grade, do
 12 you know if she was a teacher there?
 13 A Yes.
 14 Q She was?
 15 A Yes.
 16 Q And she's your teacher now. And you said she
 17 helps you a lot. What do you mean by that?
 18 A Every time I have a question, she answers it.
 19 She's patient.
 20 Q Does she help other students too?
 21 A Yeah.
 22 Q Do you always feel like you get her attention
 23 when you need it?
 24 A Yes.
 25 Q Do you have a book in this class?

- 1 it?
 2 A One time that I didn't go to school because I
 3 was sick.
 4 Q How about the other time?
 5 A The other time? I thought it was -- we weren't
 6 going to have school, and we did have school.
 7 Q What about your reading class; who teaches that
 8 class this year?
 9 A Ms. Gaffney.
 10 Q Has she taught that class the whole year?
 11 A Yes.
 12 Q Is she a good teacher?
 13 A Yeah, she's a good teacher.
 14 Q Why do you think she's a good teacher?
 15 A Because she's good at explaining things. She's
 16 really fun, and helps people a lot. That's all.
 17 Q What do you mean "she's good at explaining
 18 things"?
 19 A Yeah, like if you don't understand something,
 20 she makes it easy for you to understand it.
 21 Q How does she do that?
 22 A I don't know.
 23 Q Does she help you after school?
 24 A To me? No.
 25 Q Other students?

- 1 A Yes.
 2 Q Do you have more than one type of book in this
 3 class?
 4 A Yes.
 5 Q How many types of books do you have?
 6 A Two.
 7 Q Can you describe them, like what colors they
 8 are or the names?
 9 A Okay. One is the -- it's purple, and I don't
 10 know the names.
 11 Q What about the other one?
 12 A The other one is purple and black.
 13 Q Purple and --
 14 A Black.
 15 Q Black.
 16 A And it's a "Writer's Workshop."
 17 Q "Writer's Workshop"?
 18 A Yeah, something like that.
 19 Q Let's talk about the "Writer's Workshop" book.
 20 What kind of book is it?
 21 A It's where -- it teaches you how to do, like,
 22 letters: friendly letters, business letters, all kinds
 23 of letters; how to make a perfect story, stuff like
 24 that.
 25 Q Do you have your own book to use in class, of

- 1 this "Writer's Workshop"?
- 2 A Yeah.
- 3 Q So you don't have to share with other students?
- 4 A No.
- 5 Q Can you take this book home?
- 6 A No.
- 7 Q What kind of condition is it in?
- 8 A It's kind of bad condition.
- 9 Q What do you mean by that?
- 10 A Same as all the books: writing, there are
- 11 pages missing, the cover has a lot of writing on it, and
- 12 they look old.
- 13 Q Anything else?
- 14 A No.
- 15 Q Are you assigned a specific "Writer's Workshop"
- 16 book, or do you use a different workshop book every time
- 17 you use them?
- 18 A Different workshop book.
- 19 Q When you say there's writing, have you ever had
- 20 a book where the writing is on the text itself so that
- 21 you can't read the book?
- 22 A No.
- 23 Q Do you know if any other students have had that
- 24 happen?
- 25 A No, I don't.

- 1 Q Have you ever had a workshop book where there's
- 2 a page missing?
- 3 A Yes.
- 4 Q What happened?
- 5 A Nothing, I didn't use it.
- 6 Q You didn't use it?
- 7 A No.
- 8 Q Were you -- did you -- was the class studying
- 9 that page that was missing?
- 10 A Yeah.
- 11 Q So how did you study that page?
- 12 A The teacher was reading it, and I was looking
- 13 for the page, and I couldn't find it, and I noticed it
- 14 was missing, and I just sat there quietly listening to
- 15 it until the teacher read it.
- 16 Q So she read from the page that was missing from
- 17 your book?
- 18 A Yeah.
- 19 Q Did you say anything to her?
- 20 A No.
- 21 Q Was that the only time where you've had a book
- 22 that was missing a page?
- 23 A Yeah.
- 24 Q Do you know if any other students have had
- 25 pages missing from their books?

- 1 A No.
- 2 Q You said it was old. What do you mean by
- 3 "old"? Do you just mean because there's writing on it
- 4 and there's pages missing?
- 5 A No, they look old.
- 6 Q How do they look old?
- 7 A Because we used those same books last year.
- 8 Q Okay.
- 9 A Then -- and they were already like that, with
- 10 the writings on them; and the cover, it's, like, bent
- 11 and everything.
- 12 Q The cover is bent?
- 13 A Yeah.
- 14 Q You said you used this book last year in your
- 15 reading class?
- 16 A No, it was in my language arts class, that we
- 17 used it.
- 18 Q Did you use the first half of the book last
- 19 year?
- 20 A Yeah.
- 21 Q Did you start with the second half this year?
- 22 A Um-hmm.
- 23 Q Okay. And how often do you use this book in
- 24 class?
- 25 A Not often.

- 1 Q Do you use it more than once a week?
- 2 A No.
- 3 Q So you only use --
- 4 A Like once every two weeks.
- 5 Q Do you ever get homework from this book?
- 6 A No.
- 7 Q What about the purple book, what kind of book
- 8 is this?
- 9 A That's like -- it's a book with stories in it,
- 10 like the one in language arts; same kind of book.
- 11 Q Like there's stories in it?
- 12 A Yeah, stories in it.
- 13 Q Did you use this book last year?
- 14 A No.
- 15 Q Do you have your own book to use in class?
- 16 A Yeah.
- 17 Q Do you have to share with other students?
- 18 A No.
- 19 Q Can you take this purple book home?
- 20 A No.
- 21 Q What kind of condition is it in?
- 22 A In good condition, but there is writing on it.
- 23 Q What kind of writing?
- 24 A Gang stuff.
- 25 Q Do you know how it got there?

- 1 A Yeah.
 2 Q How?
 3 A People write on it.
 4 Q How do you know that?
 5 A Who else would write on it? No teacher would
 6 write on the book.
 7 Q Does Ms. Gaffney tell you how to take care of
 8 your books?
 9 A Yeah.
 10 Q What does she say?
 11 A "Take care of them. Those are the only ones we
 12 have."
 13 Q Does she say "Don't write in them"?
 14 A Yeah.
 15 Q Does she say "Don't rip out the pages"?
 16 A Yeah.
 17 Q Do you think students follow her directions?
 18 A Sometimes.
 19 Q Have you seen students writing in it?
 20 A No.
 21 Q Have you seen students ripping them out, the
 22 pages?
 23 A No.
 24 Q Do you see students throwing the books around?
 25 A No.

- 1 Q How often do you use these books in class?
 2 A Every day.
 3 Q Do you ever get homework from this book?
 4 A No.
 5 MS. KOURY: Could we go off the record for a
 6 quick second.
 7 (Recess.)
 8 BY MS. KOURY:
 9 Q You were talking about your purple book in your
 10 reading class, and you said you don't get homework from
 11 it, but you use it every day. How do you use it?
 12 A We read a story, then we have to, like,
 13 perform, and then we have to memorize it, and they test
 14 us like that.
 15 Q How do they test you?
 16 A Like if you memorize -- if you memorize all,
 17 you get a "proficient"; if you memorize like half, you
 18 are "developing," and --
 19 Q How -- I'm sorry, I didn't mean to cut you off.
 20 A And if you memorize only one little paragraph,
 21 you only get "beginning."
 22 Q How do they test you to tell whether you've
 23 memorized it or not? Do you have to write it down?
 24 A No, you have to -- you have to know it by
 25 heart, and they just call you up and tell you to say it.

- 1 Q In class?
 2 A Yeah, in class.
 3 Q Did he say it in front of everyone else in the
 4 class?
 5 A No, everybody else is still memorizing it.
 6 Q So is it just the teacher that calls you up in
 7 class?
 8 A Yes.
 9 Q Ms. Gaffney?
 10 A Yes.
 11 Q And you have to tell her the poem?
 12 A Yes.
 13 Q Do you use the purple book for anything else?
 14 You read the stories and you memorize the poems. Do you
 15 use it for anything else?
 16 A No.
 17 Q Do you answer questions after you read the
 18 stories?
 19 A Yes.
 20 Q Where do you get the questions from?
 21 A On the back of the story.
 22 Q In the purple book?
 23 A Yes.
 24 Q Do you do that in class?
 25 A Yes.

- 1 Q Do you ever have to finish the questions at
 2 home?
 3 A No.
 4 Q What kind of homework -- do you get homework in
 5 this class?
 6 A Only thing is you read every night, 20 minutes.
 7 Q What do you read?
 8 A Any book, your own choice.
 9 Q Do you have tests in this class?
 10 A Yeah, those are the kind of tests that we have.
 11 Q The memorizing?
 12 A Yeah.
 13 Q Any other kinds of tests?
 14 A Yeah.
 15 Q What kind?
 16 A Spelling tests, sentences.
 17 Q Anything else?
 18 A No.
 19 Q How do you -- where do you get the words for
 20 your spelling tests?
 21 A From the story.
 22 Q What stories? The stories in the purple book?
 23 A Yeah, she picks them out.
 24 Q Does she tell you what words she's going to
 25 test for?

- 1 A No.
 2 Q You just get surprised?
 3 A No, first she gives it to us, and she writes it
 4 on the blackboard. We have to copy them down, memorize
 5 them, and then she gives us a spelling quiz, and then a
 6 spelling test, and then the sentences, master sentences.
 7 Q Where did you get -- how do you study for the
 8 master sentences?
 9 A You have to know -- you just have to know the
 10 meaning of the word and make them -- and make a sentence
 11 out of them.
 12 Q Do you study for these tests at home?
 13 A Yeah.
 14 Q Which ones do you study for at home?
 15 A The spelling.
 16 Q What do you study from? Just what you've
 17 written from the chalkboard?
 18 A Yeah, use the words.
 19 Q Do you study for the sentence tests?
 20 A No.
 21 Q Not at home?
 22 A No, you just practice.
 23 Q Do you practice at home?
 24 A Yeah.
 25 Q How do you practice at home?

- 1 A Just writing down the sentences, see if they're
 2 good, see how I can improve them.
 3 Q And do you have warmups in this class?
 4 A No.
 5 Q Other than the purple book that we discussed,
 6 and the "Writer's Workshop" book, do you have any --
 7 does she give you any other materials in this class,
 8 like handouts or papers?
 9 A No.
 10 Q Do you use magazines in this class?
 11 A No.
 12 Q Do you ever use the Internet for this class?
 13 A No.
 14 Q Have you ever missed this class, been absent
 15 from it?
 16 A Yeah.
 17 Q How many times?
 18 A Two; I think it was two.
 19 Q What were the reasons?
 20 A Same reasons, because I missed school.
 21 Q And have you ever been late for this class?
 22 A No.
 23 Q And what classroom do you have reading in,
 24 what's the number or the name?
 25 A Room 1.

- 1 Q Room 1. Anything about Room 1 that bothers
 2 you?
 3 A No, it's all good.
 4 Q How about your history class, who teaches your
 5 history class?
 6 A Mr. Smith.
 7 Q I'm sorry?
 8 A Mr. Smith.
 9 Q Smith. Do you think Mr. Smith is a good
 10 teacher?
 11 A Yeah, he's a good teacher.
 12 Q What makes him a good teacher?
 13 A Everybody respects him, everybody likes him
 14 because he's really nice to everybody. If you don't
 15 understand something, he explains them.
 16 Q Why do you think -- I'm sorry, why do you think
 17 students respect him?
 18 A Because he's nice to them.
 19 Q How is he nice?
 20 A He doesn't scream at us; he's nice.
 21 Q Do people talk during class?
 22 A No.
 23 Q Do people get up without asking for permission
 24 during his class?
 25 A No.

- 1 Q And how does he explain things to you?
 2 A He explains them in really easy ways, like easy
 3 words, so we could understand it.
 4 Q Does he stay after class to help students?
 5 A Yes.
 6 Q Have you ever gotten help from him after class?
 7 A Yeah, whenever I don't finish something, he
 8 helps me. Like questions, that's the thing I almost
 9 never finish. I stay after, and he helps me.
 10 Q How many times have you stayed after class and
 11 gotten help from him?
 12 A About five, seven times.
 13 Q Do you have a book in his class?
 14 A Yeah.
 15 Q What kind of book?
 16 A It's a history book. About the --
 17 Q Is it American history, world history?
 18 A World history.
 19 Q Is that the only book you have in his class?
 20 A Yeah.
 21 Q Do you have your own book to use in class?
 22 A Yeah.
 23 Q Do you have to share it with other students?
 24 A No.
 25 Q Can you take this book home?

- 1 A Yes.
 2 Q Did you -- how did you get this book? Did you
 3 get it at the beginning of the school year?
 4 A No. You mean like I could -- if I could take
 5 it home every day?
 6 Q No, I just mean, did you get this world history
 7 book at the beginning of the school year?
 8 A Yeah, I did.
 9 Q How did you get it?
 10 A They were already there when we came to seventh
 11 grade.
 12 Q Was it in the classroom?
 13 A Yeah.
 14 Q Did the teacher, Mr. Smith -- did he pass out
 15 the books?
 16 A No, they've been there, like, since my sister
 17 was in sixth grade.
 18 Q Well, do you know, were they on the shelves and
 19 you just went and picked up a book?
 20 A Yeah.
 21 Q Were you assigned a specific book?
 22 A No.
 23 Q So do you use a different book every time you
 24 go into class?
 25 A Yes.

- 1 Q And you put the book back on the shelf at the
 2 end of class?
 3 A Yeah.
 4 Q And if you want to take it home, you're allowed
 5 to take it home?
 6 A Yeah, but there's not enough for all the -- for
 7 all those three seventh grade classes.
 8 Q How do you know that?
 9 A Because, when my class goes to get the books,
 10 there are like only two left over, and if you want to go
 11 check one out after school to take home and bring back
 12 the next day, you have to go really early, before
 13 someone else gets them all.
 14 Q Have you ever gone to check out one of these
 15 books and not been able to?
 16 A Yeah.
 17 Q When was that?
 18 A That was last week.
 19 Q What day, do you remember?
 20 A No.
 21 Q What happened?
 22 A I couldn't do my homework. I had to go ask my
 23 friend if I could borrow it, but I still couldn't finish
 24 it.
 25 Q So you got homework from the book in this

- 1 class?
 2 A Yeah.
 3 Q Explain to me what happened. How did you get
 4 the homework assignment?
 5 MS. WELCH: Objection. Asked and answered.
 6 THE WITNESS: How did I get it?
 7 BY MS. KOURY:
 8 Q How did you get the homework assignment in this
 9 class? Did the teacher give you a homework assignment
 10 from the book?
 11 A Yeah, he gives us --
 12 Q What did he say?
 13 A He tells us which page, and we have to take
 14 notes.
 15 Q No, I'm asking specifically this one day that
 16 you said you went that night -- I'm taking it, you went
 17 after class to check out the book?
 18 A Yeah.
 19 Q During class, did the teacher assign homework
 20 from the book?
 21 A Yeah.
 22 Q What did he assign?
 23 A We had to do questions about the reading, and
 24 answer them, and then the next day, we had to go and ask
 25 the classroom, and see if they know it, if they read it.

- 1 Q So you had to read a story from the book and
 2 answer questions in the book?
 3 A Yeah.
 4 Q And did you do this during class?
 5 A Yeah.
 6 Q And what was the homework assignment?
 7 A That.
 8 Q So if you didn't finish it during class, you
 9 had to do it at home?
 10 A Yeah. And I didn't finish it, and I didn't get
 11 a chance to get a book.
 12 Q Did you tell the teacher?
 13 A Yeah.
 14 Q When did you tell him? That same day when you
 15 couldn't get a book?
 16 A That same day. I asked him if there were books
 17 left, he said no, that I should have come early.
 18 Q And so you weren't able to finish your homework
 19 that night?
 20 A I wasn't able to finish it.
 21 Q What happened the next day in class?
 22 A Right after we got to school -- right after I
 23 got to school, I asked my friend if I could borrow the
 24 book that he checked out. He let me borrow it, but I
 25 still couldn't finish it.

- 1 Q Then what happened?
 2 A Then I had to stay after, after class, and
 3 finish it.
 4 Q And what were you doing with the assignments
 5 after you finished them; were you reviewing them in
 6 class?
 7 A Yeah.
 8 Q How?
 9 A We were just asking the questions that the
 10 class made up at home.
 11 Q So you made up the questions at home?
 12 A Yeah, we had to read, like, two pages, and then
 13 we had to make questions from that, from the reading.
 14 Q So the questions weren't in the book?
 15 A No.
 16 Q Just the -- you just read what was in the book
 17 and then you had to make up questions at home?
 18 A Yeah.
 19 Q And if you didn't finish making the questions
 20 in class, you did it at home?
 21 A Yeah.
 22 Q Why did you need the book to do that?
 23 A So we could read the story, and I didn't finish
 24 the whole story.
 25 Q You didn't finish reading it during class?

- 1 A Yeah.
 2 Q Other than the one time when you went to check
 3 out a book and you couldn't, have you ever not been able
 4 to check out one of these history books?
 5 A Yeah, one time that I -- that I -- I didn't
 6 finish my map that we were supposed to do.
 7 Q The map?
 8 A A map, and he said that I could come and check
 9 one out after school. And when I got there, there
 10 wasn't any more books left.
 11 Q What did he say?
 12 A I should have come early.
 13 Q So what happened?
 14 A I couldn't do my homework.
 15 Q Did you finish it the next day?
 16 A No.
 17 Q You just didn't finish the assignment?
 18 A Yeah, I didn't finish the assignment.
 19 Q And other than this -- and this was a map that
 20 you were working on during class time?
 21 A Yeah.
 22 Q Could you describe what the assignment was with
 23 the map?
 24 A Yeah, I had to -- we had to -- I didn't know
 25 what the map was about, so I couldn't even get it from

- 1 another map in another book. We were studying Africa,
 2 and we had to write down all of the countries that were
 3 in Africa, and write facts about three of them, as many
 4 facts as we could, and I didn't -- I couldn't.
 5 Q Where do you get the facts from?
 6 A From the reading.
 7 Q Other than that time, has there -- and the
 8 other time that we talked about, has there been another
 9 time or any other time that you haven't been able to
 10 check out a history book?
 11 A Yeah.
 12 Q What happened then?
 13 A I couldn't check out a book, and I had to read,
 14 and then write facts about the reading, ten facts, and I
 15 couldn't do that because I didn't have no book, and then
 16 I asked my friend if I could borrow the book the day
 17 after. He said yeah, he'd give it to me, and I had to
 18 hurry up before I -- before we went to that class.
 19 Q Did you try to check out a book that time?
 20 A Yeah.
 21 Q And there were none left?
 22 A There were none left.
 23 Q And this was a class assignment that you didn't
 24 finish and you wanted to do it for homework?
 25 A No, it was a homework.

- 1 Q It was a homework assignment?
 2 A Yeah, a homework assignment.
 3 Q You didn't do any of it during class?
 4 A No.
 5 Q Other than these three times that we've talked
 6 about, has there been another time when you wanted to do
 7 a homework assignment -- or, I'm sorry, when you wanted
 8 to check out a book and you couldn't?
 9 A No. There has been, but I can't remember right
 10 now.
 11 Q Do you know, that last time you were telling me
 12 about, what happened when you went to check out a book?
 13 A There was none -- there wasn't any left.
 14 Q Who did you go to; Mr. Smith?
 15 A Yeah, Mr. Smith. He's the only one that has
 16 those books.
 17 Q And what did he say?
 18 A I should have come early.
 19 Q Did you tell anyone else or have you ever
 20 complained to anyone else about not being able to check
 21 out books?
 22 A Yeah.
 23 Q Who?
 24 A My mom and dad.
 25 Q Other than your mom and dad, have you

- 1 complained to anyone else?
 2 A Yeah.
 3 Q Who?
 4 A Mr. Smith.
 5 Q What did you say to Mr. Smith?
 6 A That why didn't they get more books, and he
 7 said that he needed money -- they needed money.
 8 Q Do you know if kids ever check out books, this
 9 world history book, and don't return it the next day?
 10 A Everybody returns them.
 11 Q So you've never heard of students taking them
 12 home and not bringing them back?
 13 A No, I never heard that.
 14 Q What other kinds of homework do you get in this
 15 class?
 16 A It's only about that. And sometimes we get
 17 handouts.
 18 Q What kind of handouts?
 19 A Handouts like from -- but they're not in the
 20 book; it's the teacher's book. He makes us photocopies
 21 and then we have to read it, take facts, and then write
 22 three facts and draw a picture; and for each picture, it
 23 has to be three facts. And sometimes that's -- those
 24 are the homework that I would get.
 25 Q So you can take these handouts home?

- 1 A Yeah.
 2 Q After you finish the homework, what happens to
 3 the homework the next day?
 4 A We have to give it to him, and he gets them, he
 5 grades them. He gives them back to us so we can see our
 6 score, or grade, and then we have to give it back to him
 7 and he keeps them.
 8 Q Other than those handouts that you just
 9 described, does he give you any other types of materials
 10 in class, any other types of paper?
 11 A No.
 12 Q Worksheets?
 13 A No.
 14 Q Magazines?
 15 A Hm-umm.
 16 Q Do you ever use the Internet for this class?
 17 A No.
 18 Q Do you ever go to the computer lab for this
 19 class?
 20 A No.
 21 Q Do you have tests in this class?
 22 A Yeah, about what we learned in the quarter.
 23 Q How do you study for these tests? I should
 24 ask: Do you study at home for these tests?
 25 A Yeah.

- 1 Q What do you study from?
 2 A We have to keep -- all of the handouts that he
 3 gives to us, we have to keep them, and we have to study
 4 them. And, like, for when a test comes, we're ready for
 5 it.
 6 Q Is that all you study from, is the handouts?
 7 A Yeah.
 8 Q Do you have warmups in this class?
 9 A The only warmup we have is the -- it's one
 10 question that he gives us every day, that's a geography
 11 question, like: "What's the capital of Japan?" We have
 12 to answer that. And then the next day, and we have
 13 to -- he asks us the question, and whoever raises their
 14 hand first gets to answer it, and gets a homework
 15 coupon; like whenever you miss your homework, you could
 16 just turn in the coupon.
 17 Q It's like a get-out-of-jail card?
 18 A Yeah.
 19 Q So the warmup is given that day and then you
 20 have until the next day to answer it?
 21 A Yeah.
 22 Q Have you ever gotten one?
 23 A Yeah.
 24 Q More than one?
 25 A More than one.

- 1 Q A few of them?
 2 A A few of them.
 3 Q Does the teacher ever use the overhead
 4 projector?
 5 A Yeah, that's the only thing he uses.
 6 Q I'm sorry. Can I just ask you one more
 7 question about the warmups? How do you find the answer?
 8 A You're supposed to know the answer already
 9 because we already reviewed it.
 10 Q Oh, so it's something from the class?
 11 A Yeah.
 12 Q How does he use the overhead projector?
 13 A Like we have to read, like, the book or the
 14 handout, and then he puts some questions on the
 15 overhead, and we have to copy them down on our own
 16 paper, and answer them.
 17 Q Do you answer them in class or do you take them
 18 home and answer them?
 19 A In class.
 20 Q Does he collect them and correct them?
 21 A Yes.
 22 Q Do you see them after he corrects them?
 23 A Yeah.
 24 Q Do you use these to study for your tests?
 25 A No.

- 1 Q Does he use a chalkboard?
 2 A No.
 3 Q Just the overhead projector?
 4 A Yes.
 5 Q Does he use the overhead projector for anything
 6 else?
 7 A No, that's the only thing -- only to give us
 8 directions of what we are doing in the class, like for
 9 homework and all that.
 10 Q Right. I think I may have already asked this.
 11 Is that the only book you have, is this one history book
 12 in this class?
 13 A Yes.
 14 Q Have you ever been absent from this class?
 15 A Only the times that I've been absent from
 16 school.
 17 Q Have you ever been late for this class?
 18 A No.
 19 Q And what class is this room in, your history
 20 classroom?
 21 A It's Room 8, 8A.
 22 Q Have you been in Room 8A for history the whole
 23 year?
 24 A Yes.
 25 Q Is there anything about this classroom that you

- 1 A Me? No.
 2 Q Does he give detention for people who are
 3 talking in class?
 4 A No. If one person talks -- his rule is that if
 5 one person talks, the whole class gets detention, and it
 6 don't matter if he saw that only one talks.
 7 Q Does that work? Do people stop talking?
 8 A No.
 9 Q Do people talk a lot in this class?
 10 A Yeah.
 11 Q Does it make it hard to understand what
 12 [REDACTED] is saying when people are talking in class?
 13 A Yeah.
 14 Q Has he given detention to the whole class
 15 before?
 16 A Yeah.
 17 Q How many times?
 18 A A lot of times.
 19 Q Do you get upset when other people are talking
 20 in class?
 21 A Yeah.
 22 Q Why?
 23 A Because it's not fair that we have to pay only
 24 for one person that is messing up.
 25 Q But is it only one person that's messing up?

- 1 don't like or that bothers you?
 2 A No.
 3 Q Who is your math teacher?
 4 A [REDACTED]
 5 Q [REDACTED]
 6 A [REDACTED]
 7 Q [REDACTED] okay. Is he a good teacher? Why are
 8 you laughing?
 9 A Because I don't like him. As a teacher?
 10 Q Yeah, as a teacher.
 11 A Yeah, he's kind of a good teacher, but the only
 12 thing I don't like about him is his attitude. He's
 13 always screaming.
 14 Q Let's talk about why you think he's a good
 15 teacher. Why do you think he's a good teacher?
 16 A Because he gives you a lot of chances: like
 17 you don't bring your homework in, talk in class. But at
 18 the same time, he screams at you so bad, gets you real
 19 mad.
 20 Q Does he scream at you individually or does he
 21 scream at the whole class?
 22 A The whole class, and me individually.
 23 Q Why does he scream?
 24 A Because we're usually talking all the time.
 25 Q Do you talk a lot in class?

- 1 A Yeah.
 2 Q It's only one person that's talking in class?
 3 A Yeah.
 4 Q Who is this one person that's talking in class?
 5 A It's this African-American dude; he doesn't
 6 care about anybody.
 7 Q So he's always talking in class?
 8 A Huh?
 9 Q He's always talking in class?
 10 A He's always talking in class; we get detention
 11 because of him. He thinks he's all that. And he always
 12 talks.
 13 Q Do other people in class talk a lot?
 14 A Yeah -- mostly he's the only one.
 15 Q Do people get up without asking permission
 16 first?
 17 A No, they're afraid of him.
 18 Q [REDACTED]
 19 A Yeah.
 20 Q Why are they afraid of him?
 21 A Because he screams at you so bad, like if
 22 you're in a boot camp.
 23 Q As if you're in boot camp?
 24 A Yeah.
 25 Q So he likes order in his class?

- 1 A Yeah.
 2 Q So he's a strict teacher?
 3 A Yeah.
 4 Q Do you have a book in this class?
 5 A Yeah.
 6 Q Do you have more than one type of book in this
 7 class?
 8 A No, we only have one book.
 9 Q Do you know the name of the book?
 10 A Yeah, "Mathematics," that's all.
 11 Q Do you have your own book to use in class?
 12 A Yeah.
 13 Q Do you have to share it with other students in
 14 class?
 15 A No. He gives us our own book to take home. We
 16 have books, enough for the whole seventh grade.
 17 Q What kind of condition is this book in?
 18 A They're brand-new. We just got them this year.
 19 My book is clean. It's new. But some kids don't know
 20 how to take care of it. It's all yucky already.
 21 Q What do you mean?
 22 A It looks like it's 11 years old.
 23 Q And yet these are all new books?
 24 A Yeah, brand-new books.
 25 Q Why do you think they look that way?

- 1 A Because they get them wet, they throw them
 2 around, stuff like that.
 3 Q Do you see the students getting them wet?
 4 A Yeah.
 5 Q How?
 6 A Like when it's very hot, they turn on the
 7 sprinklers -- right? -- in the football field. And they
 8 go there and get wet with their backpacks on, and that's
 9 how they get wet.
 10 Q Do you see kids writing in their math books?
 11 A Yeah.
 12 Q How about tearing up the pages?
 13 A No.
 14 Q Did you get assigned a specific math book?
 15 A Yeah.
 16 Q Do you know, did [REDACTED] give you any
 17 directions on how to take care of your books?
 18 A Yeah.
 19 Q What did he say?
 20 A He said to take care of that book, because when
 21 we go to eighth grade, some of our brothers, cousins are
 22 going to be using this book next year so --
 23 Q Take care of them?
 24 A -- take care of them.
 25 Q Did he tell you to put a book cover on them?

- 1 A No.
 2 Q Do you have a book cover on your book?
 3 A No.
 4 Q Do you have homework in this class?
 5 A Yeah.
 6 Q What kind of homework?
 7 A Well, we always get POWs.
 8 Q What's that?
 9 A It's not a prisoner of war.
 10 Q I know. That's what I was thinking.
 11 A It's problem of the week. We get -- you get
 12 one POW a week. It's like -- it gives you a certain
 13 page to look for the POW.
 14 Q From the book?
 15 A Yeah, from the book, and then you have to --
 16 you just have to -- like, sometimes there's only one
 17 problem, but it's a really hard problem. You have to
 18 find the answer to the problems. And some are really
 19 hard problems. That's why he gives you the whole week.
 20 And usually you only get like -- it's like in chapters,
 21 Chapter 1. 1, 1-1, 1-2, 1-3, like that, and it goes up
 22 to 9, 9-9.
 23 Q How do you answer? Do you answer it by using
 24 the book?
 25 A Yeah, by using the book.

- 1 Q Do you ever need help?
 2 A Yeah. Sometimes I ask my dad, sometimes I ask
 3 [REDACTED]
 4 Q Does he help you?
 5 A Yeah. And sometimes I ask Mr. Franco, the
 6 tutor in the Boys & Girls Club.
 7 Q Does he help you too?
 8 A Yeah, he helps you.
 9 Q Other than the POWs, do you have any other
 10 homework in this class?
 11 A No, that's all. That's the only thing.
 12 Q Do you have tests in this class?
 13 A Yeah, we have quizzes. Like one time -- once
 14 every three weeks.
 15 Q How do you study for those quizzes?
 16 A We get like -- we have to study -- read the
 17 whole chapter, and then you get questions from that
 18 chapter.
 19 Q Do you study at home for these quizzes?
 20 A Yeah, at home.
 21 Q So you study from the book?
 22 A Yeah.
 23 Q Does he give you any handouts in this class?
 24 A No.
 25 Q Any worksheets?

- 1 A No.
 2 Q Magazines?
 3 A No.
 4 Q Do you use the Internet?
 5 A No. The only thing we need is the book.
 6 Q Does he use the overhead projector at all?
 7 A Yeah, that's the only thing he uses.
 8 Q How does he use that?
 9 A He puts the quizzes there, the homework, the --
 10 Q Just the homework assignment?
 11 A The homework assignment and the quizzes and the
 12 tests.
 13 Q The test questions?
 14 A Yeah, the test questions.
 15 Q Do you ever take notes in this class?
 16 A No.
 17 Q How many times -- have you ever missed this
 18 class?
 19 A Only the times that I've been absent.
 20 Q The times we've already talked about?
 21 A Yeah.
 22 Q Have you ever been late for this class?
 23 A No.
 24 Q What classroom is this in, your math class?
 25 A Room 7.

- 1 Q Have you been in the same classroom all year?
 2 A Yes.
 3 Q Do you have any problems with this classroom or
 4 anything about it that you don't like?
 5 A Only the water fountain. At the beginning of
 6 the year, it worked, but now it doesn't.
 7 Q Did we talk about this water fountain before?
 8 A No.
 9 Q It's a different water fountain; right?
 10 A Yeah.
 11 Q At the beginning of the year, it worked?
 12 A Yeah.
 13 Q Are you okay?
 14 THE REPORTER: You want to go off for a second?
 15 (Recess.)
 16 BY MS. KOURY:
 17 Q You were talking about the water fountain; you
 18 said in the beginning of the year, it did work?
 19 A Um-hmm.
 20 Q Yes?
 21 A Yes.
 22 Q How do you know that?
 23 A Because I always used to drink water there, and
 24 then one day I was -- I went to drink water, and it
 25 didn't work.

- 1 Q Do you remember when that was?
 2 A Like in April.
 3 Q Did you tell anyone?
 4 A Yeah, I asked [REDACTED] why it don't work.
 5 Q Mr. --
 6 A [REDACTED]
 7 Q [REDACTED] What did he say?
 8 A He said someone broke it. But I don't think
 9 someone broke it. Maybe he cut it off.
 10 Q You think they cut it off?
 11 A Yeah.
 12 Q Why do you think that?
 13 A Because too much people get up to drink water.
 14 Q Did anyone tell you that they cut it off?
 15 A Yeah.
 16 Q Who told you?
 17 A My friend; he said that they told him that they
 18 cut it off because [REDACTED] didn't like people
 19 standing up.
 20 Q Did he say why he thought that, your friend?
 21 A No. He just told me that someone told him.
 22 Q Did you ask [REDACTED] if they were going to
 23 fix it?
 24 A No.
 25 Q Did you complain to anyone else that it wasn't

- 1 working?
 2 A No.
 3 Q Is it still not working?
 4 A No, it's still not working.
 5 Q Do you know if anyone else complained that it
 6 wasn't working?
 7 A No.
 8 Q Other than this water fountain not working, is
 9 there anything else wrong with the math class, Room 7?
 10 A Yeah.
 11 Q What else?
 12 A We often see too many rats.
 13 Q Anything else?
 14 A No.
 15 Q What do you mean you see rats?
 16 A Yeah, last time, I saw some rats on the
 17 ceiling, because there was this big hole in the ceiling,
 18 and there were rats, like, looking down.
 19 Q From the ceiling?
 20 A From the ceiling.
 21 Q Where was the hole?
 22 A It was in the ceiling, like almost in the
 23 middle.
 24 Q How big is the hole?
 25 A Like that.

- 1 Q Can you describe the hole? What do you mean by
2 "the hole"?
- 3 A Like -- you know, like --
- 4 Q Does your ceiling normally have tiles on it?
- 5 A Yeah, like -- but it's not like -- like --
6 they're like carton tiles. They fell because of the
7 water; it was leaking. And then you could see rats
8 right there, looking down from the ceiling.
- 9 Q How do you know that the tile fell?
- 10 A Because they were missing.
- 11 Q Did you see it fall?
- 12 A No.
- 13 Q Did anyone tell you it fell?
- 14 A No. But it has been there, like, for a long
15 time.
- 16 Q What's been there for, like, a long time?
- 17 A The hole.
- 18 Q When's the first time you noticed the hole?
- 19 A The first day I went into the classroom.
- 20 Q When was that? This school year?
- 21 A Yeah, this school year.
- 22 Q Did you ever see the ceiling leak when it
23 rained?
- 24 A Yeah.
- 25 Q This school year?

- 1 A Yeah. They used to put a cup right there so
2 papers wouldn't get wet.
- 3 Q What wouldn't get wet?
- 4 A The papers, our papers.
- 5 Q Where would they put the cup?
- 6 A Right on the leak.
- 7 Q How many times did you see them put a cup there
8 for a leak?
- 9 A Every time it rained.
- 10 Q How many times, about, was that? More than
11 five times?
- 12 A Yeah, more than five times, in the winter.
- 13 Q When did they fix the hole?
- 14 A They fixed it like three weeks ago.
- 15 Q Was it before spring break?
- 16 A After spring break.
- 17 Q After spring break.
- 18 Is it dark; is the hole dark?
- 19 A Yeah, it was dark. You could see the
20 insulation too, like right there.
- 21 Q Do you know why they finally -- or do you know
22 why they fixed it?
- 23 A Yeah, because they fixed the roof, too, so it
24 wouldn't be leaking anymore, and they fixed the ceiling.
25 The tiles, they put new tiles on.

- 1 Q So they fixed the whole roof?
- 2 A Yeah, they fixed the whole roof.
- 3 Q Do you know who did that?
- 4 A Yeah, it was the janitor, the two janitors.
- 5 Q And you said that you saw rats in the hole?
- 6 A Yeah.
- 7 Q How many times have you seen rats in this hole,
8 in this classroom?
- 9 A It was only one time.
- 10 Q Have you seen any other rats in this classroom?
- 11 A Yeah.
- 12 Q In this math classroom?
- 13 A Yeah, under the telephone box, there was --
14 [REDACTED] he put a trap right -- like those glue
15 things.
- 16 Q Right.
- 17 A And one got stuck, and you could hear the
18 sound, like him screaming, and there was some other
19 rats, like in the corner, looking at him, like trying to
20 tell him something, as he was trying to pull away --
21 pull off the glue from his leg. And [REDACTED] just
22 took the trap out with the rat on it; he threw it
23 outside, and then it came back in, the rat.
- 24 Q Other than seeing the rat the one time in the
25 hole in the ceiling, and seeing the rat that got

- 1 trapped, have you ever seen any other rats in this
2 classroom?
- 3 MS. WELCH: Objection. Mischaracterizes his
4 testimony.
- 5 THE WITNESS: Yeah, I've seen other rats.
- 6 BY MS. KOURY:
- 7 Q In this particular classroom?
- 8 A Yes.
- 9 Q When was the other time?
- 10 A One time that -- he has a dog he always keeps
11 there.
- 12 Q Who?
- 13 A [REDACTED]
- 14 Q He keeps a dog in the classroom?
- 15 A Yeah.
- 16 Q Do you know why he keeps a dog in the
17 classroom?
- 18 A So he won't leave him alone in the house.
- 19 Q Okay.
- 20 A And he was -- the dog was just lying down on
21 the ground, on the floor; right? And then he saw a rat
22 and started chasing it.
- 23 Q The dog started chasing the rat?
- 24 A Yeah.
- 25 Q Did you see the rat?

1 A Yeah. And then it went in the hole, the rat,
2 and -- couldn't catch it.
3 Q The dog couldn't catch it?
4 A No.
5 Q How do you know?
6 A Because we saw the rat going in the hole.
7 Q Any other time you saw a rat?
8 A No.
9 Q In this classroom?
10 A No.
11 Q Let's talk about the first time, or the first
12 instance that you described, when you saw the rat in the
13 hole in the ceiling.
14 A Um-hmm.
15 Q How many rats did you see?
16 A About three.
17 Q Describe it to me.
18 MS. WELCH: Objection. Asked and answered.
19 BY MS. KOURY:
20 Q Go ahead.
21 A The rats?
22 Q Yeah, were they alive?
23 A Yeah.
24 Q What did you see? Did they run across?
25 A No, they were just looking down the ceiling.

1 Q And then what happened?
2 A They left.
3 Q Did anyone else see the rats?
4 A Yeah.
5 Q Who else?
6 A [REDACTED]
7 Q How do you know he saw it?
8 A Because he said, "Oh, look, some rats up
9 there."
10 Q Did the other students see it?
11 A Yeah, some students saw it.
12 Q Do you know if anyone told any of the
13 custodians about the rats?
14 A No, I don't.
15 Q Do you know if [REDACTED] told anyone at the
16 school about the rats?
17 A Yeah, because when he threw the rat outside,
18 the janitor was there, so he saw.
19 Q Did you hear him tell the janitor anything?
20 A Yeah, they were talking, but I don't know what
21 they were talking about.
22 Q Do you know if the janitor did anything about
23 the rats?
24 A Yeah, I think he put rat traps on.
25 Q Why do you think that?

1 A Because since then, it's been -- I haven't seen
2 any rats.
3 Q Since when?
4 A Since he threw the rat outside.
5 Q Which one happened first? Did you see the rat
6 in the ceiling first?
7 A No, first was when the -- when a rat was
8 running around because the dog was chasing it.
9 Q Do you remember when that was?
10 A No.
11 Q Was that before Christmas break?
12 A I don't remember.
13 Q Do you remember if it was after Christmas
14 break, this past semester?
15 A Yeah, maybe.
16 Q It was after Christmas break?
17 A Uh-huh.
18 Q Do you remember if it was before spring break?
19 A No -- it was before spring break.
20 MS. WELCH: No, you don't remember, or no --
21 THE WITNESS: No, it was before spring break.
22 BY MS. KOURY:
23 Q So that was the first time you saw a rat, was
24 when the dog was chasing it?
25 A Yeah.

1 Q Was that just one rat that time?
2 A Yeah.
3 Q And when was the next time you saw a rat? Was
4 it the rat that you saw on the ceiling or --
5 A Yeah.
6 Q That was the next one?
7 Do you remember when that was? Was it --
8 A No.
9 Q -- before spring break?
10 A No, I think it was after spring break.
11 Q So you think it was -- do you think it was in
12 April?
13 A Yeah.
14 Q And after you saw the rats, the three rats or
15 so up on the ceiling, and [REDACTED] saw them too, did
16 you say you think the janitor, at that point, put traps?
17 A Yeah.
18 Q And what makes you think that? Did you see the
19 traps?
20 A No, but I haven't seen any rats since then.
21 Q Did you hear the janitor say that he put traps?
22 A Yeah.
23 Q Yes?
24 A Because they had already put traps, because
25 when [REDACTED] took out the rat trap with the rat on

- 1 it.
- 2 Q Right. Did you see that, [REDACTED] taking
- 3 the rat trap out with the rat in it, after you saw rats
- 4 in the ceiling or before?
- 5 A Before.
- 6 Q Okay. So the first time you saw a rat was when
- 7 a dog chased it?
- 8 A Yeah.
- 9 Q And then after that, you saw [REDACTED] take a
- 10 rat trap --
- 11 A Yeah.
- 12 Q -- with a rat in it?
- 13 And then after that, you saw some rats in the
- 14 ceiling?
- 15 A Yeah, and since then, I haven't seen any more.
- 16 Q Okay. Do you know if anyone's ever seen -- do
- 17 you know what pesticide is?
- 18 A Pesticide?
- 19 Q Yeah. Do you know if anyone -- let me ask
- 20 another question.
- 21 Do you know if anyone from your school has had
- 22 anyone come in to specifically take care of a rat
- 23 problem?
- 24 A No.
- 25 Q You don't know?

- 1 A No.
- 2 Q Have you heard anyone else talk about the rat
- 3 problem?
- 4 A No.
- 5 Q Where is your math class located on your
- 6 campus? Is it near the cafeteria?
- 7 A No.
- 8 Q Is it near the field?
- 9 A No, it's right in front of the parking lot, the
- 10 school's parking lot.
- 11 Q Is it part of a permanent class? Is it a
- 12 permanent classroom?
- 13 A Yeah, a permanent classroom.
- 14 Q And when did they fix the ceiling?
- 15 A A few weeks ago.
- 16 Q Okay. Other than what you described to me,
- 17 does anything else bother you about your math classroom?
- 18 A No.
- 19 Q You said that drama is one of your best
- 20 subjects this year?
- 21 A Yeah.
- 22 Q Why is it one of your best subjects?
- 23 A Because we do a lot of fun stuff there.
- 24 Q Who is your teacher?
- 25 A Ms. Leintz.

- 1 Q Leintz?
- 2 A Leintz, L-e-i-n-t-z.
- 3 Q Okay.
- 4 A We do a lot of fun stuff.
- 5 Q What do you mean by "fun stuff"?
- 6 A Fun stuff, like we write fun stuff, we do
- 7 plays, like fun plays. And sometimes we go outside,
- 8 like -- because it's too hot inside, and we start
- 9 reading outside.
- 10 Q What do you write? You said you write in the
- 11 class. What do you write? Do you write plays?
- 12 A Yeah, we do our own plays. Last time we were
- 13 talking about the heroines, like the female heroes, like
- 14 we had to write as many movies that we've seen that --
- 15 on female heroines -- come out.
- 16 Q And where do you read from?
- 17 A From our drama books.
- 18 Q What kind of books -- do you have only one
- 19 drama book?
- 20 A Yeah.
- 21 Q Can you describe it to me?
- 22 A It's red, and --
- 23 Q Is it called "Drama Book"?
- 24 A Yeah, it's a drama book.
- 25 Q Do you have your own drama book?

- 1 A Like one I take home?
- 2 Q What about using it in class; do you have your
- 3 own to use in class?
- 4 A No.
- 5 Q Do you have to share with other students?
- 6 A Yeah, sometimes we have to share.
- 7 Q Why do you sometimes have to share?
- 8 A When everybody in the class is there,
- 9 there's -- then we have to share. But like when some
- 10 people are missing, then we don't have to share; but
- 11 usually I don't have to share because I sit alone.
- 12 Q Excuse me?
- 13 A Usually I don't share; I sit alone.
- 14 Q Because what?
- 15 A I sit alone.
- 16 Q Do you know why you have to share when everyone
- 17 is there?
- 18 A Yeah. Because there's not enough books. Like,
- 19 some people have to share. Not everybody.
- 20 Q Do you ever get to take these books home?
- 21 A No.
- 22 Q Do you ever want to take them home?
- 23 A No.
- 24 Q Do you ever get homework from these books?
- 25 A No.

- 1 Q How often do you use the books?
 2 A Once every two weeks.
 3 Q Do you ever get homework in this class?
 4 A Yeah.
 5 Q What kind of homework?
 6 A Like one paragraph about what we did in class,
 7 stuff like that. Just write about what we do in class.
 8 Q How often do you get homework in this class?
 9 A Almost every -- almost every day we have drama.
 10 Q Do you ever -- and it's usually just writing a
 11 paragraph?
 12 A Yeah, and sometimes it's drawing, like
 13 heroic -- heroic people that we know about.
 14 Q Do you turn in the homework --
 15 A Yes.
 16 Q -- to your teacher?
 17 Does she grade it?
 18 A Yes.
 19 Q Do you get it back after she grades it?
 20 A No, she keeps it.
 21 Q Do you ever review it?
 22 A No.
 23 Q Do you have tests in this class?
 24 A No.
 25 Q Do you know if your teacher -- Ms. Leintz, was

- 1 conditioner was broken?
 2 A Yeah, she called a company to come and fix it,
 3 and they didn't come.
 4 Q The janitor, did she call?
 5 A No, this is Sears Home Central, I think.
 6 Q Other than this time that you're telling me
 7 when the air conditioner broke, has it ever broken
 8 before?
 9 A No.
 10 Q Do you usually have air conditioning in this
 11 class?
 12 A Yeah.
 13 Q What classroom is the drama class in?
 14 A P2.
 15 Q P2?
 16 A Yeah, P2 or P1.
 17 Q Have we talked about this classroom before? Do
 18 you have any other classes in this classroom?
 19 A No.
 20 Q I think we talked about P2, because that's
 21 where --
 22 A Yeah, was it P2 or P1? It was one of those.
 23 Q Just to be safe. Did anything bother you about
 24 this classroom, the drama classroom?
 25 A No, only the air conditioner.

- 1 she a teacher there last year?
 2 A No.
 3 Q Is she a new teacher there this year?
 4 A Yeah, she's a new teacher.
 5 Q And do you think she's a good teacher?
 6 A Yeah, she's a good teacher.
 7 Q What makes her a good teacher?
 8 A We do a lot of fun stuff with her.
 9 Q What do you mean by that?
 10 A Fun stuff. We get to go outside.
 11 Q Stuff you described before?
 12 A Yeah, stuff I described.
 13 Q And you said that the class is sometimes too
 14 hot. Is it too hot in the classroom?
 15 A Yeah, in the classroom.
 16 Q What do you mean?
 17 A Because last time the air conditioner broke,
 18 and it was too hot inside, we had to go outside and
 19 play. And we only played, like, for 25 minutes, and the
 20 other, like, 15 minutes, we used to make a play.
 21 Q Right.
 22 A So we made a play outside.
 23 Q Do you know why the air conditioner was broken?
 24 A No.
 25 Q Do you know if Ms. Leintz told anybody the air

- 1 Q When it broke that one time?
 2 A Yeah.
 3 Q Anything else?
 4 A No.
 5 Q And was Ms. Leintz your teacher the entire
 6 year?
 7 A Yeah.
 8 Q Do you ever miss this class?
 9 A No.
 10 Q Were you ever absent?
 11 A Only when I was absent.
 12 Q Excuse me?
 13 A When I was absent.
 14 Q Those two times you've already told me about;
 15 right?
 16 A Yeah.
 17 Q Have you ever been late for this class?
 18 A No.
 19 Q How about art, you also take art this year;
 20 right?
 21 A Yeah.
 22 Q Who teaches art?
 23 A [REDACTED]
 24 Q Do you like your art class?
 25 A No.

- 1 Q Do you think [REDACTED] is a good teacher?
 2 A No.
 3 Q Why?
 4 A No one listens to her. She tries -- she tries
 5 to be a good teacher, but no one listens to her. No one
 6 does anything. They play around too much. She gets
 7 upset. She gives the whole class detention. That's the
 8 art class.
 9 Q What do you mean no one listens to her? What
 10 do they do?
 11 A No one listens to her. If she's trying to give
 12 the directions, they don't let her give directions.
 13 They start screaming and everything.
 14 Q And you say that she tries to be a good
 15 teacher. How does she try?
 16 A She tries to be nice to everyone. Like when
 17 they come in, but then everyone starts talking.
 18 Q So the students are talking during class when
 19 they're not supposed to be?
 20 A Yes.
 21 Q Do students get up out of their seats when
 22 they're not supposed to?
 23 A Yeah.
 24 Q Does she try to give detention?
 25 A Yeah.

- 1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 MS. WELCH: And I'll put the same objection as
 9 I stated earlier on the record, but I'm not going to
 10 instruct him not to answer.
 11 BY MS. KOURY:
 12 Q Does she have a rule in her class that you're
 13 not supposed to talk in her class unless you ask
 14 permission?
 15 A Yeah.
 16 Q Do you think that's a good rule?
 17 A Yeah.
 18 Q Why do you think it's a good rule?
 19 A Because everyone hates that rule. Everyone
 20 talks in that class.
 21 Q And you said no one does anything in class?
 22 A No.
 23 Q What do you mean?
 24 A If she gives an assignment, no one does it,
 25 like a few amount of people do it. The other people

- 1 just horse around.
 2 Q What happens if you don't do your assignment in
 3 her class?
 4 A Nothing. She just gives you detention because
 5 she knows that they're going to be talking and walking
 6 and everything.
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 Q Do you have a book in this class?
 16 A No.
 17 Q What do you do in your art class? Do you draw?
 18 A Yeah, you draw, paint. Last time, though, last
 19 project, the last project that we did, it was about --
 20 you had to paint a tile; you have to make your own tile.
 21 Q How did you paint your tile?
 22 A With permanent -- like permanent paint.
 23 Q Was it paint or markers?
 24 A Paint.
 25 Q Did you have enough paint to use?

- 1 A No.
 2 Q What do you mean?
 3 A Because the classes from -- that had drawn art
 4 before, they mixed up all the colors.
 5 Q So the colors were all mixed up?
 6 A Yeah.
 7 Q So that's why you didn't have enough paint to
 8 use?
 9 A That's why we didn't have paint.
 10 Q Did you complain to the teacher?
 11 A Yeah.
 12 Q What did she say?
 13 A She said it wasn't her fault, no one would
 14 listen to her.
 15 Q Other than that, do you usually have enough
 16 paint or materials to use in your art class?
 17 A Yeah.
 18 Q Do you ever get homework assignments in this
 19 class?
 20 A No. Only sometimes, like she tells us to draw
 21 something and we have to -- if we don't finish it, we
 22 have to turn it in the next day.
 23 Q Do you have any tests in this class?
 24 A No.
 25 Q Do you know what you're graded on in this

- 1 class? Does she grade your artwork that you do during
2 class?
3 A Um-hmm.
4 Q Yes?
5 A Yes.
6 Q And have you ever been -- have you ever missed
7 any -- been absent for this class, other than the two
8 times that we talked about?
9 A No.
10 Q Have you ever been late for this class?
11 A No.
12 Q Okay. And is -- where is this art class; what
13 room is it in?
14 A Room 16.
15 Q Did you have this same art class all year long?
16 A Yes.
17 Q Does anything bother you about this art
18 classroom?
19 A Yeah. The only thing that upsets me is the
20 sink; it's always dirty.
21 Q Is it kind of like the art class last year; is
22 that what you mean by "dirty"?
23 A Yeah.
24 MS. WELCH: Is it the same room?
25 THE WITNESS: No.

- 1 BY MS. KOURY:
2 Q Could you describe to me what the sink is like
3 in this room?
4 A It's always been flooded, it has paint all over
5 it, and the fountain don't work.
6 Q The drinking fountain?
7 A Yeah, the drinking fountain.
8 Q Is this like the other drinking fountain, in
9 that the sink and faucet and drinking fountain are all
10 in the same place?
11 A Yes.
12 Q The drinking fountain doesn't work, did you
13 say?
14 A Um-hmm, yeah.
15 Q Anything else about this room?
16 A No.
17 Q Do you know, is there an art class that goes
18 before you?
19 A Yeah.
20 Q What period do you have art?
21 A The fifth period.
22 Q Is it always the fifth period?
23 A Yeah.
24 Q For you, I mean?
25 A Yeah.

- 1 Q And there's always an art class before you?
2 A Yes.
3 Q When you said the sinks are flooded, is it like
4 the other sink, in that the students sometimes put paper
5 in the sink?
6 A I don't know about that one.
7 Q Have you ever seen --
8 A There isn't any paper in that room.
9 Q You've never seen paper in the sink?
10 A No.
11 Q Do you know why it's flooded?
12 A Paint.
13 Q What do you mean?
14 A That's what I think.
15 Q Have you seen paint in the sink?
16 A Yeah. That's the only thing that they fill it
17 up with.
18 Q Who is "they"?
19 A The teacher.
20 Q Do they -- do you mean the actual paint itself
21 or the container that holds it is in the sink?
22 A The container and the paint.
23 Q Are all in the sink?
24 A Yeah.
25 Q And you think that's what's flooding it?

- 1 A Yeah.
2 Q Do you ever see the faucet left on, running?
3 A No, you can't leave it on.
4 Q Excuse me?
5 A You can't leave it on. If you turn it --
6 Q It automatically turns off?
7 A Yeah.
8 Q And there's paint left in the sink that makes
9 it look dirty to you?
10 A Yeah.
11 Q And you said that the drinking fountain doesn't
12 work. Have you ever used this drinking fountain and it
13 didn't work?
14 A Yeah.
15 Q When? When was the last time you used it?
16 A The beginning of the year.
17 Q When did you first notice that it wasn't
18 working?
19 A I don't remember, but it doesn't work anymore.
20 Q Did you try using it this month?
21 A No.
22 Q Did you try using it last month?
23 A No.
24 Q Did you try using it over Christmas?
25 A No.

- 1 Q How do you know it doesn't work right now?
 2 A Because sometimes I want to go wash my hands or
 3 something, and the only one that works is the --
 4 Q Sink?
 5 A Yeah, the sink.
 6 Q The faucet sink?
 7 A The faucet sink.
 8 Q Have you tried to use the drinking fountain
 9 this month?
 10 A Yeah, but it doesn't work. I just tried to
 11 turn it on and it don't.
 12 Q When was the last time you tried to use it?
 13 A A few days ago.
 14 Q Did you tell anyone?
 15 A No.
 16 Q Have you ever told your teacher that it doesn't
 17 work?
 18 A Yeah.
 19 Q When did you tell her it didn't work?
 20 A At the beginning of the year, when it got
 21 busted.
 22 Q Was that the first time you noticed it wasn't
 23 working?
 24 A Yeah.
 25 Q Do you know what she said when you told her?

- 1 A No, I don't remember.
 2 Q Do you know if she told the janitor?
 3 A No.
 4 Q Do you know if she did anything about it?
 5 A No.
 6 Q Did you tell anyone else?
 7 A No.
 8 Q Anything else bother you about this classroom?
 9 A No.
 10 Q Does anyone else complain about the sink or the
 11 faucet in this classroom?
 12 A No -- I don't know.
 13 Q Have you ever heard other students complain
 14 about it?
 15 A I don't know.
 16 Q You don't know, or you haven't heard them?
 17 A I haven't heard them.
 18 Q Do you have your PE class this year; is it in a
 19 classroom?
 20 A No.
 21 Q Is it in the gym?
 22 A No.
 23 Q Is it outside?
 24 A Yeah, it's outside.
 25 Q What about your PE class last year, was it

- 1 outside?
 2 A Yeah.
 3 MS. KOURY: Counsel, I'm at a good breaking
 4 point if you wanted to break today. If not, I can
 5 continue and go until 5:00 for another half-hour.
 6 MS. WELCH: Why don't we go off the record and
 7 talk about it.
 8 (Discussion off the record.)
 9 MS. KOURY: Counsel, we've stipulated to
 10 continue the deposition next Sunday, June 10th.
 11 MS. WELCH: 10th.
 12 MS. KOURY: And we're just going to do a
 13 stipulation now with respect to this transcription.
 14 May we stipulate that copies of the documents
 15 attached to the deposition may be used as originals?
 16 MS. WELCH: Yes.
 17 MS. KOURY: May we stipulate that the original
 18 of this deposition be signed under penalty of perjury;
 19 that the original be delivered to the offices of
 20 Morrison & Foerster; that the reporter is relieved of
 21 liability for the original of the deposition; that the
 22 witness will have 15 days from the date of the court
 23 reporter's transmittal of the transcript to Morrison &
 24 Foerster to sign and correct the deposition -- to have
 25 Carlos Santos sign and correct the deposition through

- 1 his -- and through his attorneys shall notify all
 2 parties in writing of any changes in the deposition; and
 3 if there are no such changes communicated, or signature,
 4 within that time, that any unsigned and uncorrected copy
 5 may be used for all purposes as if signed and corrected?
 6 MS. WELCH: Yes.
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I, CARLOS SANTOS, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____, 2001, at _____, _____ (City) (State)

CARLOS SANTOS
Volume 1

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

GINA GLANTZ
CSR No. 9795