

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al.,)

Plaintiffs,)

vs.)

Case No. 312236

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

Defendants.)
-----)

DEPOSITION OF MARY SEIERSEN
Menlo Park, California
Monday, June 18, 2001
Volume

Reported by:
THERESA A. DARNELL

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2 COUNTY OF SAN FRANCISCO

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9 of Public Education; STATE)
DEPARTMENT OF EDUCATION;)
10 STATE BOARD OF EDUCATION.)

11 Defendants.)
12 _____)

13 Deposition of MARY SEIERSEN, Volume 1,

14 taken on behalf of Defendants, at 990 Walsh

15 Road, Menlo Park, California, beginning at

16 9:59 a.m. and ending at 5:03 p.m. on Monday,

17 June 18, 2001, before THERESA A. DARNELL,

18 Certified Shorthand Reporter No. 9966.
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24
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1 INDEX

2
3 WITNESS: EXAMINATION

4 MARY SEIERSEN
5 Volume 1

6 BY MS. KOURY 5

7 BY MR. JACOBS 233

8
9
10 EXHIBITS

11 1 Complaint (not attached) 25

12 2 Declaration of Carlos Santos, two pages 26
13
14
15
16
17
18
19
20
21
22
23
24
25

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1 Menlo Park, California, Monday, June 18, 2001
2 9:59 a.m. - 5:03 p.m.
3

4 MARY SEIERSEN,
5 having been first duly sworn, was examined and
6 testified as follows:
7

8 EXAMINATION

9
10 BY MS. KOURY:

11 Q Good morning, Miss Seiersen. My name is
12 Vanessa Koury, and I'm an attorney representing the
13 State of California in this litigation.

14 Would you please state and spell your full name
15 and your address for the record?

16 A Mary Seiersen. Seiersen is S, as in Sam,
17 e-i-e-r-s-e-n, and my home [REDACTED]
18 [REDACTED]

19 Q Have you ever had your deposition taken before?

20 A Uh-huh, yes, I did.

21 Q How many times?

22 A Once.

23 Q Do you remember when that was?

24 A It was about two years ago.

25 Q Do you remember what type of litigation it was?

1 A It was a lawsuit.
 2 Q Do you remember what the lawsuit was regarding?
 3 A Yeah, it was personal.
 4 Q Although you've had your deposition taken
 5 before, let me briefly explain to you what -- I'm going
 6 to ask a series of questions today to determine the
 7 facts relating to this matter, Williams versus the State
 8 of California.
 9 The court reporter here will be recording my
 10 questions and your answers which will then be
 11 transcribed into a booklet for your review and
 12 signature. When you receive the booklet, you can make
 13 changes that you feel are necessary. However, the
 14 various lawyers in this case will be free to comment on
 15 any of the changes at trial or at any other hearing or
 16 proceeding in this case. Do you understand that?
 17 A Yes.
 18 Q So again, it's important that you respond to
 19 those questions as fully and fairly as you possibly can.
 20 Do you understand that?
 21 A Yes.
 22 Q When you answer my questions, it's important
 23 that you verbalize your answers because the court
 24 reporter can't record nods or shakes of the head. Do
 25 you understand that?

1 A Yes, I'll try to remember that.
 2 Q It's also very hard for the court reporter to
 3 get a clear record of all the testimony when there's
 4 more than one person speaking at a time, so if you'll
 5 allow me to finish my questions before you begin to
 6 answer, I, in turn, will allow you to finish your answer
 7 before I ask a follow-up question. Is that okay?
 8 A Sure. Uh-huh.
 9 Q If at any time you don't understand one of my
 10 questions, please let me know by saying that you don't
 11 understand, and I will attempt to rephrase the question
 12 so that you do understand it. I will assume that you
 13 understand the questions that I ask unless you tell me
 14 otherwise. Is that okay?
 15 A Yes.
 16 Q You're required to answer my questions to the
 17 best of your ability. In other words, I am entitled to
 18 your best estimate, but I don't want you to guess. Do
 19 you understand the difference, or would you like an
 20 example?
 21 A Give me an example.
 22 Q If I asked to estimate the length of this table
 23 here in this conference room, you could give me an
 24 estimate, because you can see the table and you have
 25 facts to base that estimate on. If I asked you to tell

1 me the length of the table in my living room, you
 2 wouldn't be able to give me an estimate, you'd have to
 3 guess. Is that clear?
 4 A Yes.
 5 Q Because your testimony will be given under
 6 oath, it will have the same force and effect as if you
 7 were testifying in a court of law. In other words,
 8 you're subject to all the penalties of perjury for
 9 giving false testimony. Do you understand that?
 10 A Yes.
 11 Q If you need a break for any reason, please let
 12 me know, and we'll instruct the court reporter that
 13 we're going off the record to take a break. If there's
 14 a question pending, I will ask you to finish answering
 15 the question, and then we'll take a break. Is that
 16 okay?
 17 A Yes.
 18 Q If at any point during today's deposition a
 19 question I ask or an answer that you have given triggers
 20 your memory concerning something we talked about earlier
 21 in the deposition, please let me know that information
 22 so we can get it on the record. If you don't, I will
 23 assume that the answers you give today are full and
 24 complete.
 25 Do you understand these ground rules?

1 A Yes.
 2 Q Do you have any questions?
 3 A No.
 4 Q Is there any reason that you may not be able to
 5 testify and give your best testimony today?
 6 A No.
 7 Q Have you recently consumed any medication?
 8 A Medication such as?
 9 Q Anything -- any substance that would cloud your
 10 mind or interfere with your ability to answer these
 11 questions?
 12 A No.
 13 Q Have you consumed any alcohol?
 14 A No.
 15 Q Do you suffer from any disability of any kind
 16 that would interfere with your ability to answer these
 17 questions?
 18 A No.
 19 Q Where do you live?
 20 A Monterey.
 21 Q Could you describe for me your educational
 22 background?
 23 MS. SOTO HERNANDEZ: Let me just state something.
 24 Any time one of the attorneys objects during
 25 questioning, can you also include me in that objection?

1 Thank you.

2 BY MS. KOURY:

3 Q My question was, if you could describe your
4 educational background.

5 A I have a bachelor's degree in education and a
6 master's degree in educational psychology. I have an
7 elementary teaching credential, K-8, and I have a
8 California administrative credential, K-12.

9 Q Your BA in education, where did you receive
10 your bachelor's degree?

11 A Long Beach State. I think it's called
12 California State at Long Beach now. It was Cal State
13 when I went there.

14 Q What year did you receive your bachelor's?

15 A 1957.

16 Q Where did you receive your master's in
17 educational psychology from?

18 A United States International University. It was
19 extension courses out of San Diego.

20 Q When did you receive your master's?

21 A Oh, gee, want me to give you an estimate? I'm
22 not sure of the year. It would have been sometime
23 around 1990. I don't know the exact year. I'd have to
24 look it up.

25 Q Your elementary credential, K through 8, when

1 A Well, as a site administrator, I'm responsible
2 for the students' safety and their education and for
3 hiring staff and maintaining standards with staff.
4 Anything that has to do with the site is ultimately my
5 responsibility.

6 Q Are you responsible for insuring that the
7 students have textbooks and instructional materials?

8 A Yes.

9 Q Are you responsible for insuring that the
10 bathroom facilities are adequately maintained?

11 A Yes.

12 Q Are you responsible for insuring that the
13 facilities on campus are kept clean?

14 A Yes.

15 Q Are you responsible for assuring that
16 facilities are repaired when necessary?

17 A Yes.

18 Q What do you mean when you say "site
19 administrator"?

20 A The -- the McNair site. So we refer to a
21 school as a site rather than, for instance, a district
22 position. I'm a site administrator.

23 Q So when you state "site administrator," that's
24 just another way of saying principal?

25 A Yes. Another way of saying principal. I was

1 did you receive that?

2 A Oh, that was in 1957 also.

3 Q Is that a clear credential?

4 A Yes.

5 Q So it's still effective?

6 A I have a life credential, that's how long I've
7 had it. In fact, they don't give those anymore. My
8 administrative credential is also a life credential.

9 Q And when did you receive that?

10 A The administrative credential would have
11 been -- well, I became a principal in 1977, so I think
12 it was '76. It was right preceding that time.

13 Q Is that also a lifetime credential?

14 A Yes.

15 Q Are there any other teaching credentials that
16 you have?

17 A No.

18 Q Your current job title is principal?

19 A Principal, yes.

20 Q When did you start working as a principal at
21 Edison-McNair?

22 A August 1st of this last year, so August 1st,
23 2000.

24 Q Could you generally describe to me your
25 responsibilities as principal of Edison-McNair?

1 at one time director of curriculum and staff development
2 in my other district. That's not a site administrator,
3 that's a district administrator. In education we tend
4 to say site administrator, so that's responsible for a
5 particular site.

6 Q Do you know who the principal at Edison-McNair
7 was prior to you?

8 A His name was Bob Morgenstein.

9 Q Do you know how long Bob Morgenstein was
10 principal at Edison-McNair?

11 A No, I really don't.

12 Q Do you know who was principal before he was
13 principal?

14 A No.

15 Q Who's vice principal at Edison-McNair
16 currently?

17 A We have what we call an academy director, which
18 is Edison's term for vice principal. His name is Phil
19 DiGirolamo. Would you like me to spell that?

20 Q I'm sure the court reporter would.

21 A Yeah, I have to stop and think. It's capital
22 D-i, capital G-i-r-o-l-a-m-o.

23 Q Do you know how long he's been vice principal?

24 A He came probably a month after I did, probably
25 around the first of September.

1 Q Was there an acting vice principal before he
2 came?
3 A No. There was a lead teacher that would be
4 responsible when I was gone, but I didn't have an
5 academy director at that time.
6 Q Did that lead teacher take on some of the
7 duties that the vice principal would have had?
8 A Not really, because I was there every day.
9 Q Do you know who was vice principal before --
10 A No, I don't. They had somebody, but I don't
11 know who it was.
12 Q When did you begin work for Ravenswood City
13 Elementary School District?
14 A I don't work for Ravenswood City Elementary
15 School District. I work for Edison Schools.
16 Q Have you ever worked for Ravenswood City
17 Elementary?
18 A No.
19 Q How long have you been working for Edison?
20 A Since the first of August.
21 Q So your first position there was as principal?
22 A Yes.
23 Q Where were you working prior to working with
24 Edison?
25 A Salinas City Elementary School District in

1 Monterey County. Salinas City Elementary School
2 District.
3 Q How long were you there?
4 A Twenty-seven years.
5 Q What position did you have before you took on
6 your position at Edison?
7 A Immediately before I took it on?
8 Q Correct.
9 A I was principal at El Gabilan School in Salinas
10 City.
11 Q What was that?
12 A El Gabilan, Capital E-I, Capital G-a-b-i-l-a-n.
13 Q How long were you principal there?
14 A I was principal there a couple of times over
15 the years. Let's see, altogether -- that was my first
16 principalship, and I was there for nine years and then I
17 went into district work. And let's see, then when I
18 came back there would have been probably three more
19 years. So altogether 12 years on that site.
20 Q You were principal for nine years and then you
21 took on a district position?
22 A Uh-huh.
23 Q What was your district position?
24 A The first district position was director of
25 staff development.

1 Q Was there a subsequent one?
2 A Yes. Then it became director of curriculum and
3 staff development. And the superintendent gave me the
4 opportunity to, for four years that I did that, to also
5 be a site administrator.
6 Q When you say "site administrator"?
7 A Principal.
8 Q How long were you the director of staff?
9 A I was with the district office, I think it was
10 about nine years, and part of that time was also
11 principaling.
12 Q You were principal for nine years?
13 A Yes.
14 Q And then you worked for the district for
15 another nine years?
16 A Yes.
17 Q And that subsequent nine years includes three
18 years of being a principal?
19 A Four, probably.
20 Q Okay. So you worked as a director of staff --
21 A I know it's confusing, but the curriculum
22 offices were on the site of the school, and it was a
23 small school. And as superintendents would like to do,
24 that was convenient, since I was there, to also
25 principal that small school, so they overlapped.

1 Q So were you simultaneously working for the
2 district?
3 A Yes.
4 Q What were your duties as director of staff?
5 A Staff development?
6 Q Staff development.
7 A To see that staff development was provided
8 for -- mainly for teachers, but also for administrators,
9 and --
10 Q How would you do that?
11 A Well, under the guidance of the superintendent,
12 it would be determined, you know, what they felt
13 teachers needed. Otherwise, what is it we need to know
14 now and those kinds of things. And then I would either
15 find people in the district or people throughout the
16 State of California who had the expertise to provide
17 that staff development.
18 Q Was that in terms of training for the teachers?
19 A Yes.
20 Q Also mentoring?
21 A Yes, and I also supervised the mentors. The
22 State of California has a program for mentor teachers,
23 so I supervised them also.
24 Q Did you supervise that only at the school
25 site -- I'm sorry, district site?

1 A No, the mentor teachers, I think -- oh, when we
2 got as large as we could, there was about 18 of them,
3 and so they met with me and they developed curriculum
4 and they mentored teachers and so forth. So it was
5 under my role as director of staff development.

6 Q Were you also involved in hiring practices at
7 the district when you were the director of staff
8 development?

9 A The only hiring I would have been involved in
10 in that role would have been sitting with the committee
11 of teachers that selected the mentor teachers. I didn't
12 vote or, you know, choose, but I organized the
13 interviews and that kind of thing.

14 Q But you weren't involved in developing criteria
15 for hiring teachers for the district?

16 A No, that was a personnel function.

17 Q And as the director of curriculum, what were
18 your duties?

19 A That had to do with -- one of the roles was the
20 working with the teachers in selecting textbooks and the
21 materials as the -- you know, State -- each year the
22 State gives you a different curricular area from which
23 you can select. And so we would develop committees and
24 then the teachers would express their preference out of
25 the choices that the State provided, if there were

1 Web and see Edison Schools, their design is -- includes
2 specials, what we call specials. Special teachers in --
3 we have physical education. We happen to have two art
4 teachers this year. Next year we'll have art and music.
5 We have a drama teacher. We have two world language
6 teachers. One of them is, in addition to the basic
7 English language support that's given, they give more.
8 And then the other one teaches Spanish to the English
9 speakers. So Edison is a great believer in a really
10 complete education. So many of the districts now,
11 because of the scores and the pressure of score
12 percentages, do reading, writing and arithmetic.
13 They're saying no to a more balanced curriculum, and so
14 we provide that.

15 Q What do you mean by they get more support, the
16 world language teacher? You referred to the --

17 A Well, basically -- minimally, the State
18 requires that each student who is an English language
19 learner has to have at least half an hour a day
20 specifically of English language instruction. That's
21 provided in all the classrooms. But we also have what
22 we call a world language teacher who provides in
23 addition to that.

24 Q Is it taught specifically for English learners?

25 A Yes. And then the other children would be

1 choices.

2 Q Are you referring to the adoption cycle?

3 A Uh-huh (nods affirmatively).

4 Q Is that "yes"?

5 A Yes, excuse me.

6 Q As principal for the Salinas District, did you
7 hire teachers for the school?

8 A In conjunction with the director of personnel.

9 Q Why did you leave the Salinas School District?

10 A I retired.

11 Q What brought you back out of retirement?

12 A I don't know. Edison Schools brought me back
13 out of retirement. I was retired last year for the
14 month of July.

15 Q A very short retirement.

16 A Well, they had been talking with me about
17 whether I would be interested in joining Edison, and
18 after looking at their design and their philosophy, I
19 thought, well, you know, this would be an opportunity to
20 do it right, so --

21 Q Why did you think it was an opportunity to do
22 it right?

23 A Oh, you know, really -- I could give you an
24 hour on that probably. Well, one of the things is, if
25 you know anything about Edison, and you can go on the

1 taking Spanish, because that's another thing that I like
2 about the design. They really believe that people
3 should know a second language.

4 Q With world language, how do they give
5 additional training to the English learners?

6 A With Edison Schools, our students go to school
7 200 days instead of 180. They also go eight -- attend
8 eight hours in a day rather than the five and a half or
9 six that the other schools do. And so the way the
10 schedule is set, there are two 45-minute periods where
11 students would go to what we call specials. That's
12 the -- you know, the P.E. teacher and so forth, and so
13 they have a schedule of doing that. At that time is
14 when the teachers on-site have their house meetings. We
15 call houses, their teams. And also may have staff
16 development or may meet with me or may, you know, do
17 work for their students and so forth. So the teachers
18 actually have two 45-minute periods. While the homeroom
19 teachers are doing that, the children are with the
20 specials.

21 Q And when you say "specials," is that world
22 language included?

23 A World language, P.E., art, drama. It rotates.

24 Q Do the world language teachers, are they
25 Spanish proficient?

1 A Yes.

2 Q Or I take it whatever the target language is
3 for the English learners, the world language teachers
4 are proficient in that language?

5 A Yes. Yes.

6 Q In addition to world language, English
7 learn- -- there's an English learner program, is that
8 correct, at your school?

9 A Yes.

10 Q You listed the teachers and the various
11 subjects in answering my question of how Edison does it
12 right. Is it your overall opinion, then, that they just
13 are provided -- these teachers are provided more
14 support?

15 MS. WELCH: Objection, vague.

16 BY MS. KOURY:

17 Q I'm actually -

18 A I'm not understanding the question.

19 Q I'm not sure if you exhausted your answer when
20 I asked you what it is that you meant by Edison's doing
21 it right, and you provided me a list of the various
22 subjects. Is that just your opinion that it's a
23 well-balanced curriculum?

24 A Yes, it's a much more complete curriculum in my
25 opinion.

1 to think whether it came from the State or the district,
2 but it's via the State. The State notifies you.

3 Q Do you know if the school received the funds
4 yet and the award monies?

5 A The school has received their portion, and I
6 believe that the teachers -- because the pay for our
7 teachers flows through the district, and I remember the
8 business manager saying, you know, it's happening right
9 now. I don't remember the date, but it's right about
10 now they're getting their awards.

11 Q Has the school, Edison-McNair, spent the money
12 that it received from this award fund?

13 A It's in our budgets for this year, so --

14 Q Have you earmarked it yet for any specific --

15 A You know, I'm trying to recall, because we did
16 state what we were going to do, and offhand I'd have to
17 go back to the business manager. I don't remember.
18 Because that was requested of us some time ago.

19 Q I'm identifying and marking as Exhibit 1 to the
20 deposition transcript the First Amended Complaint dated
21 August 14th, 2000.

22 A copy of which need not be attached to the
23 deposition transcript, is that okay, Counsel?

24 MS. WELCH: Yes.

25 MS. SOTO HERNANDEZ: Yes.

1 Q And that's because of the additional assistance
2 that the English language learners are provided as well
3 as the other subject matters and the additional
4 instructional time that the students are provided?

5 A Yes.

6 Q Is there anything else?

7 A Well, I think the basic philosophy, which is
8 that all children can learn, and that all children
9 could, you know, be very successful. Edison
10 traditionally goes into districts that are challenged
11 and oversees the most challenged schools.

12 Q Since you've been working at Edison, or from
13 your understanding and conversations with personnel at
14 Edison, are you aware of any awards or recognitions that
15 they've received?

16 A That Edison has received or McNair?

17 Q McNair, Edison-McNair.

18 A Well, what I am aware of is that the goal on
19 the A.P.I. scoring that the State establishes, their
20 goal was 20 points and they made a gain of 52 points
21 last year. Therefore, the school and the individual
22 teachers that were there will receive the monetary
23 awards that the State gives for that.

24 Q How have you been made aware of that?

25 A How have I been made aware of that? I'm trying

1 (Whereupon, Defendants' Exhibit 1 was marked
2 for identification by the court reporter.)

3 BY MS. KOURY.

4 Q I'm asking you to review paragraph -- I'm
5 handing you what's been marked as Exhibit 1, the First
6 Amended Complaint in this case. I'd like you to review
7 Paragraph 136. Just let me know when you've reviewed
8 it.

9 A (Complies.) I've read it.

10 Q Do you understand that these are the
11 allegations the plaintiffs make in this lawsuit
12 regarding the conditions at Edison-McNair?

13 A Do I understand those are the allegations?

14 Q Yes, that plaintiffs have made in this lawsuit
15 regarding the conditions at Edison-McNair?

16 A I assume if it's written in here, it's part of
17 the allegations.

18 Q Other than having read it in this -- is this
19 the first time that you've read it?

20 A This particular paragraph, yes.

21 Q Did you have an understanding about these
22 allegations before reviewing the complaint?

23 A I did see a declaration that was written, but I
24 don't think this particular statement was in it. I
25 don't know. I read it a while ago.

1 Q I'm marking as Exhibit 2 the Declaration of
2 Carlos Santos dated January 30th, 2001. Could you
3 review this declaration, and let me know when you've
4 reviewed it?

5 A Sure.

6 (Whereupon, Defendants' Exhibit 2 was marked
7 for identification by the court reporter.)

8 THE WITNESS: I've read it.

9 BY MS. KOURY:

10 Q Do you understand that these allegations are
11 made by plaintiffs regarding certain conditions at
12 Edison-McNair?

13 A Do I understand that they've made the
14 allegations?

15 Q Do you understand that this declaration is from
16 a plaintiff in this case regarding conditions at
17 Edison-McNair?

18 A Yes, I understand that.

19 Q Are you aware of a survey conducted by law
20 students at U.C.L.A.?

21 A No.

22 MS. WELCH: Objection, vague.

23 BY MS. KOURY:

24 Q Have you ever heard of any of the students at
25 your school filling out a survey from some law students

1 A Oh, yes, I'm sure it's the same as it is with
2 any school.

3 Q Why is it that you're sure it's the same as
4 with any school?

5 A Well, all the teachers go through the district
6 personnel office and are all given the same information
7 as any other teacher would be. And same requirements,
8 to my understanding, are expected of them as anyone
9 else.

10 Q So it's your understanding that the teachers at
11 Edison-McNair have the necessary credentials to teach
12 the courses there?

13 MS. WELCH: Objection; mischaracterizes her
14 testimony, it's vague.

15 BY MS. KOURY:

16 Q You can answer that if you understand it.

17 A Can you restate it. I'm not sure what you're
18 saying.

19 MS. KOURY: Could you read back the question.

20 (Record read as requested.)

21 THE WITNESS: To my understanding, they meet the
22 same requirements as any teacher in the district for the
23 State.

24 BY MS. KOURY:

25 Q And your understanding is based on the fact

1 at U.C.L.A.?

2 A Not that I recall.

3 Q Is Edison-McNair a charter school?

4 A It's referred to as a charter school, yes, it's
5 a partnership with the district.

6 Q Do you know when it became a charter school?

7 A No.

8 Q Do you know how long it's been a charter
9 school?

10 A My understanding is that this is the third
11 year.

12 Q Where is your understanding from?

13 A From Edison.

14 Q Did you get this understanding from materials
15 that you've read from the Edison company?

16 A It may have been in materials, but I've been
17 told that, yeah.

18 Q Do you know if it was a public school before it
19 became a charter?

20 A I believe so.

21 Q Do you know why it became a charter school?

22 A No.

23 Q Do you know if Edison-McNair is subject to the
24 State's credentialing requirements with respect to
25 teachers?

1 that these teachers go through the district personnel?

2 A Yes.

3 Q When you say they go through the district
4 personnel, are you referring to the hiring of your
5 teachers?

6 A I would make the selection, but then all of the
7 paperwork and all of that, they must go to the district
8 personnel office and produce their college degrees,
9 et cetera. Whether they passed the CBEST, all those
10 other kinds of things that the personnel office would
11 ask for. If they somehow didn't meet the State
12 requirements, then I wouldn't be able to hire them.

13 Q Have you ever been told that a particular
14 candidate does not meet the State credentialing
15 requirements?

16 A Well, I've just done this this year, and, no, I
17 don't believe anybody's told me that, no.

18 Q Do you know of any teachers at your school that
19 are on emergency permits?

20 A Yes. Sure.

21 Q Earlier you mentioned your budget. Is there a
22 school -- do you have a school budget for Edison-McNair
23 that's annual?

24 A Yes.

25 Q Could you describe to me that budget?

1 MS. SOTO HERNANDEZ: Objection, vague.

2 BY MS. KOURY:

3 Q Do you have a particular budget for different
4 areas? For example, is there a budget specific for
5 textbooks, a budget for maintenance, or is it -- how are
6 the funds broken down in your budget?

7 A All of the areas would be listed in the budget,
8 yes.

9 Q How about a budget for maintenance, do you know
10 where those funds come from?

11 A My understanding of the funding is that what
12 money that the district receives for students from the
13 State or the federal government flows through to us to
14 the students at our school, then that money could come
15 to our budget.

16 Q Is your budget divided for maintenance and for
17 textbooks, or is it a general budget that you just
18 separately allocate where necessary?

19 A I'm not sure I understand what you're saying.
20 It's a standard school budget. It would have the
21 various areas for textbooks and for maintenance and
22 salaries, et cetera.

23 Q Do you earmark certain amounts of your budget
24 for textbooks and maintenance?

25 A Yes.

1 calls them School Based -- I can't remember. The
2 initials are S.B.C.P., School Based Categorical Program,
3 or something like that. They change the names around.

4 Q What do you use the State categorical funds
5 for?

6 A Those State funds could be used for anything at
7 the school that has to do with supporting students, you
8 know.

9 Q Which would include --

10 A Same kinds of things as Title 1, basically. In
11 a school that was, such as a school like I had in
12 Salinas, where you might have a significant number of
13 students, for instance, that were working above grade
14 level, with that money, you could use that for those
15 students also.

16 Q Going back to your general fund, you allocate
17 certain amounts from your general fund for maintenance
18 and certain amounts for textbooks?

19 A Uh-huh.

20 Q What other kinds of items do you allocate from
21 the general fund? Do you allocate it for staffing
22 needs?

23 A Yes.

24 Q To pay staff?

25 A Yes. Surely.

1 Q But do all the funds come from the district as
2 far as you know?

3 A They come through the district, but we also
4 have, because of the additional things we provide, we do
5 have philanthropy also. So we have additional monies
6 above what the State and the federal government
7 provides.

8 Q Do you receive categorical funds as well that
9 are --

10 A Yes.

11 Q Could you describe to me the categorical funds?

12 A Oh, well, the major amount would be from
13 Title 1. We're a school-wide Title 1 school.

14 Q What are the Title 1 monies used for?

15 A Those are categorical monies that are allocated
16 for what the State calls disadvantaged learners. So as
17 to help support students that are less successful.

18 Q What kinds of items are those funds used for?

19 A Well, when it's a school-wide Title 1, they
20 could be used for additional educational materials, they
21 can be used for -- could be additional personnel, can be
22 staff development for teachers. There's a variety of --

23 Q Do you know if you received any categorical
24 funds from the State?

25 A School-based funds, yes. I think the State

1 Q Do you know if your general fund -- I think you
2 stated earlier that it comes or flows through the
3 district.

4 A Yes. The money comes from -- my understanding
5 is the money comes from the State and federal government
6 with the categorical and all that to the district, and
7 then the money follows the students. So if the
8 student's at our school, then the money comes from the
9 district to us.

10 Q And that's what you refer to as your general
11 fund?

12 A I don't know if general fund. You asked me
13 about the budget. I said that's in the budget. I don't
14 know exactly what you mean by general fund.

15 Q Other than funds from the State and the federal
16 government, do you receive any funds specifically from
17 Edison Company?

18 A We receive philanthropy, but that's not from
19 Edison, that's from philanthropists.

20 Q What kind of philanthropy do you receive?

21 A Oh, gosh, you'd really have to ask the Edison
22 people specifically who's providing funding.

23 Q Do they handle that?

24 A Yes.

25 Q Do you know, are any of the applications for

1 such funds done at the school site or by school
2 personnel?

3 A Sometimes they are. I believe my technology
4 lead had written grants for technology that were -- I
5 think to the State and we received those.

6 Q So you applied for additional technology grants
7 from the State?

8 A That was really done before I came, so I
9 shouldn't address that. I just know that there was
10 money that came in for staff development regarding
11 technology.

12 Q How do you know that?

13 A Because I saw the paperwork, and because he
14 told me and I saw it put in the budget.

15 Q Are you involved at all in filling out
16 applications for additional funds such as grants?

17 A I haven't been since I've been at this school,
18 no.

19 Q Do you have any understanding of about how many
20 grants they apply for on an annual basis?

21 A No. They have a grants department in New York
22 that could provide that information, probably.

23 Q Have you done your budget for the next school
24 year?

25 A We have a tentative budget. It hasn't been

1 needs are. I have input into what staff that I think we
2 need, materials, certainly. I have input into all of
3 it. And right now because I'm new, I base a lot of my
4 judgment on what was the previous budget and whether
5 that was adequate.

6 Q When you say "materials," do you mean textbooks
7 as well as other instructional materials?

8 A Yes.

9 Q What about school supplies in general?

10 A School supplies, absolutely.

11 Q How do you determine your needs other than what
12 you just mentioned, which is to -- actually, how do you
13 determine your needs?

14 MS. SOTO HERNANDEZ: Objection, vague.

15 BY MS. KOURY:

16 Q Do you understand the question?

17 A Would you like to clarify?

18 Q Sure. You stated -- and I don't want to
19 mischaracterize your testimony, but you stated that you
20 determined, and I take it this budget, by looking at the
21 budget last year and seeing where the needs are and
22 whether they were adequate. How do you determine
23 whether they were adequate from last year's budget?

24 A Well, if we didn't have enough money in that
25 area, then I might see if there is money, then maybe

1 approved yet.

2 Q Who's involved in organizing your annual
3 budget?

4 A Developing that budget?

5 Q Correct.

6 A That's done with our business manager.

7 Q Is that at the school site?

8 A Yes. He's a business manager both for McNair
9 and for Brentwood, which is the primary school. It's an
10 Edison school. And then with our operations vice
11 president.

12 Q Is the operations vice president at the school
13 site?

14 A No.

15 Q Is this operations manager a district employee?

16 A No.

17 Q Edison employee?

18 A Yes.

19 Q Do you receive any input from the district on
20 your annual budget?

21 A You know, I don't know that. The business
22 manager might know that, but I don't.

23 Q What's your involvement with the annual budget?

24 A Again, how much I have to spend. We talk
25 about, you know, what the dollars are and where the

1 that area needs to be increased or maybe it's a
2 reallocation. One area may not have needed as much and
3 so we moved it to where it was needed.

4 Q To determine whether there's more money needed
5 in a specific area, do you communicate with the teachers
6 of the school?

7 A Oh, sure. The teachers always have input as to
8 what their needs are, sure.

9 Q How about communication with the parents at the
10 school?

11 A We have two committees that are required by the
12 State and that function regularly. One is the -- what
13 we call E.L.A.C., E-L-A-C, English Language Advisory
14 Committee, and the other is a School Site Council. And
15 those are both required in order to receive the
16 categorical funds. And other parents, you know, give
17 input about what they think and so forth, but we meet
18 every month with those two committees so we have regular
19 input from them.

20 Q And you use their input to determine what areas
21 require more funding?

22 A Yes, and Edison also does additional surveys.

23 We have a whole survey that goes to parents and to
24 teachers and to students.

25 Q How often do they conduct these surveys?

1 A That's once a year, to my knowledge. It's a
 2 private --
 3 Q Consulting group?
 4 A Yes. It used to be Harris, but it's a
 5 different company now, but it's, you know -- so it's
 6 done separate from Edison so that you can try and get an
 7 overall picture that's not, you know, directed by the
 8 company or by the --
 9 Q Does this private consulting firm administer
 10 the survey or is the survey administered by the school?
 11 A They deliver them and we distribute them.
 12 Q Do you see the results?
 13 A Yes, when they're finalized. We have certain
 14 time parameters when they go out, when they come back,
 15 and then they send -- well, they send an overall report
 16 on each of the areas to the school and to Edison.
 17 Q Did you see this overall report for last year's
 18 survey?
 19 A Yes.
 20 Q Have you seen the overall report yet for this
 21 year's survey?
 22 A No, it hasn't been completed. I mean, our part
 23 has been, but we haven't received anything back yet.
 24 Q Does Edison conduct any other types of surveys?
 25 A In regard to what?

1 Q Receiving feedback from teachers or students?
 2 MR. JACOBS: Objection, vague.
 3 BY MS. KOURY:
 4 Q Do you understand the question?
 5 A When you say other kinds of surveys, I'm not
 6 sure what you mean. In regard to what?
 7 Q Other types of surveys like the one you just
 8 described to me.
 9 MR. JACOBS: Objection, vague.
 10 THE WITNESS: They do this survey. I don't know of
 11 any other.
 12 BY MS. KOURY:
 13 Q The E.L.A.C. Committee and the School Site
 14 Council, is there any reporting you have to do to the
 15 State with respect to these committees?
 16 A You must -- we provide agendas, minutes and
 17 attendance records for those committees.
 18 Q And your categorical funds are contingent on
 19 conducting these committee meetings?
 20 A I assume so.
 21 Q What is that assumption based on?
 22 A On the fact that I've been doing this for 25
 23 years and I've always had the committee and I've always
 24 gotten the money.
 25 Q Okay.

1 A They're really important, though, those
 2 committees are. The committees are not all parents, you
 3 know, that's -- the requirement for School Site Council
 4 is that half the committee is staff and half of the
 5 committee is parents.
 6 Q At the E.L.A.C. -- with respect to the E.L.A.C.
 7 Committee, what kind of things do you discuss at the
 8 committee meetings? Have you been present at the
 9 committee meetings?
 10 A Oh, yeah. Yes. I'm at all of them unless -- I
 11 think -- I think I was ill once or something. And so is
 12 my academy director, because he really is managing that
 13 committee but I'm in attendance.
 14 Q What kind of things are discussed at the
 15 E.L.A.C. Committee meetings?
 16 A The primary thing that the parents have brought
 17 up, and the one who's generally speaking is Mr. Lopez --
 18 the main thing that he talks about is, are the children
 19 being redesignated.
 20 Q Is Mr. Lopez a parent?
 21 A Yes.
 22 Q He's on the committee?
 23 A Yes. He's a chairperson on the committee, and
 24 he's the vice chair of the School Site Council.
 25 Q Are the meetings held in such a way that it's

1 open for discussion, or does someone lead the
 2 discussions?
 3 A The agenda is prepared by the academy director
 4 with the chairperson of the School Site Council and with
 5 input from also the E.L.A.C. Committee. Whatever they
 6 want on the agenda is what's there. The kinds of things
 7 we would put on the agenda is if there were something
 8 that the State required.
 9 Q How do you know if the State's requiring
 10 something for the agenda?
 11 A The director of special projects in the
 12 district would say, you know, that this needs to be
 13 completed at this time and so forth and she informs us
 14 of those requirements.
 15 Q And you stated earlier one of the issues was
 16 redesignation?
 17 A Uh-huh.
 18 Q What do you mean by that?
 19 A Well, he wanted to be sure that the
 20 redesignations were happening. Otherwise -- do you know
 21 what the redesignation is, or do you want me to explain
 22 it?
 23 Q Sure, explain it.
 24 A Okay. If a student is a second language
 25 learner, there are certain standards they have to meet

1 in order to be redesignated. One is a certain
 2 percentile on the SAT-9. The other is that they have
 3 indicated on -- the tests they've been using in this
 4 district is the I.P.T., and don't ask me what the
 5 initials stand for because I don't know. Every district
 6 seems to have a different test. They must show certain
 7 amount of proficiency in English on that in order to be
 8 then officially redesignated and so forth so that when
 9 they go on to the next grade or to the high school, it
 10 indicates that they would have a full English program
 11 without needing to have the daily support in English
 12 language learning. Now, they should have some kind of
 13 support, in my opinion, but I don't think it's required
 14 other than a follow up.

15 Q What was the parent's concern with respect to
 16 redesignation?

17 A The concern he expressed at the meeting was
 18 that he did not care for the high school program for
 19 second language learners so he wanted to be sure that we
 20 redesignated as many people as possible before they left
 21 us in the eighth grade so that they would not be in that
 22 program. That's what he stated to us at the meeting.
 23 So we have gone back through and made sure, first of
 24 all, that we check first and foremost our eighth
 25 graders, because that was a parent request.

1 Q When you say "check," do you mean to determine
 2 whether that child should be redesignated?

3 A Yeah, go back into the records and check the
 4 records and see, you know, have the people that have the
 5 SAT-9 scores and have the sufficient scoring on the
 6 English test, has the paperwork been done, in fact, to
 7 redesignate them.

8 Q Was there anything else that was done in
 9 addressing this parent's concern?

10 A Done in regard to redesignation?

11 Q With respect to this parent's concern regarding
 12 redesignation. You said you went back and checked the
 13 eighth graders?

14 A We checked all the students.

15 Q Was there anything else that was done to
 16 address his concern, the parent's concern?

17 A I don't know what more you would do than to
 18 check all the records and redesignate everybody. He
 19 seemed pleased when we came back and told him what
 20 people had been redesignated. He expressed his pleasure
 21 at our diligence in that area.

22 Q Was there anything communicated to the district
 23 or anyone else with respect to his complaints about the
 24 high school's program for English learners?

25 MS. SOTO HERNANDEZ: Objection, vague.

1 BY MS. KOURY:

2 Q Did you understand that question?

3 A No.

4 Q Did you hear the question?

5 MS. SOTO HERNANDEZ: Sorry.

6 MS. KOURY: That's okay.

7 Q Do you know if his concern with respect to the
 8 high school's English learner program was communicated
 9 to anyone at the high school or at the district?

10 A Do I have firsthand knowledge, no. He's the
 11 chairperson of the district E.L.A.C., so he meets with
 12 the district every month.

13 Q So your understanding based on that is if he
 14 had this complaint, he could voice it through that
 15 committee?

16 A Absolutely.

17 Q How about the School Site Council, how often do
 18 they meet?

19 A They meet once a month. The State allows that
 20 you can, if the parents choose to, meet together as one
 21 committee, and I've always had that happen in the past.
 22 But at this school, the English language learners wanted
 23 to have a separate meeting, so we meet on the same
 24 night, but -- for instance, the original set up, I think
 25 we've moved the times up a little bit, is like the

1 E.L.A.C. would meet at 6:00 and then the School Site
 2 Council would meet at 7:00. And since some of the
 3 E.L.A.C. Committee members are on the School Site
 4 Council, they just -- and what's happened, is the School
 5 Site Council people tend to come early and everybody
 6 just sort of is together.

7 Q So you attend the School Site Council meetings
 8 as well?

9 A Surely.

10 Q And what kind of things are discussed at the
 11 School Site Council meetings?

12 A Could be anything that people want to bring up.
 13 But the School Site Council has a specific obligation to
 14 review the program plan that's written and to approve
 15 the categorical budget. They do that once a year.

16 Q Does someone prepare an agenda for these
 17 meetings?

18 A Yes.

19 Q Who prepares the agenda?

20 A The academy director with the chairperson of
 21 the School Site Council.

22 Q Do you know how he goes about preparing the
 23 agendas?

24 A What do you mean how?

25 Q What does he do to determine what to put on the

1 agenda for one of these meetings?
 2 A He meets with Mrs. Holmes and she tells him
 3 what she wants on there and he probably would have input
 4 then, too, of things he wants on the agenda. So it's
 5 done mutually.
 6 Q Who's Ms. Holmes?
 7 A She's the chairperson of the School Site
 8 Council.
 9 Q Does she get input from parents in determining
 10 what issues to discuss?
 11 MR. JACOBS: Objection, lacks foundation.
 12 BY MS. KOURY:
 13 Q Do you know?
 14 A I would think from her comments, that sometimes
 15 it's from other parents, yes.
 16 Q Who's on the council, the School Site Council?
 17 A Who as far as names?
 18 Q No. Are there teachers on the School Site
 19 Council?
 20 A Yeah, School Site Council is -- the design is
 21 set up by the State. Half of the committee is parents
 22 and half of the committee is staff, and of the staff
 23 half, over -- one over half must be teachers, and the
 24 principal is required to be a member.
 25 Q Do you know if he receives any input from the

1 State with respect to the agenda?
 2 A Indirectly perhaps through the district's
 3 special projects director. As I said, she may say, you
 4 know, these are kinds of things that have to happen now
 5 or the input that we have to have now, reports that are
 6 due and so forth, and those directives would come to her
 7 from the State.
 8 Q When you stated earlier that you review the
 9 program plan, what do you mean by program plan?
 10 A Well, each school is required to develop a
 11 program plan under the guidelines from the State.
 12 Q Do you know what a program plan entails?
 13 What's included in a program plan?
 14 A Well, basically its focus is on student
 15 achievement and then meeting whatever the State
 16 regulations are.
 17 Q Is that similar to your -- are you familiar
 18 with a program quality review?
 19 A Yes.
 20 Q Is it similar to an action plan under a P.Q.R.?
 21 A Yes.
 22 Q Is it the same for Edison-McNair, that a
 23 program plan as -- is the P.Q.R. action plan?
 24 A If you had a P.Q.R. and there was action
 25 required under that, then that would become a part of

1 your program plan.
 2 Q Does Edison-McNair have a P.Q.R. action plan?
 3 A We follow the same guidelines as any other
 4 public school.
 5 Q Are you familiar with Edison-McNair's action
 6 plan, P.Q.R. action plan?
 7 A I'm familiar with their program plan that was
 8 written last year and we're writing one for this year.
 9 Q A program plan?
 10 A Uh-huh (nods affirmatively).
 11 Q How are you writing the program plan?
 12 A How are we writing it?
 13 Q Right. Who's involved?
 14 A Ultimately -- well, the actual writing of it
 15 happens with the leadership team, and then the district
 16 provided a consultant who's familiar with all the
 17 regulations to make sure that we have -- and what we're
 18 trying this year is a little different --
 19 Q These are State regulations?
 20 A Yes, uh-huh.
 21 Q Who's on your leadership team?
 22 A The leadership team is the academy director.
 23 Q Are you on the team?
 24 A Yes. And the lead teachers.
 25 Q What is a lead teacher?

1 A In Edison's format, we are arranged in houses.
 2 In teams, but they're called houses, and they're for the
 3 most part by grade level. And each house has a lead
 4 teacher who has the -- is paid extra money for the
 5 responsibilities of the house. As I told you before, we
 6 have two 45-minute periods when the children go to
 7 specials. One of those 45-minute periods each day -- or
 8 at least four times a week the house meets, so that lead
 9 teacher meets with the house members. And then they
 10 could be talking about whatever's going on in the house.
 11 It could be student achievement, it could be code of
 12 conduct or student discipline. It can be -- oh, for
 13 instance, the seven-eight house, of course, are very
 14 busy with their eighth grade graduation and those kinds
 15 of things, and so it's -- I really love it because it's
 16 a wonderful form of communication. Then the lead
 17 teachers meet with me once a week.
 18 Q When you say you "love it," do you mean the
 19 house teams?
 20 A Uh-huh, yes.
 21 Q You find the communication -- I'm sorry, you
 22 find that it encourages communication between the
 23 teachers as well as with you?
 24 A Yes, absolutely. I think that it really
 25 facilitates communication and having more input from all

1 the teachers.

2 Q With the program plan, you were beginning to
3 describe to me how you were developing your program
4 plan. What kinds of items are included in the program
5 plan?

6 A Well, doing it a little bit differently this
7 year, because we have the program plan that's required
8 by the State, but Edison also has a student achievement
9 plan that's required. So in working with the
10 consultant, I am trying to meld both of them together,
11 and so that our program will not only include what the
12 State requires but also what Edison's expectations are.
13 If you've ever seen a program plan, it says what the
14 action is that needs to happen and who's going to be
15 responsible and when you're going to do it and that kind
16 of thing. So it's really an action plan. And it can
17 address -- well, it would address what needs to happen
18 with English language learners. Basically all the kinds
19 of things that the State would require for students, you
20 know.

21 Q Do you look at the curriculum and determine the
22 curriculums for the core courses to determine whether
23 those are adequate?

24 A The curriculum that's provided is approved by
25 the State of California.

1 Q I guess I'm trying to get a little more
2 specific. You stated that you look into and address the
3 English language learner program as well as all learners
4 at your school. How do you do that in a program plan?

5 A Well, one of the things might be -- for
6 instance, in the one we're writing now, it would say
7 what kinds of percentile gains you were looking for from
8 student testing. It would say --

9 Q In other words, you're analyzing the testing
10 data?

11 A Yes, it has quite a section on data analysis.

12 Q What kind of data does it look at?

13 A Well, we look at our SAT-9 scores. But in
14 Edison we also do benchmarks. What we call benchmarks.
15 Edison has developed benchmarks that coincide with the
16 State's standards and the SAT-9 testing so that our
17 students would take the benchmark tests -- it's designed
18 to be monthly, but we had some technological issues this
19 year so we couldn't do it every month, but --

20 Q In other words, they test every month?

21 A Uh-huh. They're just brief tests on reading,
22 language and math.

23 Q Assessment tests?

24 A Uh-huh (nods affirmatively). Hopefully, with
25 doing it that way -- you know, traditionally you have a

1 Q Is there anything within your action plan that
2 addresses the curriculum?

3 A I don't understand the question.

4 Q You said that you look at the English language
5 learner program, and that's part of the program plan?

6 A Uh-huh.

7 Q Is there anything that you look at with respect
8 to the -- the other courses, non-English classes?

9 A Yes, all student learners are addressed in the
10 program plan. Surely.

11 Q Do you -- have you looked at previous action
12 plans, P.Q.R. action plans, in coming up with a program
13 plan this year?

14 A What I looked at specifically this time was
15 last year's program plan and the student achievement
16 plan from Edison, and then happily the district provided
17 a consultant to work with us who is really knowledgeable
18 about State regulations to be sure that, you know, we
19 will be in compliance with the regulations.

20 Q What kinds of things do you put in the program
21 plan to insure student achievement or to --

22 MS. SOTO HERNANDEZ: Objection, vague.

23 BY MS. KOURY:

24 Q Do you understand that question?

25 A I'm not sure what you're trying to ask me.

1 test at the end of the year, and our feeling is that if
2 we test more frequently, then we analyze that and the
3 teachers are going to teach the things that the children
4 don't know so that they'll be on course. Also it really
5 works well because we use in conferences with parents,
6 too, that information. So, for instance, let's say we
7 gave a benchmark in February and the child was not
8 successful with the math, then we would conference with
9 the parents and let them know that.

10 Q Is that information, the conferencing with the
11 parents, used in developing the program plan?

12 A The benchmark -- yes, the benchmarks and all of
13 that kind of testing would be used. For instance, you
14 know, I don't really know when we're going to get the
15 SAT-9s back. It's not going to be before school's out,
16 I feel confident. But when we do get that, even though
17 we've written a program plan -- program plans is what we
18 call a living document. In other words, we'll go back
19 and we'll adjust if we see from results of your testing
20 that we needed to do something additional in a
21 curricular area, then we would add that or revise it to
22 meet those needs.

23 Q How often do you assess that, whether the
24 program plan is adequate for meeting your needs or
25 addressing your needs?

1 A Oh, gosh, as needed.
 2 Q Would you say it's done at least once a year?
 3 A At least once a year. Certainly after we get
 4 the SAT-9 scores back it will be done, but then --
 5 (Interruption in the proceeding.)
 6 (Recess.)
 7 BY MS. KOURY:
 8 Q At a minimum, you assess the program plan at
 9 least once a year, specifically after the SAT-9 tests;
 10 is that true?
 11 A Yes. I think in this environment, it's going
 12 to be more than that since we're combining our Edison
 13 student achievement as part of the program plan, and
 14 that's discussed fairly regularly in house meetings so
 15 that -- one of the reasons I'm doing that is because
 16 then I think it will cause us to talk about the whole
 17 program plan more often.
 18 Q How's the program plan implemented after it's
 19 revised?
 20 A You mean the process of how we go about that?
 21 Q Correct.
 22 A Well, first of all, as I said before, the way
 23 it's written is it's written as to who's responsible and
 24 when things that are supposed to happen. You know, such
 25 and such maybe is to happen in October, whatever. We

1 write that all out so that we can put it on the calendar
 2 and see what needs to happen when, and then we monitor
 3 that.
 4 Q Who monitors the calendar?
 5 A I do and the academy director does.
 6 Q When you say "monitor," do you mean that you
 7 insure that the certain item is completed on the date
 8 that it's supposed to be completed as reflected on the
 9 calendar?
 10 A Yes, or revised if we determine, you know, that
 11 part of that is, well, it can't happen at that time or
 12 it needs to happen differently and so forth, and that's
 13 part of the revision process.
 14 Q Does responsibility vary depending on the item?
 15 A Yes, and it's written in the plan. It could be
 16 that it's my responsibility or the academy director or
 17 it could be the lead teachers or teachers in general.
 18 It depends on what it is.
 19 Q Who has copies of the calendar?
 20 A Of the calendar or of the program plan?
 21 Q What about just -- what's on the calendar?
 22 A Well, the program plan says when things are
 23 supposed to happen.
 24 Q Does it say who is responsible for a particular
 25 item?

1 A Yes, and so all teachers would have that and
 2 the parent committees have that and any other parent who
 3 wants it is can certainly have it. Most parents are not
 4 usually -- you know, it's very technical kind of stuff,
 5 but the committees -- and it's reviewed in the committee
 6 meetings.
 7 Q Is the program plan given to the district?
 8 A Yes.
 9 Q Ravenswood District?
 10 A It has to be turned into the State, is my
 11 understanding, so it goes to the district and they turn
 12 it into the State.
 13 Q What's your understanding based on?
 14 A Past practice. Where I come from.
 15 Q Do you give a revised program plan each time
 16 you revise the program plan to the district?
 17 A Not necessarily.
 18 Q How often do you give a version of the program
 19 plan to the district?
 20 A In this district I wouldn't be able to answer.
 21 I haven't had enough experience with them to know.
 22 Q Have you given -- are you aware of the program
 23 plan being given to the district since you've been at
 24 Edison?
 25 A Well, we'll be providing one for them before

1 our year's out. We go to the end of June. I know most
 2 of the schools are ending now, but our program, we go to
 3 the 29th of June, so our things are due at a little bit
 4 different times.
 5 Q Right. Are you aware of the Coordinated
 6 Compliance Review, C.C.R.?
 7 A Uh-huh.
 8 Q Do you know if Edison undergoes C.C.R.?
 9 A We have all the same regulations as any public
 10 school, sure.
 11 Q Since you've been at Edison, have you been
 12 involved with C.C.R.?
 13 A We're just being involved -- we're just doing
 14 C.C.R. right now, as a matter of fact, this year.
 15 Q When you say you're doing C.C.R., what do you
 16 mean by that?
 17 A Complying with whatever they ask us to do in
 18 showing that we are in compliance.
 19 Q Do you know if Edison-McNair is involved in
 20 doing its self review right now?
 21 A Yes.
 22 Q Have you used portions of the program plan and
 23 your involvement with the program plan in order to
 24 conduct the self review?
 25 A I'm not sure I understand what you're saying.

1 Q Let me rephrase that.
 2 Have you used any of the information that
 3 you've gathered for the program plan in order to do the
 4 self review for C.C.R.? Is there any overlap between
 5 the program plan and self review?
 6 A Yeah, I guess I would say -- we have a
 7 particular list of the questions and so forth for the
 8 staff to fill out to -- in regard to C.C.R.'s. But all
 9 those things are really rather interrelated.
 10 Q When did you begin the self review for C.C.R.?
 11 A We're just doing the self review now.
 12 Q When you say "now," do you mean this past
 13 month?
 14 A Yes.
 15 Q Is that the only involvement that Edison-McNair
 16 has had with C.C.R. this year, the self review, in other
 17 words?
 18 A Uh-huh. Yes. We've met with the director of
 19 special projects to be informed that we need to do this.
 20 Q Is that the director of special projects for
 21 the district?
 22 A Uh-huh. Yes. To my knowledge, there isn't
 23 anything different that Edison-McNair does in regard to
 24 C.C.R.s, program plans or -- we might add more, but we
 25 follow the same guidelines.

1 Q As other public schools?
 2 A As other public schools, surely.
 3 Q And how have you gone about beginning the self
 4 review?
 5 A I don't think I understand what you're saying.
 6 What do you mean?
 7 Q You said you just began a self review this past
 8 month. What have you done?
 9 A We've developed an information page for the
 10 teachers to answer and fill-in, and then we'll make a
 11 composite from that to see whether we're fully in
 12 compliance or whether there's other things that we need
 13 to do.
 14 Q Have you received the information back from the
 15 teachers yet?
 16 A No.
 17 Q When do you expect you'll receive that
 18 information back?
 19 A Well, it has to be back before the 29th of
 20 June.
 21 Q Do you expect that the composite will be
 22 completed before the 29th of June as well?
 23 A Yes.
 24 Q And from that, will some document be created
 25 such as a self review document?

1 A There's a whole manual on C.C.R.s, and there
 2 are pages in there that need to be completed.
 3 Q And whose responsibility is it to complete the
 4 manual?
 5 A Well, ultimately, it's mine.
 6 Q When do you expect to have that completed?
 7 A Well, we need to have everything back to the
 8 director of special projects before we leave on the
 9 29th.
 10 Q And is it your understanding from there that
 11 the director will then pass that along to the State?
 12 A That would be my understanding.
 13 Q Other than the benchmarks which you discussed,
 14 any other types of assessment tests that Edison
 15 conducts, the Edison Company, or contracts with third
 16 parties in order to conduct?
 17 MS. SOTO HERNANDEZ: Objection, vague.
 18 BY MS. KOURY:
 19 Q Do you understand the question?
 20 A Are you asking me what kinds of assessments are
 21 done with children so that we know what to teach or what
 22 to review, is that what you're saying?
 23 Q Yes.
 24 A Well, that's ongoing in the classroom. You
 25 know, teachers are assessing all the time what they're

1 teaching. We also have this Success For All reading
 2 program which is different than what the district has.
 3 But Edison uses that program nationwide and that has a
 4 regular assessment schedule so that you see what
 5 progress students are making.
 6 Q Could you describe to me what the Success For
 7 All program -- is that the name of it, Success For All?
 8 A Uh-huh.
 9 Q What is that program or system?
 10 A It's a reading program that is done out of --
 11 oh, let's see. Dr. Slavin is from -- I'm having a
 12 senior moment. I can't think of the name. But you know
 13 it as well as I do. It's in the East. I can't think of
 14 it. It will come to me later.
 15 MR. JACOBS: S.R.A.?
 16 THE WITNESS: No, it's Success For All, S.F.A. And
 17 it's Dr. Slavin. Anyhow, he's done all kinds of
 18 research and so forth on what skills the student needs
 19 to know in order to be successful in reading. He sets
 20 up a very specific way -- I mean, the program's very,
 21 very structured, very detailed, and it is, you know,
 22 even prescribed to how many minutes the teacher is to
 23 spend on what part of the reading instruction and so
 24 forth.
 25 BY MS. KOURY:

1 Q So is it just the reading teachers that
2 implement the Success For All program?
3 A Yes. And it's called -- we do it through sixth
4 grade. There is a different program in seventh and
5 eighth.
6 Q So does the entire reading curriculum for K
7 through sixth consist of the Success For All program?
8 A Yes.
9 Q Are there specific instructional materials for
10 the Success For All program?
11 A Yes.
12 Q And how do they assess whether the Success For
13 All program is effective with the students or not?
14 MR. JACOBS: Objection, vague.
15 BY MS. KOURY:
16 Q Do you understand that question?
17 A How does who assess what?
18 Q How does the teachers assess whether the
19 program is -- you said earlier that there is an
20 assessment throughout the Success For All program, what
21 did you mean by that?
22 A Yes, they have specific assessments. In a
23 Success For All program, children are grouped according
24 to their reading proficiency, and so the assessments are
25 done, I think it's quarterly -- yeah, quarterly, to

1 determine what level the student should be.
2 Q How do they do that? What do they assess what
3 level a student should be at?
4 A They have a little assessment test that they
5 give.
6 Q Is it written, the test?
7 A Yes. And it goes -- also in addition would be
8 input from the teacher, you know, as to their opinion
9 about -- and then they regroup. One of our teachers is
10 a Success For All coordinator. That's an extra
11 responsibility for that person for which they are paid,
12 and they have release time in order to supervise that.
13 Q Who takes the results of the assessment tests
14 and determines what level the student is reading at
15 or --
16 A Does the regrouping?
17 Q Exactly.
18 A Aren't I helpful? These teachers are terrible.
19 The S.F.A. coordinator takes all that
20 information from the teachers and then regroups.
21 Q Is this your first year using the Success For
22 All program? Meaning --
23 A Me, personally?
24 Q Correct.
25 A Yes.

1 Q Do you know, are these instructional materials
2 used for this program, are they bought separately from
3 other instructional materials or are they bought with
4 funds that you would buy other textbooks as well?
5 A It's with textbook funds. It's approved by the
6 State of California. If you're familiar with that, if
7 it's on the matrix, then you can use the State's funds
8 for many uses. But we order our materials through
9 Edison because it's nationwide.
10 Q Do you order all of your textbooks and
11 instructional materials from Edison?
12 A Yes. The only thing that I haven't done that
13 way was I wanted to have a consistent program for
14 English language learners, and there were two different
15 programs that the district was using and that were
16 approved by the State and so I did directly purchase the
17 Santillana for English language learners.
18 Q When you say -- so you purchased those
19 materials from the district as opposed to Edison?
20 A Not from the district, from the Santillana
21 people.
22 Q Are the Santillana people a publisher?
23 A Yes, uh-huh.
24 Q A publisher that's approved by the State?
25 A Yes.

1 Q Earlier you were telling me about the A.P.I.
2 scores, that they've increased, they hit their target?
3 A Exceeded their target.
4 Q Exceeded their target.
5 Do you know, or have you heard from any of the
6 other teachers, what caused the students to hit their
7 target?
8 A (Nods negatively.)
9 MS. SOTO HERNANDEZ: Objection; lacks foundation,
10 vague, calls for speculation.
11 BY MS. KOURY:
12 Q Have you heard any of the other teachers
13 discussing the fact that the students exceeded their
14 A.P.I. target?
15 A Not other than the fact that they were pleased.
16 Q Do you know if there were any additional
17 programs or strategies put in place in order to achieve
18 the A.P.I. target last year?
19 A I don't know. I wasn't there.
20 Q Do you know if Edison-McNair is involved in
21 I.I.U.S.P.?
22 A In what?
23 Q Have you heard of the term I.I.U.S.P.?
24 A I don't recognize that term. What's it stand
25 for?

1 Q Immediate Intervention Underperforming School
2 Program.

3 A You know, it sounds familiar, but I don't know
4 about it. I don't know that term. Every year they have
5 a different title for whatever it is.

6 Q Do you know if Edison has been granted \$50,000
7 in State funds --

8 A Oh, yes. Yes.

9 Q How do you know that?

10 A Because the director of special projects in the
11 district told us we have been.

12 Q Do you know what those \$50,000 are allocated
13 for?

14 A Ours was to be partly for staff development for
15 teachers, and then we were also -- because this money,
16 if it's the money -- if I'm thinking about the same
17 money you're talking about, is to be used for next year.
18 It was staff development and we were looking at having
19 additional resources for children that were having
20 particular difficulties in the way of counseling and
21 extra support.

22 Q What about hiring an external evaluator?

23 A What?

24 Q Do you have any knowledge about hiring an
25 external evaluator, a third-party evaluator?

1 Q What kind of coaching and mentoring?

2 A Well, she has her own company, and she is very
3 experienced and she will come into the classroom and
4 observe the teacher and then conference with the
5 teacher. And one of the things that's really worked out
6 well, because we have these 45-minute periods during the
7 day, she actually can observe, work with the teacher and
8 so forth, and then conference with them right on the
9 same day. And we've been having her come once a week,
10 and I plan to use part of that money next year to do the
11 same thing.

12 Q What's the name of her company?

13 A Oh, gosh. I could find out, but I don't recall
14 offhand.

15 Q It's a private company?

16 A Yes. I became acquainted with her because the
17 district had hired her company to -- I think it was the
18 district, I don't know, it might have been the county,
19 I'm not sure, to work with preinterns, otherwise people
20 who do not have credentials, not just at Edison-McNair,
21 but -- and so she came to our school to work with
22 teachers and --

23 Q Does she work with all teachers, or does she
24 work with teachers that are involved in preintern
25 programs?

1 A Yes.

2 Q Do you know if --

3 A I guess that's his title. Mr. Porter also
4 helped us develop our program plan, and he was the
5 external evaluator, yeah. Or he is.

6 Q Do you know if the \$50,000 funds that you've
7 received were used to pay Mr. Porter in developing a
8 program plan?

9 A I don't know.

10 Q Do you have any other knowledge about the
11 I.I.U.S.P. and Edison-McNair's involvement with it?

12 A Not other than we have received -- that we are
13 to receive it. I don't know whether we've actually
14 received it or not, the business manager would know.

15 Q Have you begun to try to allocate those funds
16 for staff development?

17 A We have ongoing staff development, but my
18 understanding was that that money was to be used for
19 next year, and so we are planning, yeah, for next year.

20 Q How are you planning for next year?

21 A Well, particularly right now, I have had the
22 contract in plan to have another contract with Esther
23 Wright who does coaching for teachers and mentoring and
24 has done some for us this year and has been fabulous.
25 Really helped teachers a lot.

1 A When she came via the district, it was with
2 preinterns. When I hire her privately, it would be with
3 whomever I say, but I would target those people first.

4 Q How about this past year, you said she came
5 once a week to work with teachers?

6 A When she came from the State, it was with
7 preinterns. But then that contract was up and she was
8 so just absolutely excellent in other observations, in
9 her conferencing, in her mentoring the teachers, that I
10 then hired her subsequently.

11 Q Are preinterns teachers that don't have their
12 full credential yet but are involved in a program in
13 order to obtain their credentials?

14 A Uh-huh.

15 Q So in other words, they're involved in course
16 work to obtain their credentials?

17 A Yes, I'm sorry -- you know, I shouldn't say,
18 yes. That's my understanding, because most of the
19 teachers do, under this emergency credential, are taking
20 course work. I don't know how the district decided who
21 they selected, but they just selected, but they were all
22 people that didn't have credentials.

23 Q And were they teachers in the E.L. program as
24 well as teachers teaching normal courses?

25 A Yes.

1 Q Is there any other plan that you have in order
2 to use this money for staffing, other than to fund this
3 training that you just described to me?

4 A Well, as I said before, it depends on whether
5 we have a particular class that we're planning with
6 students who really are at risk of not being able to
7 complete eighth grade, and if we are able to establish
8 that class, then I want to be able to use that money --
9 part of that money to support perhaps an additional
10 instructional aid and/or counseling for those students.

11 Q Do you know if you're receiving -- when I say
12 "you," meaning Edison-McNair, receiving any additional
13 funds in order to implement the program plan next year?

14 A Addition to what?

15 Q Additional to the \$50,000 which we just
16 discussed, which is being used for staffing as well as
17 to hire Mr. Porter?

18 A Well, it would be the basic school base money
19 that we get from the State is for supporting the program
20 plan.

21 Q Do you have any knowledge of any additional
22 funds such as this \$50,000 grant that is on its way to
23 Edison-McNair?

24 A Not that I know of.

25 Q When does the school term begin at

1 district.

2 Q What is the migrant summer school program?

3 A That's specifically for those student who move
4 from school to school or district to district due to
5 their employment either in agriculture or -- I think
6 it's fishing and the lumber industries. I don't know if
7 those still apply, but I think it's those three areas.

8 Q Do you know when this is going to be held, the
9 migrant school program?

10 A Yes, it is the month of July.

11 Q Do you know of any other summer school programs
12 available at the district that are available to the
13 Edison-McNair student?

14 A Yes, I believe the district's having summer
15 school at Cesar Chavez, and our students would be as
16 entitled to attend as any others in the district.

17 Q Are there any before or after school programs
18 offered to the Edison-McNair students for tutoring?

19 A We have an after school program that I believe
20 is provided throughout the district. There was an after
21 school grant that was written, and so we do have a
22 program that goes from -- our school days are also
23 longer, so we start at 7:30 and we end at 3:30. So at
24 3:30 to 5:30, there's an after school program.

25 Q What is the after school program?

1 Edison-McNair?

2 A Last year or next year, which?

3 Q When did it begin this year?

4 A The first day of school was -- whichever the
5 Monday was, 13th or 14th of August.

6 Q And concludes June 29?

7 A Uh-huh.

8 Q Is it a multi-track system?

9 A No, our students attend school 200 days.
10 That's why we start earlier and end after the other
11 schools.

12 Q Do you know how many students attend
13 Edison-McNair?

14 A We have approximately 540 students enrolled.

15 Q And what grade levels does that include?

16 A Grades four through eight.

17 Q And do you know if 20-to-1 class size applies
18 to any of these classes?

19 A No, that's for primary grades.

20 Q Is there summer school taught at Edison-McNair?

21 A No. The district, we are going to house the
22 migrant summer school for the district, but it's not
23 specifically our program. We are housing it there
24 because we're hoping that the Brentwood and the McNair
25 migrant students are allowed, but it's through the

1 A Well, we had kind of fun this year, because we
2 had a combination of things. I don't know if you're
3 familiar with C.N.G., Center for New Generations, which
4 has some kind of affiliation with Stanford. And so we
5 have those classes there, and my understanding of C.N.G.
6 is that it's for students that are not necessarily
7 accelerated or behind, but the average student who'd
8 like to achieve, and they provide their program for
9 that. That's -- the seventh-eighth program is at our
10 school. Then we have reading, we have writing classes,
11 we have some electives that are physical education, and
12 oh, I want to call it strategies. They play different
13 kinds of games that are board games that are strategy
14 kinds of games. And I'm trying to think of what else.
15 We have an algebra class for those students that might
16 like to move ahead in math. I'm forgetting something.

17 Q This after school program, does it only consist
18 of the structured classes? Or are these the classes
19 that you just listed off, the C.N.G., the reading class,
20 the writing class, are they structured classes as
21 opposed to -- could students in this after school
22 program receive assistance in classes they're taking
23 during the day, additional help, for example?

24 A They can, they may. They may from that. We
25 also have -- we're very fortunate that we have students

1 from Stanford that come over to tutor after school also.
 2 Q Is that separate from the after school program
 3 that you just described to me?
 4 A Yes, it is, it's in addition to that, yes.
 5 There's several -- they have a W.I.S.E. program.
 6 Q Is that separate from the Stanford student?
 7 A Those are Stanford's students and it's
 8 particularly to encourage girls.
 9 MR. JACOBS: What was the name?
 10 THE WITNESS: You know, it's W.I.S.E., W-I-S-E.
 11 It's Women In School Education or something like that.
 12 It's a group of young ladies from Stanford who meet with
 13 a group of our girls in order to encourage them to set
 14 their sites a little higher.
 15 BY MS. KOURY:
 16 Q With respect to the after school day program
 17 that you described before with the C.N.G. classes, is
 18 that a structured class where there's a teacher
 19 conducting class?
 20 A Yes. Yes. They receive a grant, so that they
 21 could hire the teachers at \$30 an hour and then provide
 22 the materials, whatever it is.
 23 Q And do you know if this was a State grant?
 24 A No, I don't know that it was.
 25 Q Do you know who applied for the grant, whether

1 it's viable for everybody to have an opportunity.
 2 Q And the W.I.S.E. program that you began to
 3 describe, is that also at the school site?
 4 A At the school site, yes. And then there are
 5 other Stanford tutors also, besides that, and some of
 6 them are because teachers have made connections and
 7 whatever, but we've basically been blessed with a lot of
 8 really wonderful, bright young people that come over and
 9 help.
 10 Q And how do students become aware of these
 11 programs, these additional programs? Is there any --
 12 MS. SOTO HERNANDEZ: Objection, calls for
 13 speculation.
 14 BY MS. KOURY:
 15 Q Do you know?
 16 A Well, the teachers let the students know.
 17 There are fliers that go out to all the parents and so
 18 forth, sure. You have to have parent approval for them
 19 to stay after and participate.
 20 Q Right. Are there any weekend additional
 21 tutoring programs or any additional educational programs
 22 for any of the students at Edison-McNair?
 23 A Not specifically. I mean, things like teachers
 24 took a group of students, you know, on an overnight
 25 camping thing on the weekend and things like that. But

1 it was the district or the school itself?
 2 A I think it was through the district, because
 3 it's district wide, to my knowledge. And the district
 4 did hire out of that grant a district wide coordinator
 5 to be -- who then with the principals saw that the site
 6 coordinator was hired and that kind of thing. And we
 7 have our own teachers who are teaching the courses.
 8 Q Does C.N.G. include the reading and writing
 9 class that you described to me or is that separate?
 10 A C.N.G. is really separate. It's just for
 11 seventh and eighth graders. Another one of the schools
 12 in the district has the C.N.G. for the lower grades.
 13 Q And the reading and the writing classes and the
 14 electives that you described, is that also funded by
 15 this grant?
 16 A Yes.
 17 Q Are those classes also structured classes in
 18 that there's a teacher teaching a course?
 19 A Yes.
 20 Q And is this after school program, which
 21 includes the C.N.G. classes, the reading and the writing
 22 and the electives, is that at the school site, licensed
 23 at that site?
 24 A Yes. And the district does provide bussing at
 25 5:30 for those students that need a bus, so, you know,

1 not specific ongoing tutoring.
 2 Q Right. How about before school? Is there any
 3 tutoring involved before school?
 4 A Not usually. We start at 7:30.
 5 Q Are there computer labs at Edison?
 6 A Oh, you asked a perfect question. That's part
 7 of what Edison's emphasis is. That we have a full
 8 computer lab. In every classroom we have at least three
 9 computers. We have a full -- we have a technology team.
 10 Q There's only one computer lab other than the
 11 computers in each classroom?
 12 A Yes, there's one full computer lab.
 13 Q How many computers are in the computer lab?
 14 A Oh, gosh, at least 30.
 15 Q Is there Internet access for each of those
 16 computers?
 17 A Yes. We also have what we call a Home Lab
 18 Program. If the parents take, I believe it's six hours
 19 of instruction which is provided by our technology lead,
 20 then they may have an iMac to have at home for their use
 21 and the student's use. The student has an e-mail
 22 address, so do the teachers, so they can e-mail each
 23 other back and forth, and it's really nice.
 24 Q Do you know when the computer lab was opened to
 25 the students?

1 A They have a schedule of when the classes go in.
 2 Also, you know, I was talking to you about the
 3 benchmarks in those tests. We did some of them by hand
 4 this year because we were having some issues about -- I
 5 don't know that much about technology, but anyhow it was
 6 too slow, because those benchmarks are really set up to
 7 do on those computers in the labs, so that teachers
 8 could go in and the children can do the benchmarks on
 9 the computers rather quickly. The teachers don't have
 10 to score it, it scored it, the information goes to me,
 11 goes to New York and so forth. So if we can get it to
 12 work a little faster. It has something to do with the
 13 systems and all --

14 Q Is the computer lab open to the students after
 15 school?

16 A If it's part of the after school program. We
 17 have a writing program that's being done with the
 18 computers after school and one of our tech team members,
 19 our library media specialist, is teaching that class.

20 Q Who does the tech team consist of?

21 A Title or their names.

22 Q Title.

23 A Okay. Now this is going to be a test for me.
 24 T.S.L. is the lead of that, and T is technology -- I
 25 think it's technology specialist lead teacher.

1 deal of writing in there. They may do math. Those are
 2 the main things, because they're using it for additional
 3 support, particularly for those core areas.

4 Q So the technology -- the T.S.L. would assist
 5 either a math teacher or a language arts teacher or some
 6 other teacher in using the computers to teach the
 7 particular course that they're teaching?

8 A Yes. They really show them how to use the lab,
 9 what programs are on there. They train the teachers in
 10 how to use the technology. Now, with so many young
 11 teachers coming in they usually are pretty literate on
 12 the computer. And then our library media specialist is
 13 a very experienced teacher and she not only is working
 14 on the quality of the library, but her -- one of the
 15 things that I appreciate the most is that she really is
 16 specifically teaching the teachers how to integrate
 17 technology into the curriculum along with that, because
 18 of her expertise as a teacher, she's really modeling
 19 lessons. It's not just in technology, but a good lesson
 20 on how to work with the students and so forth.

21 Q So the library media specialists oversees the
 22 library as well, did you say earlier?

23 A Well, she doesn't -- you know, she's not the
 24 librarian that sits in the library and checks books out.
 25 That's not her role. But she sees that the selections

1 Q What does that teacher do?

2 A This team is for both schools. It's for McNair
 3 and Brentwood, they go over there. There's that person,
 4 there's a library media specialist also and they meet
 5 with each house, both the McNair and Brentwood once a
 6 week, and either give training to teachers on technology
 7 or deal with the teachers' concerns, you know, for
 8 instance, maybe their printer's not working or something
 9 of that kind of -- but a lot of it's staff development
 10 on how do you use this and that.

11 Q Are these teachers, the teachers that are part
 12 of the technology team, are they paid through the
 13 district funds, the same staffing funds that you pay
 14 your other teachers?

15 A Yes, their pay, I believe, goes through the
 16 district, yes. Most of the people do. I'm not paid by
 17 the district and the business manager's not paid by the
 18 district. I'm not sure if there are others or not, but
 19 I know the two of us are not.

20 Q Do you know who you're paid from?

21 A Edison.

22 Q The computer lab is used by the various
 23 teachers at the school in order to teach whatever class
 24 it is that they're teaching at the time?

25 A They have a regular schedule. They do a great

1 are made, that the books are purchased, that -- she will
 2 be setting up a schedule for next year for the teachers
 3 to come in and so forth. She'll see, for instance, that
 4 students are trained on how to shelve books and that
 5 kind of thing. But she doesn't personally spend her day
 6 in the library.

7 Q Is there anyone else on the team for technology
 8 other than the T.S.L. and the library media specialist?

9 A Well, they wanted to have one other person, and
 10 I know they mentioned this but I don't know if they did.
 11 It's the person that maintains the equipment. It's a
 12 technician, basically, to make sure the computers are
 13 working and, you know, all that kind of thing. We don't
 14 have that person right now. We have to hire one. We
 15 had one, but he left.

16 Q And the computers in the classrooms, do they
 17 also have Internet access?

18 A Yes.

19 Q Do you know what those computers are used for?

20 A Well, they're used for parts of whatever's
 21 going on in the classroom. It might be research if it's
 22 a social studies issue, it might be for writing,
 23 whatever, to support the curriculum. That's part of
 24 what the library media specialist is working with the
 25 teachers. I'm so thrilled to have her because having

1 technology in the classroom certainly wasn't part of
2 what I was teaching, so I'm learning a lot from her
3 about how to do that, too.

4 Q She works with the teachers in order to train
5 the teachers and instructing the teachers in teaching
6 the children how to research with computers?

7 A Yeah, she goes right in the classroom and, for
8 instance, will teach a lesson for the teacher to observe
9 what she's doing and how she's teaching the lesson and
10 how she integrates the technology and so forth in the
11 classroom, so it's great staff development.

12 Q I take it from your prior testimony that there
13 is a library at the school?

14 A There is a library at the school, yes, there
15 is.

16 Q Do you know when it's open?

17 A Right now it's being refurbished. We had
18 volunteers that came in and did a whole what we call
19 weeding, where you go through and take out all the books
20 that are not checked out or no longer pertinent, and so
21 forth and so on, and on top of doing that, they cleaned
22 the whole place, too, which was great. And they had
23 these very nice volunteers that come from the Trinity
24 Episcopal Church in Menlo Park, and they like to do
25 projects, they call Do It In A Day. So they came one

1 A The library media specialist. We have -- the
2 State has provided some funding for purchase of library
3 books and classroom sets of books. The classroom sets
4 of books that are up through fourth grade, so it's only
5 our fourth grades would be able to take advantage of
6 that, but then there's library books also. That piece
7 is coordinated by a person at the district level. And
8 then the same wonderful Trinity Church has also given us
9 about \$5,000 to buy books on our own.

10 Q Is the person at the district choosing the
11 books to buy for the library?

12 A She asks for input from the teachers' survey
13 and so forth. And my library media specialist is the
14 one that meets with her directly on how they're doing
15 that.

16 Q So is it your plan for next year that the
17 library will be open at times for the students other
18 than just during class with a teacher?

19 A We hope so, but that will depend on whether we
20 have the funding to have a library clerk in there,
21 because we wouldn't leave children unsupervised in the
22 library. But they certainly will have their regular
23 class times with additional -- quite a bit of
24 additional -- probably close of \$20,000 worth of new
25 books.

1 Saturday with Denise and just pulled every book off
2 there that doesn't belong and so forth. And then also
3 with the cooperation of Walter, who's the children's
4 librarian at the East Palo Alto Library, and so they
5 purchased new books and so forth and bringing that
6 library into full use for next year.

7 Q How long has it been closed, do you know?

8 A Well, it hasn't been open this year the way we
9 wanted it open. Teachers take their students in there,
10 you know, and check out books and so forth, but the
11 library was also part of what I supervised when I was
12 director of curriculum, so I have real strong feelings
13 about what that ought to be.

14 Q So it's been available to the teachers to take
15 students in the library, but otherwise it's not been
16 available to the students unless they go with a teacher?

17 A They must be with a teacher. We also have
18 three computers in the library, so sometimes when the
19 students are in the library, they would be looking up
20 things in there, too.

21 Q Is there Internet access for these computers as
22 well?

23 A Yes, uh-huh.

24 Q How are you purchasing new books for the
25 library, who's coordinating that?

1 Q How have you gone about trying to determine
2 whether you'll have funding for a library clerk? Is
3 that through the district?

4 A I don't know if I understand -- in looking at
5 my budget, if I have enough money in personnel to hire
6 that person, I will do that. Otherwise, I will probably
7 be able to use volunteers, because we also have
8 volunteers that come from Oak Knolls School. Oak Knoll
9 School adopted us this year.

10 Q What is that, Oak Knoll School?

11 A Oak Knoll School is an elementary school in
12 Menlo Park.

13 Q Is that a private school?

14 A No, it's a public school.

15 Q What do you mean they adopted you?

16 A Well, they decided we would kind of be sister
17 schools and they have a number of their parents who come
18 to volunteer at our school and also we've been doing
19 some student exchange. Their fourth graders wrote
20 letters to our students and then their fifth graders
21 made a video so our library media specialist is also
22 working with them for our children to respond and so
23 forth, then we're hoping next year maybe we can actually
24 physically visit each other and do that kind of thing.

25 Q Is this a program through the district where --

1 A No. It's just one of those sort of home grown
2 grass-roots things that happens. One of the mothers
3 over there was volunteering in the school, and I really
4 don't know how that happened, and she mentioned to other
5 people that she really enjoyed doing that, and it just
6 kind of grew and she organized it and --

7 Q Do you have parents at Edison-McNair that
8 volunteer?

9 A Sometimes. Most of our parents are working
10 probably two jobs, so they don't have a lot of time.
11 But when they have time, they come. These mothers from
12 Oak Knoll School don't work.

13 (Discussion held off the record.)

14 BY MS. KOURY:

15 Q Can you describe to me any practices in place
16 at Edison relating to the number of students allowed to
17 enroll at Edison-McNair?

18 A Our classes are generally set at approximately
19 30 students.

20 Q Do you know, is that a practice that's in place
21 at Edison-McNair that's promulgated by some sort of rule
22 or regulation by the Edison Company or is it just a
23 practice that you have in place?

24 A It was a practice that was in place when I
25 arrived.

1 Q Do you know where it came about from?

2 A No.

3 Q Do you know if there is a limit as to how many
4 students that can enroll at Edison-McNair?

5 A Yes.

6 Q What's that limit?

7 A We have had classes of 32. When we set up for
8 next year, we'll set up with higher than 30, because
9 they don't all arrive, you know. But the intent to is
10 average 30 students. So sometimes one class might be a
11 little higher and one's a little lower. But we set our
12 budget on an average of 30 students.

13 Q Do you make projections for the upcoming school
14 year of how many students you expect will enroll?

15 A Yes.

16 Q And how do you do that?

17 A Well, a couple of things. The first thing we
18 look at is what we call a straight line projection. Are
19 you familiar with that?

20 Q Why don't you explain that to me.

21 A Well, you just move 'em all up one. For
22 instance, we're expecting to have a higher enrollment
23 next year because we have 78 eighth graders, but there
24 are 140 third graders coming into fourth grade. So if
25 you just move everybody up, you're going to have more

1 students.

2 Q Right.

3 A And that's one of the ways. Try to take a look
4 at turnover, because we have quite a bit of transciency,
5 you know, a lot of ins and outs. I don't have that
6 history at that school to get a good look at that, so we
7 put out to the parents an intent to return letter,
8 asking them if as far as they knew at this point, did
9 they intend to return so we can get an idea.

10 Q When you say "transciency," what do you mean?

11 A People move a lot. Particularly now. It seems
12 that people that have been there are telling me -- we
13 have parents coming in who are -- they can't afford to
14 live there anymore. And they're going to Stockton and
15 Tracy and Modesto and all those kinds of places. So I'm
16 a little uncertain now.

17 Q Does that make your projections a little more
18 difficult?

19 A Yes, certainly. If that's a consistent trend
20 in that neighborhood and if there aren't people coming
21 in to replace them then it's going to make a difference.

22 Q Have you heard from the other teachers and
23 other personnel at Edison-McNair that that is the trend?

24 A I think that it's a growing trend, because of
25 the cost of living here.

1 Q And the intent to return to the parents, have
2 you already sent that out this school year?

3 A Oh, yes.

4 Q Have you received the responses?

5 A It was a little in excess of 80 percent of the
6 parents returned them, and most of the people said they
7 were going to return. But then the 20 percent that
8 didn't return it are probably likely -- the other thing
9 is, Vanessa, right now people tell you, but they don't
10 know what they're going to do next month. They really
11 truly don't know. They give you their best estimate.

12 Q Does that make it even more difficult?

13 A Surely, uh-huh. We are planning to increase by
14 one teacher for next year on the basis of the larger
15 class coming in in the fourth grade.

16 Q Do you look at these projections in order to
17 determine how many teachers you need?

18 A Oh, absolutely.

19 Q And you stated that based on -- or I should
20 ask, based on this projection you've determined that you
21 need one additional teacher?

22 A Yes.

23 Q Is there any other effect that these
24 projections has planning for next school year?

25 A I'm not sure I understand what you mean.

1 Q Well, you say you try to have an average of 30
2 students per class. Do you use these projections in
3 order to determine how many classes you'll need?
4 A Yes.
5 Q Are there any collective bargaining
6 restrictions on class size that you're aware of?
7 A Not for Edison.
8 Q Is it something specific about Edison that
9 applies so that these restrictions don't apply?
10 A We don't -- aren't a part of all parts of that
11 collective bargaining agreement, and you could check
12 with Edison New York, but when they -- my understanding
13 is when they do the charter and then they make
14 agreements to what parts they will agree to or not.
15 Q What parts of the collective bargaining --
16 A Well, for instance, in the collective
17 bargaining agreement it says, how many days, you know,
18 and hours and working conditions. Well, obviously our
19 teachers work more days and more hours, and they're
20 compensated for that, so we don't follow their salary
21 scale here because we pay more for our teachers.
22 Q Do you know for classes that have more than 30
23 students, is there any additional support provided to
24 the teachers? In other words, are there any teacher
25 aids that float around classes?

1 A No, we might have them have -- but we don't
2 have any specific teacher aids, but they might have, you
3 know, more volunteers assigned to them, et cetera. And
4 that -- with the transiency that we have, you know, you
5 could have 33 students this week and next week you could
6 have 29. So it varies. It pretty well evens out, and
7 we try to when we enroll make it equitable.
8 Q How do you to that? How do you try and make it
9 equitable?
10 A I look at how many students are in each class
11 and unless that child has a particular need that could
12 be addressed better by a particular teacher, then I
13 would assign the students to the class that has the
14 least enrollment.
15 Q When you say you look at the number of students
16 in each class --
17 A Enrolled, uh-huh.
18 Q -- are you projecting for next year to equalize
19 the classes or are you looking at the number of students
20 for each class that were in that class this year in
21 order to determine what classes -- let me withdraw that
22 question.
23 Have you begun to try to set forth a schedule
24 for the number of students and what students will be in
25 each class for next year?

1 A Yes, we're in that process right now.
2 Q Are you looking at the number of students in
3 each class that existed this past school year in order
4 to determine what students will be in what classes next
5 year?
6 A I'm not sure I understand what you're saying.
7 Q You said you try to equalize the classes and
8 you look at the number of students in the class. Is
9 that what you're doing right now for next year?
10 A Yes.
11 Q How do you do that? Are you looking at a
12 school roster that existed for this past school year?
13 A We actually take the students that are enrolled
14 now and then we will include the third graders coming up
15 from Brentwood that will come to us in fourth grade, and
16 the teacher fills out a card with the student's name
17 and, you know, their reading level and whether it's a
18 boy or girl and all those kind of things and then we try
19 to -- by using those cards, establish balanced classes.
20 You know, balanced boys and girls and --
21 Q Do you also try to balance -- you said earlier
22 balance the needs of the students?
23 A Yes.
24 Q What do you mean by that?
25 A Well, we try not to have a genus grouping. You

1 know, if you had 30 children, ideally you'd have five
2 that are excelling and 20 who are somewhere in the
3 middle and five who needed help and so forth. But also
4 we have English language learners that depending on
5 their level, might benefit from having teachers fluent
6 in Spanish. Even though the Proposition 227 I don't,
7 think requires that. We find that that's helpful.
8 Q Right. Have you ever -- are you aware of any
9 of your classes that don't have enough chairs for
10 students in class?
11 A No.
12 Q Have you ever received any complaints that
13 there weren't adequate chairs for students in any of
14 your classes?
15 A No. We have extra chairs in the storeroom so I
16 doubt that.
17 Q How about enough space for desks for students
18 in classes, have you ever been aware of a class that
19 didn't have sufficient desk space?
20 A No.
21 Q Is there a desk for each student in the
22 classes?
23 A Our classes are with tables. We emphasize
24 cooperative learning and the use of cooperative groups.
25 So if you went in our school, you'd see that they have

1 large tables and the children sit at the table.
 2 Q Was that a purposeful decision to use tables in
 3 order to effectuate that cooperative learning --
 4 A Yes.
 5 MR. JACOBS: Lacks foundation.
 6 BY MS. KOURY:
 7 Q Is that "yes"? You can ignore his objection.
 8 A Yes, it is purposeful, because part of your
 9 staff development is emphasizing trying to use
 10 cooperative groups.
 11 Q Is it your understanding that each student has
 12 sufficient space at the table in order to study and
 13 learn?
 14 A Yes.
 15 Q Have you ever received any complaints that
 16 there wasn't sufficient table space for students?
 17 A No.
 18 Q Is there a cafeteria at the school?
 19 A Yes.
 20 Q Do all the students eat lunch at the same time
 21 or are there separate recesses for lunch?
 22 A No, we have four different times for lunch.
 23 Actually, now we have five different times. We changed
 24 one.
 25 Q Are you -- do you ever observe the students

1 during lunch time?
 2 A Yes, 11:00 to 1:00.
 3 Q How often?
 4 A Most days.
 5 Q How do you observe them?
 6 A I'm in the cafeteria.
 7 Q When you say between 11:00 and 1:00, does that
 8 cover all four shifts of the lunch break?
 9 A Uh-huh. 12:45, actually.
 10 Q Is there sufficient capacity in the cafeteria
 11 for the students to eat lunch?
 12 A Yes. We've had part of the year, though, that
 13 we had some tables that broke and so we just received
 14 our new tables. It takes about four weeks when they
 15 break. And then the students that didn't have room to
 16 sit at the table, they actually sat on the stage.
 17 Q Did you ever receive any complaints for the
 18 lack of tables during the interim period when you were
 19 waiting for the new tables to arrive?
 20 A From students or parents, you mean?
 21 Q From either.
 22 A No, in fact, the students, what I have to say
 23 is there's at least five seats over there, so go sit at
 24 the table, because they like to go and sit on the stage.
 25 They think that's fun, I guess. I don't why, it's

1 different, I guess. The new tables did arrive, but, of
 2 course, one of them arrived damaged.
 3 Q Have you ever received any complaints at
 4 Edison-McNair from parents that their student is not
 5 receiving sufficient attention from a teacher?
 6 A No, not that I can think of specifically.
 7 Q Have you heard from other teachers that they've
 8 received complaints from parents that the student is not
 9 receiving sufficient attention from a teacher?
 10 A I'm not sure what you're asking me when you say
 11 "sufficient attention."
 12 Q Have you ever received a complaint from a
 13 parent or have you heard of another teacher receiving a
 14 complaint from a parent that they don't feel as if their
 15 student is able to ask questions of the teacher or
 16 receive answers from the teacher when they want to ask a
 17 question or need an answer?
 18 A Yeah, from time to time in any school I've been
 19 in, there's been some parents that doesn't feel their
 20 child gets as much attention as they need. That often
 21 comes up after the child has gotten in some kind of
 22 difficulty and the teachers expressed some concern. A
 23 parent might say, well, if he had more attention, you
 24 know, more time, maybe we can get into that, but that's
 25 not unique to this school or this situation.

1 Q Can you specifically recall receiving any such
 2 complaint while you've been at Edison-McNair?
 3 A Not specifically, no.
 4 Q Have you received any complaints from the
 5 teachers that they feel as if they're not able to give
 6 sufficient attention to the students in the classes?
 7 A I've never known a teacher that didn't feel
 8 that they'd like to be able to give more attention to
 9 the children. I mean, you always feel -- particularly
 10 if you feel you have many children that have great
 11 needs, you always feel you'd like to give more
 12 attention. I would like to give more attention.
 13 Q Have you received any specific complaints about
 14 the teachers wanting to at Edison-McNair?
 15 A Not -- I can't think of any specific. I think
 16 it's more, gee, I wish I had more time, you know. I
 17 don't think of any specific.
 18 Q Do you have an opportunity during the school
 19 days to observe the campus and the conditions on campus?
 20 A Yes.
 21 Q How do you do that?
 22 A By walking around and looking at things.
 23 Q How often do you observe the bathrooms at
 24 Edison-McNair?
 25 A Probably just about every day. I mean,

1 because, you know, there are children in there and I'm
2 urging them to go to class and that kind of thing.

3 Q And do you go into the girl's bathrooms then?

4 A Yes.

5 Q Do you go into the boy's bathrooms?

6 A Yes, but not so much during school time or not
7 if there's a boy in there.

8 Q Right.

9 A But I do go in.

10 Q How about during class, do you observe
11 classrooms while class is being conducted?

12 A Sure.

13 Q About how often?

14 A I walk around the school and walk in and out of
15 classrooms, gee, just about any day I'm there, and I'm
16 there most days.

17 Q Do you observe the other areas such as water
18 fountains?

19 A Surely.

20 Q How many water fountains are there at
21 Edison-McNair?

22 A We have two inside the courtyard. Each one of
23 them as three fountain heads. And then there was one
24 outside and it wasn't working and we had it refurbished,
25 but we've really given up on it. We keep the courtyard

1 the campus, the campus is open and people can walk back
2 and forth across there from one school to the other and
3 so forth any time they want, so that was just
4 constantly --

5 Q What do you mean from one school to another?

6 A Well, Brentwood is on one side. Brentwood is
7 here, and then their play yard and some field and trees
8 and then our play yard and our school. So it's
9 basically on one big piece of property.

10 Q Is Brentwood a high school?

11 A No, Brentwood is our primary, Edison's primary
12 school. They have the K through 3 kids. And then 49ers
13 Academy is right over here in the same piece of
14 property. Then the football field, and then the Boys
15 and Girls Clubs right in front there. So it's open.
16 It's not fenced off, so anybody can come through and
17 whack the drinking fountain.

18 Q But your courtyard is fenced off?

19 A Yeah, it actually has doors, not fences. Doors
20 that are closed and locked.

21 Q How about, is there a gym at Edison-McNair?

22 A That's the cafeteria. It's the -- we call it a
23 multiple-use room. So it has a stage and it has
24 basketball hoops and it has a place for eating. We also
25 are very fortunate because we have the Boys and Girls

1 open so the kids can come in, because, you know, on
2 weekends and at night people just wrecked that. You
3 can't keep it functioning.

4 Q The one outside?

5 A The one that's outside, yeah. The ones in the
6 courtyard, you know, we lock the courtyard at night, we
7 protect those. But the one outside we can't, but at
8 this point, we've repaired it and repaired it, but it
9 seems like immediately after you fix it, somebody breaks
10 or does something that has to be repaired.

11 Q In other words, vandalism?

12 A Yeah.

13 Q When you say "outside," where is it located
14 outside?

15 A Edison-McNair is built in a "U" -- a square
16 really, and it has a courtyard in the interior. On the
17 outside in the back, towards the play yard, there's a
18 fountain there, but we pretty much -- we just let the
19 kids come inside, because we can't keep that one
20 operable.

21 Q The "U" that you described, is fenced off or
22 the courtyard's fenced off?

23 A It has doors.

24 Q Whereas the one outside has no fence?

25 A No, it's open, and if you were familiar with

1 Club next door, and they really participate with us a
2 great deal. So our physical education classes may be
3 held there, you know, and --

4 Q Are you able to observe the playground or the
5 play area?

6 A Uh-huh.

7 Q Is that referred to as the playground?

8 A Uh-huh.

9 Q Is it blacktop?

10 A Yeah, asphalt.

11 Q Are there any other play areas such as fields
12 or grass fields?

13 A There is the usual asphalt and the basketball.
14 Then on one side there's what we call a structure. You
15 know, it has an area with the wood chips in it and the
16 different structures to play on and then just beyond
17 that there is a football field and the kids may play
18 football or soccer or whatever over there.

19 Q Are you able to observe that on a daily basis?

20 A Sure. Well, not every day, but most days.

21 Usually at lunchtime the noon supervisors are outside
22 and I'm in the cafeteria, and then I will walk outside,
23 but I'm not out there all the time.

24 Q Approximately how many times a week do you
25 think you walk out there?

1 A Oh, gosh, I don't know. Most days, probably,
2 for a certain amount of time.

3 Q Are there practices in place at Edison for
4 purchasing textbooks and other instructional materials?

5 A What do you mean "practices in place"?

6 Q How do you purchase textbooks at Edison-McNair?

7 A Well, we have curriculum coordinators.
8 Teachers who -- we have one that's in charge of math and
9 one in charge of social studies and then we have people
10 in charge of the S.F.A. and so forth, and they survey
11 the teachers to see what their needs are and then they
12 make up their orders and they give it to the business
13 manager and he orders it.

14 Q Do you ever see the orders or do they go
15 directly to the business manager?

16 A They go directly to the business manager. I
17 can review it if I have any questions about it, but I
18 don't really because the teachers are pretty -- we've
19 already discussed, you know, what needs to be and what
20 happens, so the coordinators know what they need to get.

21 Q Do you know where the business manager sends
22 the purchase orders?

23 A Not specifically, but he orders through Edison,
24 so wherever that is.

25 Q You said that the curriculum coordinators have

1 the teachers -- I'm sorry, survey the teachers?

2 A They survey the teachers and ask them -- for
3 instance, you know, particularly this time of year we're
4 getting our orders together for next year because maybe
5 a social studies book has been damaged or lost or
6 something and so we need to replace, and they will make
7 those orders to fill in.

8 Q Are these surveys written or are they oral?

9 A It depends on the coordinator.

10 Q Have you ever seen a written survey from a
11 teacher that's given to the curriculum coordinator?

12 A No, I don't think so.

13 Q Have you ever heard --

14 A I don't recall.

15 Q Do you have some understanding that some of
16 these surveys are written?

17 A Yes, surely.

18 Q What is that understanding based on?

19 A On what the curriculum coordinator has told me.

20 Q How many curriculum coordinators do you have?

21 A Well, let's see, in seventh and eighth grade we
22 have a reading-writing coordinator. We have a math
23 coordinator that does all the grades. We have the
24 S.F.A. reading coordinator for grades four, five and
25 six. We have a social science coordinator and we have a

1 science coordinator.

2 Q Other than surveying the teachers to determine
3 what textbooks or instructional materials they need,
4 what else does the curriculum coordinator do?

5 A The curriculum coordinator may give lessons for
6 other teachers to observe in that particular area. We
7 have a great deal of support for teachers from Edison,
8 so for instance, we have a regional math coordinator and
9 he works with our site coordinator on what needs to
10 happen and makes sure that we're on target. He comes to
11 visit and he visits with our math coordinator, visits
12 the classes and gives us a report and our math
13 coordinator follows up on -- you know, are the teachers
14 on schedule, are they doing what they're supposed to be
15 doing, is the instruction -- and they always leave their
16 commendations and their recommendations when they come,
17 with the on-site coordinators, with them. Same thing,
18 the S.F.A. has a person that comes.

19 Q Are curriculum coordinators paid through the
20 general fund, through your staffing fund?

21 A We give 'em a stipend, yeah.

22 Q In other words, do you know if the money from
23 which they're paid is --

24 A It's out of the budget, sure.

25 Q So it's the district budget?

1 A It's in the budget. It's our budget.

2 Q When you say "our," do you mean --

3 A The coordinator's budget.

4 Q So are they specifically paid from Edison as
5 you are as you stated earlier?

6 A The coordinators, if they're paid a stipend,
7 then that comes from Edison.

8 Q What about these curriculum coordinators, the
9 people you just --

10 A That stipend check would come from Edison,
11 uh-huh.

12 Q So in addition to the math coordinators, do the
13 other coordinators also provide support to the teachers
14 in training?

15 A Yes. One of them is new enough that he is
16 making sure about the materials and he did a science
17 fair and all that, but he doesn't feel he's prepared to
18 give the lessons to observe, but then he's in the
19 seven-eight house, and he's the only science teacher, so
20 there's not a lot of call to observe what he's doing.

21 Q Do you know how often the curriculum
22 coordinators survey the teachers to determine their
23 needs for the textbooks and instructional materials?

24 A Well, the really formal times are like now to
25 make sure they have their orders in for next year. Our

1 new budget starts July 1, as do regular schools, and so
 2 they will put these orders on our new budget so we have
 3 them in time for school to start, and then they'll check
 4 again, you know, when the teachers come back a week
 5 before, do you have everything. You know, is everything
 6 right. Do you have everything you need, and so forth.
 7 And if there were some shortage, they would take care of
 8 it. And then during the year, you know, a teacher can
 9 any time say that they have some books missing or
 10 something has happened and they need more and they could
 11 order them for them.

12 Q Do the curriculum coordinators advise the
 13 teachers on how to determine whether they need more
 14 textbooks or what kinds of instructional materials or
 15 textbooks they needs?

16 A They tell them what they're supposed to have.
 17 Otherwise the math teacher -- we have Chicago Math, we
 18 would tell 'em what the components of that program are
 19 and what you're supposed to have in your room, and then
 20 the teachers would check to see if they have all of
 21 that. The end of the year, he'll collect a great deal
 22 of those things himself individually and go over them
 23 himself to make sure that --

24 Q When you say "collect," collect what,
 25 instructional materials that exist?

1 Q And you just mentioned writing inside
 2 textbooks. Do you consider writing in a textbook to be
 3 damaged?

4 A If we can't clean it up, you know, and make the
 5 book really usable, we would reorder. You'd have to use
 6 your judgment on whether you think the damage makes it
 7 so it's not a usable textbook.

8 Q Have you heard curriculum coordinators have
 9 instructed teachers directly that having a book that has
 10 writing in it that can not be cleaned up is considered
 11 damaged?

12 A Yes.

13 Q What else have you heard or instruct -- have
 14 you heard teachers -- I'm sorry.

15 What else do the curriculum coordinators tell
 16 teachers is considered damaged other than writing in
 17 books?

18 A Well, it would be, you know, like some page has
 19 been torn out of it or something of that kind, that
 20 would be a damaged book.

21 Q Have you heard curriculum coordinators tell
 22 teachers that?

23 A We've discussed this openly in faculty meetings
 24 about, you know, if the books are damaged, then they
 25 need to be surveyed and we need to replace them.

1 A Uh-huh.

2 Q And textbooks?

3 A Uh-huh. Part of it is these games and things
 4 that are in addition to the textbooks to make sure he
 5 wants -- he's just that kind of guy, he wants to
 6 personally check and see that all of the components are
 7 there and everything's ready for when the teachers come
 8 back, and --

9 Q You do you know the curriculum coordinators
 10 advise the teachers to survey the textbooks to determine
 11 whether the textbooks that they currently have or the
 12 instructional materials that they currently have are
 13 damaged?

14 A Oh, yes, I'm sure.

15 Q How do you know that?

16 A How do I know that they do that?

17 Q Yes.

18 A Well, because I've heard them say it out loud
 19 in the faculty meeting, be sure that you check all your
 20 books to see if they're written in or damaged in some
 21 way.

22 Q Do you know what happens if a teacher
 23 determines, when he or she is conducting a survey, that
 24 some of their textbooks are damaged?

25 A Then those would be reordered.

1 Q Have you discussed at faculty meetings that
 2 pages torn out of books is considered damaged?

3 A You know, I don't know if that specific
 4 statement was made but I mean that seems like common
 5 sense to me.

6 Q What about graffiti in textbooks, is that the
 7 same thing as writing to you?

8 A Yeah, that could be.

9 Q Is there any other way that you could define a
 10 book to be damaged other than what we've just discussed,
 11 which is writing in the textbooks and pages torn out?

12 A Yeah, if it was dumped in a puddle, that does
 13 it usually. Sometimes it's a matter of just from loss.
 14 Like a book went home, but it never came back, that kind
 15 of thing, and we reorder. They know they'll have a
 16 full compliment of materials. Edison's very good about
 17 materials.

18 Q Do you know if the curriculum coordinators
 19 instruct the teachers to survey the textbooks to see if
 20 they're outdated or do the curriculum coordinators
 21 themselves survey the textbooks to determine if they're
 22 outdated?

23 A The textbooks would not be outdated.

24 Q Why is that?

25 A Well, because there's a particular textbook

1 cycle that's established by the State so you'd be within
2 that cycle.

3 Q How do you insure that textbooks -- or do you
4 insure that the textbooks are within that cycle?

5 A How do you insure that?

6 Q Correct.

7 A Well, the -- when it comes to Edison, they take
8 care of that. What you're asking me is calling for my
9 prior knowledge from another situation. Is that what
10 you want to know, is how this is done?

11 Q No. At Edison-McNair, how is it insured?

12 A Edison would make sure. They check with all
13 the states they deal with and what's on the -- what can
14 be used and what can't be.

15 Q When you say that Edison checks, what do you
16 mean by that?

17 A Well, the company checks.

18 Q Do they give you information about what
19 textbooks you are --

20 A Absolutely. One of the things about Edison is
21 they're very specific about what the curriculum will be.
22 We will use Success For All, they use it nationwide. We
23 use Chicago Math, they use it nationwide, et cetera.

24 Q So do you receive this information at the end
25 of the school year to determine whether your textbooks

1 order in to the business manager?

2 A The business manager would put the order in to
3 Edison.

4 Q Were these textbooks for the students or just
5 teacher's editions?

6 A It's the updated teacher's edition.

7 Q You said that sometimes -- I'm sorry, I
8 withdraw that.

9 What happens at Edison-McNair if a teacher
10 determines that there's been a loss of a book because a
11 student has taken it home and it hasn't been returned?

12 A If it's determined that the student lost a
13 book, then the student is requested for the money to
14 replace it.

15 Q Since you've been at Edison, have you learned
16 of any textbooks being lost because they've been taken
17 home and not returned?

18 A Yes.

19 Q Do you know about how many textbooks have been
20 lost?

21 A No.

22 Q Could you give me an estimate as to whether
23 that's more than 20 textbooks?

24 A I really would not know because that wouldn't
25 be handled by me.

1 that you currently have are the latest book cycle.

2 A If there were a need for a change, then the
3 company would inform us. Otherwise, we would continue
4 with what we're doing.

5 Q Is this your first year at Edison-McNair during
6 which you're purchasing textbooks for the next school
7 year? In other words, you weren't involved in
8 purchasing textbooks last school year, were you?

9 A No, no, I didn't even come to the site until
10 the 1st of August.

11 Q Have you received anything since you've been at
12 Edison-McNair from Edison indicating that a new cycle is
13 up or there's --

14 A No, the only thing that I know that was
15 specifically changing is there's been an update in the
16 teacher's editions for the Chicago Math, so we are going
17 to purchase the newer editions of those materials.

18 Q How did you learn that there was an update?

19 A The regional math coordinator and then we have
20 national principals meetings, and I believe it was
21 mentioned there, too.

22 Q So how are you going about to purchase the new
23 updated math textbooks?

24 A We just put an order in and it comes.

25 Q When you say you put an order in, you put an

1 Q Who would it be handled by?

2 A Well, the teacher and the clerk would probably
3 deal with that.

4 Q When you say "clerk," what clerk?

5 A Office clerk in our school. Well, the general
6 process would be the teacher would ask the business
7 manager how much did that book cost, and then they ask
8 the parent to pay for the book, which may or may not
9 happen. But it's a regular process, I think, done
10 through most districts.

11 (Discussion held off the record.)

12 (Lunch recess.)

13 BY MS. KOURY:

14 Q Did you have a nice lunch?

15 A Yes, I had a nice lunch.

16 Q Did you consume any alcohol over lunch?

17 A No.

18 MR. JACOBS: You asked the students that. I saw
19 that in a transcript.

20 MS. KOURY: Did you consume any alcohol?

21 MR. JACOBS: At least that's a fair question.

22 BY MS. KOURY:

23 Q Before we concluded for lunch, we were
24 discussing textbooks. Does Edison adopt a new and
25 updated textbook for each subject area on a seven-year

1 cycle?

2 A I can't tell you that because I haven't been
3 with them long enough to know. But I'm sure that
4 whatever the law states is what they have to have as far
5 as being in compliance with the -- would be true. I've
6 only been there a year.

7 Q Before we went to lunch, we were discussing the
8 adoption of the history teacher edition textbook. When
9 you referred to it as an adoption, what did you mean by
10 that?

11 A I think I was talking about math, wasn't I? I
12 said we were going to get an updated math teacher's
13 edition.

14 Q I'm sorry, you did say math.

15 A Yeah, but I don't think the Social Science was
16 changed.

17 Q What was your understanding when you used the
18 word "adoption" with respect to the math teacher's
19 edition textbooks, what does that mean, adoption?

20 A Well, I don't know if adoption was the right
21 word. They have notified us that they have an
22 updated -- a newer edition of the teacher's component
23 for the math, and so they notified us because if we
24 were -- made that order within certain such and such a
25 time, we could get a better price and we wanted to get

1 Q You don't have an understanding as to whether
2 Edison follows that cycle or not?

3 A I would assume so.

4 Q Why do you assume so?

5 A Because their materials are very current and
6 timely and are within, you know, the guidelines. If
7 anything, they might possibly be even newer than what
8 the State requires. I know that the statement is that
9 they will not be changing -- this is probably not
10 necessary to say, but one of the things that drives
11 principals and teachers crazy is that changing too
12 often. So, you know, they just get a new school board
13 and a new superintendent and there you go, you're going
14 to make some kind of change that's very difficult. What
15 Edison has said is that within their five-year time,
16 that to the best of their ability they will not make
17 changes. Otherwise, I can consider that Success For All
18 is going to be there for the length of the contract, and
19 that Chicago Math would be, too. Now, I'm sure if there
20 was a reason why it wasn't compliant with the State,
21 then they would adjust to that.

22 Q What do you base your opinion that the
23 textbooks at Edison-McNair are timely and current? What
24 do you base that opinion on?

25 A Well, one is the publisher's dates and the

1 the new ones. I wouldn't say it's new adoption, the
2 publisher's coming out with a new edition apparently of
3 their teacher's edition, as I understand.

4 Q What's your understanding of how Edison
5 determines when to update textbooks?

6 A I really don't know the answer to that.

7 Q But your understanding is that they do
8 determine when textbooks need to be updated?

9 MR. JACOBS: Lacks foundation.

10 THE WITNESS: Oh, surely. What I know is that
11 they did a great deal of research before they ever open
12 on determining what really made a difference in
13 education and student achievement, and then they adopted
14 those programs that best suited that research.

15 BY MS. KOURY:

16 Q How do you know that?

17 A Because that's what I've been told.

18 Q Do you know if Edison follows the seven-year
19 adoption cycle that the State promulgates with
20 textbooks?

21 A I don't know that for a fact. I assume so.

22 Q Are you familiar from your past background as a
23 principal and as an educational administrator with the
24 seven-year adoption cycle?

25 A Yes.

1 other thing is because curriculum instruction is my
2 particular area. They certainly are state of the art
3 as far as what's considered best for students at this
4 point.

5 Q Are you familiar with the publisher date for
6 the textbooks that are used at your school?

7 A I can't tell the exact date, but they're all
8 fairly recent.

9 Q So you've had an opportunity to review the
10 publisher dates for the textbooks at Edison --

11 A Sure. They're right in front of the book.

12 Q I'm just going to ask you to let me finish my
13 question.

14 A Oh, I'm sorry.

15 Q Only to make the record clear.

16 A Okay. Sure.

17 Q And with respect to the curriculum, do you ever
18 see the various curriculums for the core courses at your
19 school?

20 A What do you mean?

21 Q You stated that the curriculums at
22 Edison-McNair are timely and current. How do you know
23 that?

24 A Based on my knowledge of education.

25 Q Do you review the curriculums for the various

1 courses at Edison-McNair?

2 A Do you mean curriculums or -- you were talking
3 about materials. Do I review the materials and see what
4 the -- what is intended to be taught and how it's to be
5 taught, yes. Is that what you mean?

6 Q Yes.

7 A Okay.

8 Q And based on your review of that, you've
9 determined that they are timely and current?

10 A Yes.

11 Q And you stated that changing too often
12 sometimes -- and I don't want to mischaracterize your
13 testimony -- frustrates teachers and administrators.
14 You mean changing textbooks too often?

15 A Uh-huh.

16 Q Why is that?

17 A Well, and I haven't dealt with this here, but
18 in my past history, it was because it appeared to be
19 done capriciously and without the research and so forth
20 that Edison does, but just because -- you know, there's
21 all kinds of political things there. You'll have
22 someone who feels a very traditional math program should
23 be there or you'll have people who think it should be --
24 the N.C.T., National Council of Teachers, which is a
25 much more understanding based type of thing. And so,

1 you know, a teacher could be trained to use one program
2 and then somebody decides, well, we're going to change
3 it, and it's not necessarily in a teacher's mind or
4 educational reasons. And then that means that, you
5 know, they have to relearn and start a new thing and so
6 forth when what they're doing they may have felt was
7 successful.

8 Q And so Edison tries not to make changes?

9 A They try not to. In their research -- my
10 understanding of their research is that this was one of
11 the things that was not helpful to students was to be in
12 that kind of turmoil. You know, have some consistency.

13 Q Is there a policy or a practice in place at
14 Edison-McNair that each student be provided a textbook
15 and/or instructional materials to use in class?

16 A Yes.

17 Q Is that policy such that students have their
18 own textbook to use in class as opposed to having to
19 share with other students?

20 A They have their own textbooks, yes. There can
21 be times -- I don't believe it's true at this school,
22 but sometimes materials are bought intentionally to be
23 used in cooperative groups, or for instance, you know, a
24 pair to share reading where you intentionally would be
25 buying one for every two because you want that to be

1 utilized that way.

2 Q Do you know if that happens at Edison at all?

3 A We do paired reading, but in our SFA, all the
4 children have materials. The teacher might make a
5 choice to have them share because of what they're trying
6 to teach, but they have materials for every child.

7 Q How do you insure that that happens, that each
8 student at Edison-McNair has their own textbooks and/or
9 instructional materials to use in class?

10 A Well, for instance, we're talking about SFA,
11 and the curriculum coordinator would check with the
12 teachers to make sure that they have what they need.
13 And besides, the teachers are quite free to tell you if
14 they are short of anything. They will tell you.

15 Q Are the teachers instructed that each student
16 should have his or her own textbook to use in class?

17 A They are informed, what are all the materials
18 that they should have for teaching reading or math or
19 whatever it is, and -- so they know that they're
20 entitled to have that for every student.

21 Q How are they informed about that?

22 A Well, the coordinators go over with them, not
23 only how the instruction is to be given, but what
24 materials they're supposed to have.

25 Q You gave the example of the curriculum frame

1 work for the R.F.A. program? I'm sorry, am I misstating
2 that?

3 MR. JACOBS: SFA.

4 MS. KOURY: Thank you.

5 Q The SFA program? Is that -- the example that
6 you gave, is that also true for the other curriculum
7 coordinators?

8 A What, that the curriculum coordinator would ask
9 for feedback from the teachers?

10 Q Exactly.

11 A Sure.

12 Q And do the curriculum coordinators do this
13 throughout the school year, or is this just done once
14 throughout the school year?

15 A No, they need to do it throughout the year,
16 because of the -- you know, the teachers and students
17 need to have the material so if somehow they were short,
18 then it needs to be reordered. The only place I can
19 think of where that might fail, is if the teacher simply
20 didn't tell them, because that would be unusual. You
21 know, because teachers want their materials. I suppose
22 if they didn't say that they were short, but that's not
23 likely.

24 Q And are teachers informed that they should make
25 it known when they are missing --

1 A Sure. Absolutely.

2 Q Is that done at faculty meetings that you
3 inform the teachers that they should advise the
4 curriculum coordinators when they're missing materials?

5 A Yes. And it's also discussed at lead teacher
6 meetings so that the leads go back to their houses and
7 remind them.

8 Q Are you at the lead meetings?

9 A Yeah.

10 Q Is there a policy or practice in place at
11 Edison-McNair to insure that the students have their own
12 textbook and/or instructional materials to take home for
13 purposes of doing homework if the homework assignment
14 requires the textbook or instructional materials?

15 A If a teacher were giving a homework assignment
16 that required the use of the textbook, then they would
17 need to have the textbook and they would know that. You
18 wouldn't give an assignment to a child to do homework
19 from a textbook if you don't have one to give him. That
20 doesn't make sense.

21 Q How do you insure that there are textbooks to
22 take home for purposes of doing homework if the teacher
23 decides to assign homework from the textbook?

24 A I'm not sure I understand your question.

25 Q Is it your understanding that it's the teachers

1 Q Do you know if that happened at all this past
2 school year?

3 A Probably not this year, because our enrollment
4 wasn't as high as we anticipated. So if anything, we
5 probably had extra.

6 Q Is there a procedure in place at Edison for
7 purchasing additional textbooks or other instructional
8 materials once the school year's begun if a teacher
9 determines that a textbook is lost?

10 A Oh, surely. All they have to do is say that
11 they need it and it's ordered. It's that simple.

12 Q Would that go through the curriculum
13 coordinator?

14 A They could do it in a couple of ways. They
15 could go to the curriculum coordinator or they could
16 tell their house lead, or if -- they could even go
17 directly to the business manager.

18 Q Would the same procedure apply if a teacher
19 determined that a textbook were damaged in his or her
20 class and a new textbook needed to be purchased?

21 A Sure.

22 Q Has that come to your attention at all while
23 you've been at Edison-McNair that this has happened,
24 either a textbook is lost throughout the school year or
25 is damaged and a teacher needs to purchase an additional

1 discretion whether to assign homework or not at
2 Edison-McNair?

3 A No, they assign homework. But whether that
4 homework would require the use of a textbook, not
5 necessarily.

6 Q It's up to the teacher's discretion?

7 A Uh-huh, yeah.

8 Q And if a teacher exercises that discretion and
9 assigns homework from a textbook, is there any -- do you
10 have any assurance that there are sufficient textbooks
11 for those children to take home to do that homework
12 assignment?

13 A Well, there's nothing that requires you having
14 double sets of books. I don't think most schools could
15 really afford that. In some cases we actually do. But
16 if a teacher is going to assign work that requires a
17 textbook, they would have to let the student take the
18 textbook home. Other than that, they should be, you
19 know, assigning a different kind of homework.

20 Q Do you have any procedure in place to purchase
21 additional books at the beginning of the school year if
22 you determine that there are more students enrolled in a
23 class than were expected?

24 A Oh, yes, you just put an order in and it's sent
25 to you.

1 textbook?

2 A Yes, I believe that books have been purchased
3 during the year.

4 Q What do you base that belief on?

5 A From the business manager.

6 Q Has he or she informed you that additional
7 books have been bought?

8 A Some books have been purchased, surely.

9 Q Do you know what happened in the interim or how
10 long it takes for the additional textbooks to be
11 purchased?

12 A To be purchased, to be ordered, to be
13 delivered? I'm not sure what -- I mean, how long from
14 the teacher says they don't have it until they get it?

15 Q Exactly.

16 A I don't know for sure. It probably varies
17 depending on what it is. You know, the availability and
18 so forth.

19 Q What does the teacher do, if anything, to
20 insure that a student is able to continue learning in
21 that class for that period when he or she doesn't have a
22 textbook?

23 A Well, if that were to happen, where they were
24 really short, the student could be sharing with another
25 student for that -- in the classroom. Sometimes, you

1 know, maybe that classroom next door doesn't have as
 2 many students, they borrow from that teacher for the
 3 time being and so forth.
 4 Q Has it come to your attention while you've been
 5 there that that has occurred, that there's been a
 6 shortage of textbooks because a textbook is either lost
 7 or damaged and a student in a class did not have a
 8 textbook until the new textbook was ordered and came?
 9 A No.
 10 Q So you don't have any --
 11 A I had one situation where the teacher had taken
 12 in -- took an additional student, and the class a couple
 13 of doors down had fewer students, and we moved the book
 14 from one room to the other.
 15 Q But other than that, it's not come to your
 16 attention that there's been a shortage of textbooks in
 17 any class during which time the student didn't have a
 18 textbook?
 19 A Huh-uh.
 20 Q Have you ever received any complaints from
 21 parents about textbooks or the lack of textbooks or
 22 instructional materials while you've been principal at
 23 Edison-McNair?
 24 A No, not that I can recall.
 25 Q How would a parent go about complaining if he

1 or she wanted to about the lack of textbooks?
 2 A Well, they could walk in and tell me, call me
 3 on the phone, write me a note, whatever.
 4 Q Is there any other type of procedure in place
 5 for parents to state complaints about textbooks or
 6 instructional materials?
 7 A I'm not sure I understand what you mean.
 8 Q Have you received any -- I'm sorry.
 9 Do you have any sort of bulletins or fliers
 10 that go home to parents to allow them -- or to inform
 11 them that if they wanted to place a complaint about
 12 anything at the school that they could advise you of
 13 such complaints?
 14 A We have our Parent Handbook, and you know, I'm
 15 not sure whether that says that in there or not. They
 16 did receive a survey where it would address all of those
 17 kinds of things, materials and all of that, that's
 18 addressed in there where they could say if it weren't
 19 satisfactory, but --
 20 Q Is that the survey that you discussed earlier?
 21 A Yes. But we're very fortunate, too, at our
 22 school is that -- our clerk typist has been there
 23 probably 16 years. She's a part of the community. The
 24 parents are very open with her, you know, about what
 25 they want. So even though if I'm new and they weren't

1 that comfortable, they'd be very comfortable about
 2 coming in, I think, and telling her.
 3 Q Has she ever told you that she's received a
 4 complaint about textbooks?
 5 A No, she didn't.
 6 Q Do you have an understanding of what are core
 7 subjects at Edison-McNair as opposed to non-core
 8 subjects?
 9 A Well, the core subjects, of course, are all the
 10 academic areas. We do, though, try to not -- what
 11 should I say -- not denigrate, for instance, drama or
 12 world language or any of those just because they're
 13 special. We want those to be considered by the children
 14 to be as important as anything else is. But I think
 15 when educators are speaking about core subjects, they're
 16 generally talking about science, social science,
 17 reading, language and math.
 18 Q When you say "social science," is that the same
 19 thing as social studies?
 20 A History, social science, history, social
 21 studies, whatever. You know, it's all those things.
 22 Q At Edison-McNair, is it a teacher's discretion
 23 whether to use a textbook for these core courses, or is
 24 it your understanding that -- I'll leave it at that. Is
 25 it a teacher's discretion whether to use textbooks for

1 core courses?
 2 A No, they're expected to use what Edison
 3 provides.
 4 Q And does Edison provide textbooks for all the
 5 core courses?
 6 A Textbooks specifically or are you saying the
 7 educational materials that might be necessary, because
 8 sometimes -- for instance, in recent years in the
 9 science adoptions, they weren't textbooks.
 10 Q When you say "science adoptions," you mean the
 11 State's?
 12 A Yeah, the State adoptions, yeah. They were a
 13 variety of materials, for instance, Foss kits and so
 14 forth. They aren't technically textbooks, but it is the
 15 materials for the courses.
 16 Q Edison prescribes and provides instructional
 17 materials for the core courses that are aligned to the
 18 State standards, correct?
 19 A Yes.
 20 Q And all the instructional materials that they
 21 provide for those core courses are materials that are
 22 accepted and adopted by the State, correct?
 23 A Yes.
 24 Q So it's your understanding that for the core
 25 courses, Edison provides instructional materials, and

1 some of which include textbooks, others which may not
2 such as science?

3 A Sure, uh-huh.

4 Q Other than -- do you know if the science class
5 now currently has textbooks or are they still using
6 Foss?

7 A He's at the seventh-eighth grade level, so he
8 has a curriculum and it's a great deal -- well, they do
9 various experiments and so forth and so on, and he's
10 also teaching -- I can't remember the name of it, the
11 district, that has to do with being responsible and
12 making responsible choices and that kind of thing which
13 has to do with physiology and all of those kinds of
14 things.

15 Q When you say "he," are you referring to --

16 A The teacher, the science teacher.

17 Q And is he also the curriculum coordinator?

18 A Yes. He is the science teacher, coordinator
19 and --

20 Q What about for grades four through six?

21 A For grades four through six, then they would be
22 using whatever has been adopted for that particular --
23 because fourth, fifth and sixth -- fourth and fifth are
24 just, you know, self-contained classes. Other than the
25 children going to their specials, they're going to be

1 anthology that a reading adoption might be. For
2 instance, if you had adopted Houghton Mifflin and then
3 you have this anthology and so forth. With SFA, it's
4 many books on different levels. So they're what we call
5 trade books. Actual, you know, stories and so forth.

6 Q So would there be -- for an SFA class, are
7 there more than one of the same books or --

8 A Oh, surely, yes, uh-huh. They have class sets
9 of them.

10 Q Is it your understanding that there's
11 sufficient reading books for the SFA program?

12 A Yes.

13 Q And does the SFA program -- does that involve
14 all grade levels?

15 A No. Fourth, fifth and sixth.

16 Q Do the reading classes in seventh and eighth
17 grade use textbooks?

18 A They use -- it's a literature based program.
19 Again, they use different literature rather than a text.
20 The teacher has a guide to know what to do and to
21 provide instruction related to the literature.

22 Q There are more than one types of book -- I'm
23 sorry.

24 Are there more than one type of book in these
25 classes?

1 with the same teacher all day. Sixth grade, it's like
2 pairs. One teacher teaches history, social science and
3 English, and the other one teaches math and science, and
4 so the children switch between those two teachers for
5 those subjects.

6 Q Is it your understanding that fourth through
7 sixth uses the Foss program?

8 A No, I'm trying to think of what the name of the
9 program is, and I can't think of it offhand.

10 Q Do you know if they're using textbooks in the
11 science class for those grades?

12 A No, it's not textbooks. It's mostly
13 experiments and that kind of thing. I'd have to go back
14 and look.

15 Q Is it your understanding that they have
16 sufficient instructional materials for those classes for
17 science?

18 A Yes.

19 Q Are there any other core classes that you're
20 aware of in which the teachers would not use textbooks
21 but some other type of instructional material?

22 A Well, the Success For All reading is not really
23 a textbook. It's a variety of trade books, et cetera.

24 Q What do you mean by that?

25 A Well, it's not the usual typical reading

1 A Uh-huh.

2 Q Is it your understanding that there are
3 sufficient books for the students in those classes?

4 A Yes.

5 Q Has it ever come to your attention that a
6 teacher has assigned homework from a textbook and yet
7 there weren't sufficient textbooks for the students to
8 take home to do that homework assignment?

9 A No.

10 Q Have you ever heard any teacher complain that
11 he or she wanted to assign homework from a textbook but
12 there weren't sufficient textbooks for that teacher to
13 provide his or her students to take home to do the
14 homework assignment?

15 A No.

16 Q Would it come to your attention if such a
17 problem arose?

18 MR. JACOBS: Objection, calls for speculation.

19 BY MS. KOURY:

20 Q Do you think you would -- do you think it would
21 come to your attention if that happened?

22 A Well, if you're a teacher and you assigned
23 homework that required a textbook and then you did not
24 provide a textbook for that, would you really tell the
25 principal that you've made that kind of a decision?

1 That doesn't seem too logical to me.

2 Q Have you -- do you think a teacher -- if a
3 teacher wanted to assign homework from a textbook but
4 didn't have sufficient textbooks, do you think that
5 teacher would complain to you?

6 A I think if they really felt that they wanted to
7 have an additional set of books to use for homework,
8 that they would do that. They would tell me that. That
9 would probably be unique, though, because most schools
10 can't afford two sets of books, you know. Usually they

11 either trust that the students -- one of the concerns
12 teachers has, sometimes, is that the students will not
13 return the books and then they won't have the books,
14 then they truly will be short. But there's all kinds of
15 homework that can be assigned without a textbook.

16 Q What kinds of homework? Do you have an
17 understanding of the teachers at Edison-McNair using
18 other types of materials to assign homework?

19 A Well, it could be that they have prepared --
20 that the teacher prepared material often times or it's
21 something that they wanted the students to write or it
22 could be something that they wanted them to read. Maybe
23 they're supposed to read their library book or whatever.

24 Q What do you mean by teacher prepared materials?

25 A Well, a teacher prepares materials. They may

1 A The State will allocate so much money per
2 student for purchasing textbooks. So if they're
3 allocating that to the district, then that this be money
4 that would be passed through to Edison to purchase
5 books.

6 Q How do you get -- when you get the budget, is
7 there a certain dollar amount used and someone has told
8 you that that dollar amount must be used for textbooks?

9 A Yes. The business manager would tell me what
10 money we have for textbooks. Instructional materials is
11 the way it's written, not textbooks.

12 Q Is that dollar amount that you're referring to
13 for instructional materials, is that separate from the
14 dollar amount that you received from categorical funds?

15 A Yes. Categorical is above and beyond that.

16 Q And yet some of the funds -- some of the
17 categorical funds are used for supplemental
18 instructional materials; is that true?

19 A Yes, that could be true, too. Categorical
20 funds could be used for supplemental materials, it can
21 be used for staff development.

22 Q The dollar amount that you were referring to
23 earlier, not from your categorical funds but for your
24 instructional materials, can we refer to this as your
25 general instructional materials fund, is that okay?

1 have prepared questions. They may have had prepared an
2 activity or something they want the student to do at
3 home.

4 Q And do you know if students can check textbooks
5 out if they wanted to take them home for purposes of
6 doing homework or just to use a textbook?

7 A I think some teachers do that, yes.

8 Q Why do you think that? What's that based on?

9 A Well, let's see, the one that comes to mind,
10 first of all, I know that a seven-eight social studies
11 teacher, for some reason and I don't know why because it
12 happened before I got there, he actually has an extra
13 set of social studies books so he does check those out.
14 I don't think he bases a lot of his homework on that,
15 but sometimes the children want to read an extra section
16 or perhaps sometimes he does have homework. But he
17 happens to have an extra set of books, so for him, it
18 would be an easy thing to do. If teachers didn't have
19 an extra set of books, I would tend to think that they
20 would be preparing materials for students to use.

21 Q Earlier when we were discussing the budget, you
22 explained to me that the textbook budget comes from the
23 district; is that correct? Does the district give you a
24 certain amount of money and say a certain amount of
25 money should be used for textbooks?

1 A Sounds okay.

2 Q Do you know where this general instruction
3 materials fund comes from?

4 A The State of California.

5 Q Do you know if that amount includes -- have you
6 heard the term "Schiff-Bustamonte"?

7 A Beg your pardon.

8 Q Schiff-Bustamonte funds?

9 A I'm not sure what that is.

10 Q Have you heard the term, "instructional
11 materials fund"?

12 A The instructional materials fund that I'm
13 knowledgeable about is for the adoptions. Otherwise you
14 get so much. If you select materials off of the State
15 matrix, then you may use that money to purchase those
16 books and materials.

17 Q Do you see the instructional materials fund or
18 is that something that you're aware that the district
19 handles?

20 A My knowledge is that the district informs our
21 business manager how much we are getting and then he
22 puts that in the budget.

23 Q Does he put that in the same budget as your
24 general instruction materials fund or is that something
25 separate?

1 A That is the instructional materials budget.
 2 Unless you're talking about things that would be --
 3 you're not confusing materials and supplies? Because
 4 supplies are something else. You're not talking about
 5 paper and that?
 6 Q No, I'm not talking about supplies, just books.
 7 When you go to purchase an additional book, for
 8 example a book is lost or damaged and you purchase an
 9 additional book, which fund do you take that money from?
 10 A I would be taking it from the textbook
 11 materials money unless we have -- we already used it,
 12 and then I would have to get it from general money that
 13 we have.
 14 Q When you say the textbook materials fund,
 15 you're referring to that same fund that we've been
 16 discussing?
 17 A Yeah, the State money.
 18 Q So the I.M.F. fund or the instructional
 19 materials fund just sort of goes into one pot which
 20 we've referred to as the instructional materials fund
 21 that you receive and you can purchase either new
 22 adoptions from that fund as well as purchasing text- --
 23 an additional textbook that's been lost or damaged?
 24 A Sure. You can purchase replacement from that.
 25 Q As well as --

1 A As well as new, yeah.
 2 Q Do you know if the instructional materials fund
 3 that you receive, or otherwise known as I.M.F., if
 4 you've expended your I.M.F. funds that you received this
 5 past year?
 6 A No, I don't know that.
 7 Q Do you know if you've expended all of your
 8 instructional materials funds that you have that we've
 9 been referring to your general instructional materials
 10 fund?
 11 A I don't know that for a fact. I'd have to look
 12 whether there's anything left over or not.
 13 Q Does the district oversee how you expend these
 14 funds at all, or is this something that is maintained
 15 between you and Edison? "You" meaning Edison-McNair and
 16 Edison Company.
 17 A I'm not sure I'm able to answer that, but the
 18 district business manager and my business manager talk
 19 together all the time.
 20 Q Is that the extent of your knowledge of how
 21 that works?
 22 A Yeah. And all the budget things and so forth
 23 are discussed by Edison with the district. Otherwise,
 24 my immediate supervisor, who is the regional vice
 25 president, talks with the district about all these

1 things so -- all those budgets are okayed both ways, I
 2 believe. I know Edison okays them and then it has to be
 3 in keeping with the district. I don't personally do
 4 that so --
 5 Q Do you think Edison-McNair has a textbook
 6 shortage problem?
 7 A No.
 8 Q Why not? What do you base that opinion on?
 9 A I base it on the fact that if the teachers were
 10 short on materials, I would be hearing from them as well
 11 as from the coordinators. They're not shy about telling
 12 you if they don't have what they need. But also when
 13 I'm in the classroom, I don't see children without
 14 materials.
 15 Q Are there policies or practices in place at
 16 Edison for maintaining and cleaning of the bathrooms?
 17 A Yes.
 18 Q What is that policy or practice?
 19 A Well, the custodians clean every night, and so
 20 that's just standard. And then sometimes if there's
 21 been a problem, well, then they have to go back in and
 22 clean during the day.
 23 Q How many custodian clean at night?
 24 A Well, we have two that are there full time at
 25 night, and then the head custodian is overseeing both

1 Brentwood and McNair, so he's there part of the time,
 2 too. If they have additional maintenance issues and the
 3 day man may work -- I have spent tons on overtime this
 4 year for --
 5 Q Night cleaning?
 6 A Well, when it gets to be -- maintenance in
 7 addition to the custodial, because they have certain
 8 custodial responsibility, but maybe if something needs
 9 to be fixed that's within their ability to fix, then
 10 that takes extra time for them to do that.
 11 Q Do you know what the night custodians do with
 12 respect to cleaning the restrooms?
 13 A What do you mean, "do with respect to cleaning
 14 the restrooms"?
 15 Q Do they go into all the restrooms at night?
 16 A Surely, yes. Have you ever been in a middle
 17 school bathroom? You have to clean 'em.
 18 Q Do you have an understanding of what they clean
 19 within the bathrooms? In other words, do they mop the
 20 floors?
 21 A The mop the floors, they clean the toilets,
 22 they clean the urinals, the sinks.
 23 Q Do they restock the toilet paper at night?
 24 A Surely.
 25 Q Do they restock the paper towels nightly?

- 1 A Yes.
 2 Q Do they restock the soap dispenser nightly?
 3 A You mean do they check to see if it needs soap?
 4 If it did, it would be restocked, yeah. That's part of
 5 their responsibility.
 6 Q What about during the day, you said there's a
 7 custodian on campus?
 8 A Uh-huh.
 9 Q How many custodians are on campus during the
 10 day?
 11 A One.
 12 Q Is part of the custodian's duties during the
 13 day to check on the restrooms?
 14 A Yes.
 15 Q To what extent do they do that?
 16 A Well, I know that he checks once. Now, whether
 17 he checks more than that, I don't know, but if -- you
 18 know, if we were out of something like if for some
 19 reason the toilet paper or the paper towels were used,
 20 then he would -- the kids always say right away if
 21 there's something that's out and he replaces it.
 22 Q Have you ever heard a student say that there's
 23 toilet paper that's needed in the restroom?
 24 A Yes, surely.
 25 Q Who did the student tell that they needed

- 1 toilet paper?
 2 A They come in the office and sometimes I've been
 3 there and heard 'em say, well, we're out of paper towels
 4 or whatever and then the office people call the
 5 custodian and he comes and replaces it.
 6 Q About how often does that happen?
 7 A Not often, but it has happened.
 8 Q And your understanding is that the day
 9 custodian checks the restrooms once during the day?
 10 A To my knowledge he does. I've seen him doing
 11 it at least once a day. When he does it more than that,
 12 I don't know. He does it once.
 13 Q Does he check all of the restrooms each day?
 14 A Uh-huh.
 15 Q Is that "yes"?
 16 A Yes.
 17 Q Do you inform the custodians that if there is a
 18 problem with a restroom, both the night custodians and
 19 the day custodians, that if there's a problem with a
 20 restroom, that they should inform you of it?
 21 A Surely.
 22 Q Have you ever been informed of a problem in one
 23 of the restrooms with respect to either plumbing or some
 24 sort of facility issue?
 25 A Yes.

- 1 Q What kind of problem?
 2 A Sometimes it's graffiti. Sometimes it could be
 3 some plumbing that's not working that needs to be fixed.
 4 Let's see, what else? Sometimes, you know, children are
 5 very creative and they stop up a toilet or sink or
 6 something and it has to be taken care of. Sometimes the
 7 paper towel and the toilet paper is gone because it's
 8 been used for other things.
 9 Q What kind of things?
 10 A Stopping up the toilet or --
 11 Q What sort of procedure do you implement in
 12 order to resolve some of the plumbing problems? Is that
 13 something that's done immediately at Edison-McNair or do
 14 you have to go through the district?
 15 A No, we do most of our own maintenance. They
 16 would do only things that are major like -- we're making
 17 up a list now, because we'll be closed in July. Things
 18 that we might like replaced that -- you know, for
 19 instance, I have a set of urinals in one bathroom that
 20 I'd like replaced, so I'm making a request to them
 21 because that's a capital improvement rather than just
 22 maintenance.
 23 Q How do you request that of the district? Do
 24 you have to fill out a maintenance order?
 25 A Yeah, the business manager fills out the order

- 1 and sends it to their business manager.
 2 Q Do you do that only annually, or do you do that
 3 throughout the year?
 4 A It would depend on need, but always before
 5 we -- in any school I've ever been in, I've always sent
 6 in an order to the district before I leave in the summer
 7 for things that are major, hoping that it would happen
 8 while we're not there, because, you know, you don't want
 9 to have to close down bathrooms.
 10 Q Have you submitted any maintenance orders this
 11 past school year while you've been at Edison-McNair to
 12 the district?
 13 A I'm trying to think. They came one time
 14 because we had a problem with the heater, and -- should
 15 not say we had a problem with the heater. We had odor
 16 in the classrooms, and I had to move classes out because
 17 of the odor, and --
 18 Q Did you have to fill out a maintenance order
 19 for that?
 20 A No, that was more under the heading of a "get
 21 out here and find out what's the matter" kind of thing.
 22 We had to --
 23 Q Do you have to call them in order to get --
 24 MR. JACOBS: Could you let her finish her answer.
 25 BY MS. KOURY:

1 Q I'm sorry.

2 A Thank you.

3 Well, I give too many details, but anyhow, if
4 there's an odor and it's coming in several of the rooms,
5 and so one person thought it might be gas, which means I
6 call the fire department and evacuate the building,
7 which I did. The fire department came and they decided
8 they thought it was from -- you know, we've got
9 construction of houses near us and so forth, and they
10 thought it had to do with them and a sewer inlay.

11 Cut to the chase, after going through all those
12 people and so forth, it turned out that the custodian
13 and maintenance people felt that it had something to do
14 with it coming through the heater vent and it turned out
15 happily, there was a dead cat that got in the heater and
16 died in there, and so, yes, their maintenance people did
17 come and get it out and do that kind of thing.

18 Q Initially, had you called the maintenance
19 office when you first determined that there was an odor
20 that you felt was gas? After you called the fire
21 department or before you called the fire department, did
22 you call the maintenance office?

23 A No, when you have gas, you call the fire
24 department first.

25 Q After you called the fire department, you

1 when you called them with respect to the odor in the
2 classroom?

3 A If I recall, I think they came that afternoon,
4 you know, after we went through the evacuation and, no,
5 it's not gas, and, no, it's not the sewer and so forth
6 and our custodian closed -- I think our custodian closed
7 off those vents and then when you couldn't smell it
8 anymore, he says it's in the those heaters and,
9 fortunately, we didn't need those heaters right then and
10 so then we called the maintenance people and said --

11 Q So you called the maintenance people later
12 that afternoon?

13 A I don't know the exact timing. I just know
14 that the custodian felt that it was coming from the
15 heater. His own people couldn't seem to determine what
16 it was, and then he called the maintenance people and
17 they came.

18 Q Do you know if it was resolved? In other
19 words, was the cat found and removed within the same
20 school day as the odor was --

21 A No, it wasn't the same school day, because I
22 don't think he called them until the next day. I don't
23 remember the exact timing. But they came in a timely
24 manner once they were called. And they did get up there
25 and it's kind of a disgusting job to get up and do.

1 called the --

2 A Then we notified the district, uh-huh.

3 Q How did you notify them? Phone call?

4 A By phone, yeah.

5 Q And then when -- I'm sorry, did the
6 maintenance personnel from the district come to the
7 school site?

8 A Yes.

9 Q Were they the ones that determined that there
10 was a dead cat in the vent?

11 A Yes.

12 Q Did they ever determine how the cat got into
13 the vent?

14 A Well, apparently there was some kind of opening
15 or something from the roof. He fell in there and died.
16 They asked me if I'd like to see him and check it out,
17 and I didn't so -- I haven't climbed on the roof yet,
18 but somehow or another he managed to fall in there and
19 couldn't get out. That's what it was. That's one of
20 our tall tales of the year.

21 There was another time when the pipe broke in
22 the multi-purpose room and just continued to run and run
23 and run and run, and they came out and dealt with that.

24 Q Before we discuss that, how long did it take
25 for the maintenance personnel to come to the school site

1 Q Do you think it was done within two days
2 then of the incident?

3 A Yeah. They did it as soon as we were clear
4 that we needed their help.

5 Q And then you were discussing a pipe that broke
6 in the cafeteria?

7 A Uh-huh.

8 Q What exactly happened?

9 A A pipe in the -- it was a pipe or it's one of
10 those sprinkler heads or whatever. Anyhow, the water
11 was running and it would not stop, and it continued and
12 continued and actually our people found the solution to
13 that, but in the meantime we had called the district for
14 their assistance. And when they came, he had it under
15 control. But they did come to see if we needed them.

16 Q When you say "he had it under control," your
17 own day custodian?

18 A Yeah.

19 Q Did you have to fill out a maintenance order
20 for either of these instances?

21 A In those things we didn't. I don't know if he
22 did after the fact, but we didn't, we just called and
23 said help.

24 Q I thought you stated earlier with the graffiti,
25 is that taken care of by your custodians?

1 A Uh-huh. Our custodians do most of the
 2 maintenance as well as the custodial work. It's
 3 emergencies or something major that they can't do, it's
 4 beyond their skills, and they call the maintenance from
 5 the district.
 6 Q Do you know how often they find graffiti on
 7 campus?
 8 A I can't tell you exactly how often.
 9 Q Could you tell me how they resolve the graffiti
 10 once they find it?
 11 A Either clean it up or paint over it.
 12 Q Where does that usually occur, the graffiti?
 13 A Well, bathrooms are a favorite place for that
 14 kind of thing. It can be -- sometimes when we come back
 15 after a weekend, you know, on the outside back walls and
 16 places where people could do that.
 17 Q Are the custodians informed that when they see
 18 graffiti to either clean it or paint over it?
 19 A Yes.
 20 Q Do you know how long it takes for them to
 21 remove graffiti once they see it?
 22 A I'd like to hope they would do it when they see
 23 it, but I don't know that they always do. It might
 24 depend on time or whatever. They're expected to keep it
 25 cleaned up.

1 Q Have you ever received any complaints about the
 2 graffiti on campus whether it be in the bathrooms or
 3 elsewhere?
 4 A Complaints from whom?
 5 Q Parents or teachers?
 6 A I've never had -- you know, the people that
 7 come to me will be children, because sometimes when
 8 people put things in there, they write somebody's name
 9 in it, and then the kids will come and tell me. Or if
 10 it's, you know, a four-letter word or something like
 11 that, they'll come and say, Mrs. Seiersen, somebody
 12 wrote something in the bathroom.
 13 Q Do you know how the graffiti gets there on
 14 campus in the bathrooms?
 15 A In the bathrooms? Somebody puts it there and
 16 it would have to be a student, I assume.
 17 Q Have you ever heard of teachers or other
 18 personnel on campus catching students with graffiti?
 19 A Yes.
 20 Q How often does that happen?
 21 A Oh, I don't know how to depict often.
 22 Q Does it happen a couple times a semester or has
 23 it happened a couple times a week?
 24 A Not a couple of times a week, but you know -- I
 25 don't know.

1 Q Does it happen a few times or a couple of times
 2 a month?
 3 A Could be. That somebody -- yeah.
 4 Q Are the students disciplined?
 5 A Yes, if we know who did it.
 6 Q Is there any other precaution that you take to
 7 try to prevent graffiti on campus other than
 8 disciplining students when they're caught?
 9 A Well, one of the things is we try to regulate
 10 the times and so forth when there would be numbers of
 11 people in the bathroom, so that -- unsupervised, though
 12 there's certainly passing time. Those things usually
 13 happen when one or two kids have been excused, you know,
 14 to go the bathroom and so forth, that happens.
 15 Q So is it a practice to try to minimize the
 16 amount of times that students use the restroom during
 17 class time when they won't be monitored in the restroom?
 18 A Sure. But, you know, you really can't tell
 19 everybody they can't go to the bathroom.
 20 Q During recess or during breaks, do students
 21 have access to the restrooms?
 22 A Yes.
 23 Q In other words, they don't need to ask
 24 permission to use the restroom?
 25 A No, not when we're changing classes. But there

1 are also usually teachers or I might be in the
 2 courtyard.
 3 Q Do you ever have to call or seek a maintenance
 4 order from the district in order to remove graffiti, or
 5 is that done by your day custodian?
 6 A Well, it might well be done by the night
 7 custodians, but we do most of our own work.
 8 Q How about with plumbing needs, other than the
 9 two instances that you just described, do you ever
 10 require assistance from the district in resolving some
 11 of the plumbing issues that may arise in your bathrooms?
 12 A I don't think we have. I think that we've been
 13 able to repair and fix things themselves. The things
 14 that we want the district to do are some replacement
 15 kind of things which would be capital expense.
 16 Q Have you put any orders in for replacements
 17 other than the ones you plan on doing for the end of the
 18 school year?
 19 A No, I don't recall if there's been anything
 20 during the year.
 21 Q You mentioned replacing the urinals in, I take
 22 it, the boys bathrooms. Have you already placed that
 23 order for the urinals?
 24 A Yes.
 25 Q Were there any other orders that you've placed?

1 A We have a general order in now for the
2 bathrooms. We had a fire in one bathroom and it's
3 functioning, but the partitions need to be replaced on
4 some of those. The painting and all we take care of,
5 but if it's like replace a urinal, replace a toilet or,
6 you know, the partitions and those major kinds of
7 things, then we're requesting that, and we've maintained
8 and so forth, but -- everything is working. Those
9 urinals work. I'd just -- my opinion, I'd like to see
10 new ones in there now. Whether they agree with me or
11 not, but I'd like to see new ones. They'll function,
12 but you don't want to, you know -- if somebody's going
13 to come and do that, you don't want to end up with
14 having to close your bathroom for two or three days, so
15 I prefer they do it in July when we're gone.

16 Q When you say you placed a general order --

17 A Well, it says more than one thing. It doesn't
18 just say replace the urinals. It says the urinals and
19 the partitions and any of those things that we would
20 think would be major for any of the bathrooms -- any and
21 all of the bathrooms.

22 Q So in that general order, is included this
23 bathroom that there was a fire?

24 A Yes, uh-huh.

25 Q There was only one general order then with

1 extinguishers and so forth. It didn't make major fire,
2 but made major smoke.

3 Q Did you have to close down the restroom?

4 A Oh, yes. In fact, that bathroom -- I'm going
5 to think how long it was closed because the fire captain
6 didn't want us to open it until they had finished their
7 investigation, and then he went on vacation.

8 Q So do you know about how long it was closed?

9 A I don't know for sure. I'm going to say a week
10 until he came back and then said we could open it again.
11 But we were directed to keep it closed until they
12 finished their investigation.

13 Q Did it require any additional maintenance
14 because of the fire?

15 A Oh, sure. It really had to be cleaned up. I
16 mean, it was kind of a black smoke and then, of course,
17 people had sprayed, you know, the fire extinguisher, so
18 that stuff's all over. Yeah, it took a lot --

19 Q Who handled cleaning this restroom after the
20 fire?

21 A The custodian.

22 Q Other than the cleaning off of the black smoke
23 and the fire extinguisher substance, was there anything
24 else that had to be done?

25 A Pretty much it was just major cleaning. It was

1 respect to --

2 A One order has all of that on there for what I'm
3 hoping they'll do in July.

4 Q Was there only one fire that occurred in the
5 bathrooms this year?

6 A That was one too many, yes.

7 Q Do you know how the fire was started?

8 A The policeman thought that somebody had lit a
9 fire in there.

10 Q Do you know why he thought that, did he tell
11 you?

12 A Whatever evidence that was there made him
13 believe that somebody had set it.

14 Q Was it your understanding that it was a student
15 that started the fire?

16 A Well, since it was during the school day and we
17 didn't see any strangers on the campus, we thought it
18 was. They didn't determine who it was though.

19 Q How was that handled once the fire -- how did
20 you learn about the fire?

21 A How did I learn about the fire?

22 Q You were on campus that day?

23 A Yes. A student came in the office and said the
24 bathroom's on fire. By that time there's several adults
25 that knew it and were out there and already had fire

1 perfectly usable the way it is. It was a partition that
2 mainly was damaged by the heat.

3 Q Are you familiar with the term "deep cleaning"?
4 Have you ever heard the term "deep cleaning"?

5 A Yes, but in what context?

6 Q In the context that perhaps over -- some
7 schools over Christmas break or summer break have deep
8 cleanings in which it's more than just your nightly --

9 A Oh, sure. Yeah, we do that on any kind of --
10 they do what they can on winter break and spring break
11 and summer. Sure. That's -- you mean, when they go in
12 and shampoo the carpets and maybe paint and so forth,
13 sure.

14 Q Is there also deep cleaning that is done in the
15 bathrooms at Edison-McNair during those breaks?

16 A Yes, if they -- when I came at the beginning,
17 they were repainting the bathrooms, et cetera.

18 Q How about over Christmas break, did any deep
19 cleaning occur in the bathrooms at that time?

20 A You know, I don't recall whether there was
21 something special then or not.

22 Q Do you expect that there will be one over the
23 summer once school concludes?

24 A Well, we're asking for, you know, quite a bit
25 to be done by the maintenance department, and then we

1 have on our own schedules to repaint them. We're hoping
2 they'll get the work done then we can repaint.

3 Q When you say "they," you mean the district
4 office?

5 A From the district.

6 Q With respect to the general order that you
7 discussed?

8 A Yes. Excuse me. Sorry.

9 Q Have you ever received any complaints about the
10 restrooms from the students in terms of their
11 cleanliness?

12 A They come in the office sometimes and say that,
13 you know, somebody has overflowed the sink and the floor
14 is all wet or that somebody has taken paper towels, you
15 know, and stuffed them in something so it's not working
16 or that kind of thing, sure. It doesn't, you know, take
17 a whole lot for a student to make a real mess in the
18 bathroom.

19 Q How often do you hear that, those type of
20 complaints or comments from students?

21 A Oh, I don't know how many times.

22 Q Would you say it's something that happens on a
23 monthly basis, at least once a month?

24 A I don't think it's been once a month, but it
25 certainly happened several times.

1 children come in and say that the toilet paper or the
2 paper toweling is gone and then we ask him to replace
3 it, sure.

4 Q When you say you ask him to replace it, are you
5 referring to the custodian? Do you ask the custodian to
6 replace the toilet paper?

7 A Yeah, whoever's there, I ask them to.

8 Q Have you ever been there when this has
9 happened?

10 A Been there when what has happened?

11 Q When a student has come into the office and
12 complained that there wasn't sufficient toilet paper or
13 paper towels?

14 A Yes.

15 Q Do you know how quickly the custodian is able
16 to replenish the toiletries in the bathroom?

17 A To my knowledge, he comes right away and does
18 it. We call him, we have those little walkie-talkie
19 things, or we go and get him, and he gets the goods and
20 replaces it.

21 Q Have you ever received any complaints from
22 parents that there are insufficient toiletries in the
23 bathroom such as toilet paper, paper towels or soap?

24 A I don't recall any parent ever saying anything.

25 Q Have you ever heard of any teachers stating

1 Q Several times this past school year?

2 A Uh-huh (nods affirmatively).

3 Q And what happens when a student comes into the
4 office and states that one of the bathrooms is
5 overflowing, whether it be the sink or the toilet?

6 A We call the custodian to come and clean it.

7 Q Have you been there when that's happened? In
8 other words, when a student has made such a comment?

9 A Yes, uh-huh.

10 Q Who calls the custodian?

11 A I may, the office manager, the clerk typist,
12 whoever's in the office calls.

13 Q Do you know how quickly the custodian is able
14 to resolve that problem?

15 A Generally they come right away unless they're
16 in the middle of something else, but since we need the
17 bathrooms, they come right away.

18 Q Have you ever received any complaints about the
19 cleanliness of the bathrooms from parents?

20 A No, not that I can think of.

21 Q Have you ever received any complaints from
22 students or their parents with respect to not having
23 sufficient toiletries such as toilet paper, paper towels
24 or soap?

25 A I think I said before that sometimes the

1 that they've received complaints from parents with
2 respect to the bathrooms?

3 A No, huh-uh. The children come in, but they
4 know somebody's been in the bathroom doing something
5 they shouldn't have been doing, that's why it's gone.

6 Q Does that happen often? You've mentioned on a
7 couple of occasions that students, perhaps, clog toilets
8 or sinks?

9 A Well, it's happened several times.

10 Q How do they do that?

11 A How do they do that?

12 Q Have you ever seen a sink that's clogged or a
13 toilet that's clogged in the bathrooms of your school?

14 A Yes, I've seen the sink clogged. I don't know
15 if I've seen the toilet clogged. I've been told about
16 it, but I don't know I've seen it. I've seen a sink.

17 Q What do they clog the toilets or the sinks
18 with?

19 A Generally paper towel. That's good because
20 it's easy to do.

21 Q And is there anything else that they do, in
22 spite of your efforts to keep the restrooms clean that
23 interferes with these efforts?

24 A I'm not sure --

25 Q Well, you stated that they clog the sinks with

1 paper towels. Do they also clog the toilets with paper
2 towels?

3 A I don't want to depict these children
4 negatively. I don't know if they do it any more than
5 any other school, but -- yeah, there are times that
6 somebody clogs the toilet or the sink.

7 Q As well as the graffiti and --

8 A And the graffiti and sometimes they can stop up
9 the sink and then leave the water running. We've had
10 that where the children will say it's all wet and then
11 we have to mop it up. So that happens.

12 Q I think you mentioned that teachers during
13 recess and breaks -- when the students have access to
14 the restrooms, do teachers observe the restrooms or
15 monitor the restrooms?

16 A The teachers as much as possible, let's say,
17 that when the children are passing from one class to
18 another. Let's use, for example, the SFA time. They're
19 in their homerooms and now they're going to regroup for
20 their reading and they move at the beginning of it and
21 the end of it. And we like to have all the teachers
22 stand outside their rooms. They don't always do it,
23 but they'll be outside their rooms, and a couple of
24 those rooms are quite close to the bathroom. And when
25 I'm there, I stand there.

1 A I think they have to have some discretion, yes.

2 Q Why do you think so?

3 A I'm not sure I understand, why do I think so.
4 Why do I think they ought to be able to tell a child
5 that they may or may not use the bathroom?

6 Q Correct.

7 A Well, if they didn't have that discretion, I
8 think we'd have a regular parade into the bathroom.

9 Q Do you think a teacher is in a better position
10 to determine whether or not a student should be able to
11 leave class because that teacher interacts with the
12 student all day long?

13 A Surely.

14 MR. JACOBS: Objection, leading.

15 BY MS. KOURY:

16 Q Do you think it's more -- do you think it's a
17 more effective policy to allow the teacher to have
18 discretion as opposed to having a policy that all
19 teachers should always allow students to use a restroom
20 whenever they ask?

21 A If you're asking my personal opinion, I feel
22 the teacher should have discretion. If the teacher were
23 misusing the discretion, and the parent came in to me,
24 and then I would deal with that. I haven't had that
25 happen.

1 Q Have you ever received any complaints from the
2 parents that students are unable to use the bathroom
3 when they need to use the bathroom?

4 A Unable to use the bathroom when they need to
5 use the bathroom?

6 Q For example, during class time, have you ever
7 received complaints that a student wants to use the
8 bathroom and the teacher doesn't allow him or her to use
9 the restroom?

10 A I think that has happened once or twice where a
11 parent has -- you know, I'm really trying to think
12 whether the parent told me or the teacher had told me
13 that the parent had complained because they hadn't let
14 them use the bathroom, and teachers do that sometimes.

15 Q Why do you think teachers do that?

16 A Because it's the fifth time in ten minutes he's
17 asked to go to the bathroom. Well, let's see, I think
18 they make judgments about whether that's serious or not,
19 or whether the child just wants to leave the room.
20 Maybe they've just had passing time and you've been in
21 the bathroom and now it's five minutes later and they
22 ask to go to the bathroom again.

23 Q Do you think that it's important for a teacher
24 to have discretion as to whether or not to allow
25 students to leave a class in order to use the bathroom?

1 Q How many teachers do you have at Edison-McNair?

2 A Twenty-four including the specials this year.

3 Q And specials are teachers that teach drama --

4 A Two P.E. teachers, two art teachers, a drama
5 teacher and two world language teachers.

6 Q Is world language optional for the student or
7 are some students forced to take world language? Is
8 that a mandatory class for some students?

9 A A world language is a course just like math or
10 reading or anything else.

11 Q So English learners as well as non-English
12 learners take world language?

13 A Yes. The way we have it structured, we have
14 two teachers so there would be two classes, and those
15 that need English language instruction would go to one
16 of the teachers, and those that are going to have
17 instruction in Spanish go to the other teacher.

18 Q Have you had any -- do you have any teacher
19 vacancies right now?

20 A This year my staff is full. I will have some.
21 I'm going to hire for next year.

22 Q Have you had any vacancies through the school
23 year, this past school year at Edison?

24 A I had a teacher leave in January by mutual
25 agreement, and I hired.

1 Q Other than this one teacher in January, have
2 there been any other vacancies throughout the school
3 year?

4 A At the beginning of the year we -- let's see.
5 I think the world language teachers were maybe hired
6 about two weeks after school started.

7 Q Any other vacancies?

8 A Not that I can think of.

9 Q The teacher that you referred to in January,
10 what subject did that teacher teach?

11 A The sixth grade history, English teacher.

12 Q And why did that English teacher leave?
13 History and English?

14 A Uh-huh. Well, we mutually agreed that maybe
15 that was not her calling.

16 Q Did you find -- in your opinion, did you find
17 her not to be an effective teacher?

18 A Yes.

19 Q Was it a woman?

20 A Yes.

21 Q Did you replace her?

22 A Yes.

23 Q How did you replace her?

24 A Well, first I replaced her with a credentialed
25 teacher who had not taught in many years, and then he

1 him as soon as you learned of this vacancy?

2 A What I did was I asked him to substitute in
3 that class for the time, and then he seemed to be making
4 some progress and so forth, and so I offered him the job
5 as a regular position.

6 Q How did you know that he was making progress?

7 A By what was happening with the children and
8 what was going on in the classroom.

9 Q Did you observe the classroom?

10 A Yes.

11 Q And how did you learn or come to know the
12 teacher from Brentwood that eventually took his
13 position?

14 A She called and wanted to know if -- I mean, it
15 was one of those coincidental things -- wanting to know
16 if we had any openings, and then she was well known by
17 several of the teachers there and so forth, and she just
18 came in and we interviewed and I talked to the principal
19 at Brentwood who had not worked with her, but said that
20 her reputation was very good with the other teachers and
21 so forth, and she's been very successful.

22 Q Was there any time in between the male teacher,
23 the credentialed teacher when he left and before the
24 teacher from Brentwood came at which time there wasn't a
25 teacher in this class?

1 felt that that wasn't his calling either, and then I was
2 able to get a teacher who has had -- she worked at
3 Brentwood at one time and is an experienced -- with
4 challenging middle school students and she's been very
5 successful.

6 Q Is she still there?

7 A Yes, she is.

8 Q The credentialed teacher that you referred to,
9 how long was he there?

10 A Oh, gosh, I want to say a couple of months, I
11 believe.

12 Q After the sixth grade history, English teacher
13 left in January, how long before this gentleman came
14 along, the credentialed teacher?

15 A Right away.

16 Q When you say "right away," do you mean within
17 the same school week?

18 A Yes. I'm trying to think if there was any days
19 in between, and I don't think so. I don't remember
20 specifically, but it was close.

21 Q How did you get his application?

22 A A gentleman who's on the board for the Boys and
23 Girls Club had -- no, I know there wasn't any break
24 because he was already working for us as a substitute.

25 Q Did you just have an informal conversation with

1 A No, I believe he stayed until she came, if I
2 recall.

3 Q Is she credentialed, the teacher from
4 Brentwood?

5 A No.

6 Q Is she on an emergency permit?

7 A Surely. She, however, is much more skilled
8 than the two that have credentials.

9 Q What do you mean by that?

10 A Well, because she's able to teach the subject,
11 she's able to engage the students, she's able to manage
12 their behavior, et cetera, and she's making some real
13 progress with some very challenging students.

14 Q How long has she been teaching?

15 A I believe this is her fourth work.

16 Q Is she currently undergoing course work in
17 order to get her credential?

18 A I don't know if she's doing course work this
19 semester or not, but to maintain an emergency
20 credential, you have to on a very regular basis take
21 courses. But I don't -- because we just -- she came to
22 us -- what do I want to say? April.

23 Q Did you receive any support from the district,
24 or did you ever inform the district when you were
25 looking for teachers to fill this vacancy, or was this

1 that just not necessary under these circumstances?
 2 A It wasn't necessary.
 3 Q How about the two world language -- I'm sorry,
 4 the world language -- did you say there were two world
 5 language teachers?
 6 A Uh-huh.
 7 Q How did you fill those positions?
 8 A How did I find them?
 9 Q Yes.
 10 A Well, Edison does a great deal of recruiting,
 11 and they're very helpful in finding teachers, and -- but
 12 I arrived -- you know, the 1st of August is a little
 13 late when school's starting on the 13th, and so they
 14 made serious efforts to find people. But I needed
 15 people who are really proficient in Spanish and, of
 16 course, those people are often hired first, so I'm a
 17 little late on that. But I also advertised in the
 18 San Jose Mercury and in the San Francisco Chronicle, and
 19 I've had very good results off both of those, and one of
 20 those teachers came off of one of those ads. The other
 21 person had a niece attending our school and came in to
 22 talk to me about that child's education, and as we got
 23 talking, I realized that she was working with the high
 24 school district in part-time work and so forth, and
 25 she's proficient in Spanish and all of that and the more

1 we talked, the more we thought this might be a good
 2 thing for her to do and she decided to do it.
 3 Q And you hired her?
 4 A Uh-huh.
 5 Q Did you receive any support from the district
 6 when you were looking to fill these two positions for
 7 world language class?
 8 A The district, if they have any people, what
 9 principals can do is go down and review in the personnel
 10 department. I was told I could review any applications
 11 that they have. But I had already done that, and if
 12 they'd -- I'm sure if they had any people who had the
 13 level of Spanish that I wanted, they would have already
 14 hired them. So I went through my New York office and
 15 then put ads in the paper.
 16 Q So in addition to your personal recruiting
 17 efforts, you also received some support from the Edison
 18 Company in recruiting as well as the district?
 19 A A lot from Edison. They're always really --
 20 yeah, they have a whole recruiting department and so
 21 forth and they recruit nationwide and they -- for
 22 instance, now I'm getting resumes from them.
 23 Q To fill for next year?
 24 A Uh-huh.
 25 Q The two teachers that you hired for the world

1 language classes, were they credentialed?
 2 A No.
 3 Q Were they both on emergency permits?
 4 A Yes.
 5 Q Do you think they're qualified to teach these
 6 classes?
 7 A What do you mean by "qualified"?
 8 Q Do you think that they're capable to teach
 9 these classes?
 10 A I still don't know what you mean by "capable."
 11 Q Why did you hire them?
 12 A Because they were fluent in Spanish and they're
 13 literate in Spanish and because they expressed what I
 14 thought was a very good attitude about the second
 15 language students. One of them -- I've been very
 16 fortunate in getting people who, in my opinion, are well
 17 educated. One of them had just graduated from Berkeley
 18 with a double major in Spanish and English literature.
 19 And the other one had actually been working with second
 20 language students in a part-time position at the high
 21 school.
 22 Q Have you been -- other than advertising as you
 23 indicated for these world language positions, have you
 24 been involved in any other efforts to recruit teachers
 25 for your school?

1 A Yes, I have other advertisements placed and I
 2 had other teachers that recruited through New York.
 3 Also Teach for America. I've got wonderful teachers
 4 from Teach for America. Marvelous.
 5 Q Do you know if -- have you attended any job
 6 fairs to recruit teachers for the school?
 7 A No. We actually have teachers on staff that we
 8 pay a stipend to to attend the teachers fairs and those
 9 kinds of things. We just recently, I think it was the
 10 30th of May, we had open house and we advertised that we
 11 would have, you know, teacher recruitment there and we
 12 had people at a table and some teachers came.
 13 Q The teachers that you provide stipends to to
 14 attend these fairs, do they attend the fairs with
 15 personnel from the district?
 16 A No, no.
 17 Q Just --
 18 A That's just us, uh-huh. We recruit our own,
 19 pretty much.
 20 Q You mentioned that Edison does a lot to assist
 21 you in recruiting teachers. Do you know what they do
 22 other than what you've mentioned?
 23 A Well, it starts all the way in New York. They
 24 have people in New York that are in charge of
 25 recruiting. They have a regional person who comes and

1 helps us write up a plan of how we would approach
2 recruiting. They send us on the e-mail teacher resumes
3 and so forth.

4 Q What criteria do you look for when you're
5 hiring a teacher?

6 A Well, several things. One is if -- you know,
7 if it's a particular subject matter, let's say, a
8 science teacher, that that person has a content
9 knowledge for that area. For instance, I have my nice
10 little person, he's a Phi Beta Kappa from Wellesley who
11 is a science major and has worked in the world of
12 science.

13 Q Does this person have a credential?

14 A No.

15 Q Do you think that that is a -- do you think
16 that undercuts his or her ability to teach this class,
17 the fact that they don't have a credential?

18 A Can we go back to your previous question which
19 was my criteria?

20 Q Sure.

21 A My criteria is the content areas, that you know
22 your subject. But the thing that I have really found in
23 being a teacher in this school is that it has a great
24 deal to do with the person. Attitude is critical. You
25 really have to be a kind of person that believes that

1 me say that. They feel those courses are important,
2 and sometimes they are. Edison does so much staff
3 development that I think we're better able to handle
4 people who have not had that course work.

5 Q What do you mean by that?

6 A Well, for instance, July 14th to 20th in
7 Dallas, all teachers that are new to Edison, they're
8 paid to go to that conference and have the basic Edison
9 design explained and so forth. We will provide them
10 with, as we did last year, with several days of training
11 on how to teach the reading.

12 Q Reading, meaning the SFA?

13 A SFA, yeah. We had like five days before school
14 ever started. The other thing is that -- I think we
15 have some flexibility. Edison has these coordinators
16 that they can send in, you know, fairly regularly. If I
17 say I need a coordinator to come, a regional coordinator
18 to come and give instruction or provide it, they will
19 make arrangements for that person to come to the school
20 and spend a couple or three days working with teachers.
21 This year, because we can't always have everybody hired
22 before the time of the summer training, we are having a
23 flexible schedule in that Brentwood and McNair will not
24 have school October 10, 11 and 12 because anybody that
25 we've hired that's new that missed the summer training

1 all students can learn. You have to be a very open
2 minded kind of person, and you have to be very solid as
3 far as your own self confidence or you cannot manage the
4 classrooms.

5 And if a person has a credential, that's nice.
6 But I have not found that to be the determining factor.
7 As I said, the teacher that needed to leave and I have
8 another one that's leaving have full credentials, and
9 they absolutely, in my mind, are not qualified to teach
10 these children. Whereas, I have some who have had no
11 courses who are really quite excellent.

12 Now, my preference would be that you have all
13 that intelligence, good education and content knowledge
14 and that you've had the teacher training. If we were
15 able to do that, I would have it that way. My personal
16 bias is, as far as the credential's concerned, it's the
17 student teaching that makes the difference.

18 Q Is that because that provides an experience for
19 the teacher?

20 A Well, because if they're placed with an
21 appropriate supervising teacher, they've now had all of
22 that time to see how it's really done right, and people
23 seem to learn a lot more that way than sitting in a
24 classroom hearing about the theory. That's just my
25 bias. And the secondary people would not want to hear

1 will then go for four days of training at that time.

2 Q Is there any other type of staff development
3 other than what you've mentioned that's provided to the
4 teachers at Edison-McNair?

5 A Other -- oh, besides the regional people?
6 Well, I do part of it myself.

7 Q How do you do that?

8 A Well, when we have minimum days or other times
9 when -- I had two days in November, and I can't remember
10 why I had those two days now. And I provided the
11 instruction on basically classroom management and lesson
12 design and how to write a lesson plan and what a lesson
13 looks like.

14 Q Are there district provided training programs?

15 A The district has some things that we are
16 required to attend, and they have to do with -- there is
17 a special education, as you know, they have -- I don't
18 know what they call it, but it's some kind of court
19 order with regard to special education, and so all of
20 your teachers are expected to attend those sessions
21 about special education. Then they're -- for next
22 year's schedule, the district has like three different
23 times when they will be talking about English language
24 learners, and our teachers are expected to attend those
25 also.

- 1 Q What about information with respect to
2 preinternship programs or internship programs that is
3 provided through the district, do your teachers have
4 access to that information as well?
- 5 A Oh, sure, yes. Through the personnel
6 department. They tell 'em what the requirements are for
7 the credentials and so forth and make them aware of what
8 the different programs are.
- 9 Q Your English learner program, can you explain
10 it to me? Is it broken down between classes or -- are
11 there structured English emersion courses that's part of
12 the English learner program?
- 13 A Are you talking about the world language
14 program or just --
- 15 Q Just your -- do you have an English learner
16 program at your school?
- 17 A The English language learners, according to the
18 State they require at least 30 minutes a day of English
19 language instruction. I told you that we had adopted
20 the Santillana and then we provided the training for the
21 teachers so that they would know how to provide that
22 instruction.
- 23 Q Is that a 30-minute course that's provided to
24 the students?
- 25 A It's 30 minutes of using this program, yes, for

- 1 well as a native speaker, but they really are essential
2 that those kind of techniques are used with second
3 language learners because it makes it easier for them to
4 understand. And we're very fortunate, we do have a
5 number of people that are fluent in Spanish.
- 6 Q Do you have any bilingual classes?
- 7 A No.
- 8 Q Are there any classes taught only in Spanish?
- 9 A No.
- 10 Q Are there any structured emergent -- English
11 emersion classes?
- 12 A What do you mean by structured English emersion
13 classes?
- 14 Q Is structured English emersion class sort of a
15 term of art?
- 16 A (No audible response.)
- 17 Q Do you have any understanding of that being a
18 term of art?
- 19 A What do you mean "term of art"? What does
20 "term of art" mean?
- 21 Q What about BCLADS or CLADS, is it your
22 understanding that there are certain classes for English
23 language learners where a teacher has to have a CLAD or
24 a BCLAD to teach that class?
- 25 A I don't think they have to have that anymore.

- 1 English language.
- 2 Q Is that also referred to as -- is that
3 bilingual classes? Is that considered bilingual
4 classes?
- 5 A No. We don't have bilingual classes.
- 6 Q Do you know teachers that teach that, do they
7 have to have a BCLAD or a CLAD?
- 8 A No. No, uh-huh.
- 9 Q Other than the 30-minute course that you were
10 discussing, is there anything else that's involved in
11 the English language learner program?
- 12 A Well, part of that is using -- because the
13 basis is English language instruction since the passage
14 of 227, that seems to be the emphasis. And the teachers
15 are being taught various techniques that would make it
16 so that the curriculum is more accessible to the English
17 language learners. There's, you know, T.P.R., which is
18 Total Physical Response. That's being sure you use the
19 visual along with the auditory. I hate to say this,
20 SDAIE techniques, because now you're going to ask me
21 what SDAIE means -- and that's S-D-A-I-E -- Specially
22 Designed Academic -- I can't remember. Specially
23 Designed Academic Instruction in English. What those
24 are are simply are just excellent wonderful teaching
25 techniques that would be good with an English learner as

- 1 We always hope to have teachers with BCLADS or CLADS.
2 But the CLAD teacher has had the instructions in SDAIE
3 techniques. But all of the teachers can have second
4 language learners. But what we're working on is making
5 sure that they also learn the techniques.
- 6 For instance, this coming year when we have the
7 regional people come to give the SFA instruction, they
8 already have talked with Mariana DeSoto who works with
9 the English language learners, and they're going to
10 coordinate that so that they're talking about, this is
11 SFA, now these have the SDAIE techniques that you use
12 when doing this kind of instruction so we can be sure
13 that's a part of it.
- 14 Q Is the woman that you referred to, Miss DeSoto,
15 is she with the district?
- 16 A Yeah, she works with the district.
- 17 Q So in other words, there's training provided to
18 the teachers that are going to be teaching these reading
19 classes to English language learners, as opposed to just
20 the training that is provided to the teachers who are
21 going to teach the reading course to normal students?
- 22 A I don't follow you.
- 23 Q I was trying to break down what you stated.
24 You stated that the district provides training on SFA;
25 is that correct?

1 A No. We do.
 2 Q Edison does?
 3 A Edison does.
 4 Q But the district, meaning Miss DeSoto, will
 5 provide additional training to the teachers teaching
 6 English language learners?
 7 A What happened was that I would like the two to
 8 be blended together. As the SFA instruction is good
 9 teaching techniques, but I would like to see more of
 10 these SDAIE techniques included. So the regional
 11 coordinator, when she was there, I had Mariana come over
 12 and they sat down together and talked about how they
 13 might design that staff development so that the
 14 teachers, when they're learning the SFA and how that's
 15 done, that they would also be learning, okay, if you're
 16 providing the SFA, but these are kinds of techniques you
 17 could use to make it more accessible for all the
 18 students.
 19 Q Meaning more accessible to English language
 20 listeners?
 21 A Yes.
 22 Q And SDAIE is a strategy or technique to teach
 23 English language learners?
 24 A Uh-huh. Actually, it's just good instruction
 25 but --

1 Q In other words, it's good instruction for not
 2 only English language learners but for all students?
 3 A For anybody, uh-huh. But probably essential
 4 for English language learners.
 5 MS. KOURY: Can we take a five-minute break?
 6 (Recess.)
 7 BY MS. KOURY:
 8 Q How many teachers -- you said that you have
 9 teacher vacancies for next year; is that correct?
 10 A Uh-huh.
 11 Q How did you learn about the teacher vacancies
 12 for next year?
 13 A Well, three of them are going -- let me know
 14 because they're going to go into different professions.
 15 I mean, it's their choice.
 16 Q Did they tell you orally or did they write it
 17 down?
 18 A They tell me orally and then we have them sign
 19 a paper that says they're leaving.
 20 Q They're only three teachers that are leaving?
 21 A No, three teachers that are going into a
 22 different profession, and then four other teachers that
 23 we mutually agreed would work someplace else.
 24 Q Did you send out some sort of letter asking the
 25 teachers whether they would return, or is this just by

1 word of mouth?
 2 A No, we use an intent to return form.
 3 Q When did you send this intent to return form
 4 out to the teachers?
 5 A Oh, boy, I don't know the exact date, but it's
 6 been quite a while. A couple of months.
 7 Q Have you received all the responses?
 8 A No, but the people who generally don't send 'em
 9 back generally are the people that are leaving. At
 10 least, that's been my experience this year.
 11 Q Do you follow up with the teachers and ask them
 12 if they're leaving if they don't return the intent form?
 13 A Not necessarily.
 14 Q So these three teachers that are going into
 15 different professions, what classes were they teaching
 16 this year?
 17 A Leanna is teaching fifth grade, and she's
 18 leaving to go to medical school. And Aaron's a fourth
 19 grade teacher and he wants to be an actor, and the third
 20 one, Tony's a physical education teacher and he wants to
 21 coach in junior college or college, so he's going to go
 22 do that.
 23 Q And you stated that four other teachers you've
 24 mutually agreed will not be returning. What do you mean
 25 by that?

1 A That's a nice way of saying that perhaps our
 2 particular student body is not most suited to them.
 3 Q Was there some sort of assessment that you made
 4 throughout the school year that these four teachers
 5 should not return?
 6 A Yes, classroom observation, conferences and so
 7 forth, and then they also, I think, pretty much without
 8 my having to say any more determined that they weren't
 9 enjoying this.
 10 Q Do you know if any of those four teachers are
 11 credentialed?
 12 A Yes, one of them is.
 13 Q What subject areas do they teach?
 14 A May I ask you a question?
 15 Q Sure.
 16 A These kinds of things to me are confidential.
 17 Now this becomes part of a public record if I tell you
 18 that, they're -- then that kind of identifies the
 19 person.
 20 MS. KOURY: Can we go off the record.
 21 (Discussion held off the record.)
 22 (Witness and counsel confer outside room.)
 23 BY MS. KOURY:
 24 Q What subject areas do these four teachers
 25 teach?

1 A Before I answer that, I'd just like to say that
2 basically they chose to leave, okay.
3 Let's see, one of them teaches art, two teach
4 world language and one teaches fourth grade.
5 Q The two that teach world language, did they
6 have -- did they teach to English language learners?
7 A One taught to English language learners and one
8 taught Spanish.
9 Q When you say teach Spanish, teach Spanish to
10 English speaking students?
11 A Yes.
12 Q Were they both proficient in Spanish?
13 A Yes. Yes, they were.
14 Q Have you begun efforts to fill the seven
15 positions that you now have vacant for next school year?
16 A Yes.
17 Q How have you done that?
18 A The Edison regional people are sending me
19 resumes. As I said before, we had the one night at
20 Brentwood when people -- we did some recruiting. I am
21 contacting Teach for America.
22 Q Anything else?
23 A Right now. I won't go to advertising in the
24 newspaper probably until I review what I already have in
25 the way of resumes.

1 Q The night at Brentwood, was the district at all
2 involved in that or was that just through Edison?
3 A No, that's through Edison.
4 Q And have you started reviewing any of the
5 resumes that Edison sent you?
6 A Yes, I have.
7 Q Have you found any of the resumes -- I'm sorry.
8 Have you found -- have you decided to contact any of the
9 individuals?
10 A Yes.
11 Q How many?
12 A Oh, gosh, I don't know how many.
13 Q Have you contacted any of them yet?
14 A I've had one interview already, and then I'll
15 be contacting the rest of them.
16 Q Was that interview from a resume that you
17 received from Edison?
18 A That interview actually came from the night
19 that we did the recruiting at Brentwood.
20 Q Other than this one interview, have you
21 interviewed anyone else?
22 A For next year, no.
23 Q Have you received any resumes from the
24 district?
25 A Yes.

1 Q Have you reviewed any of those resumes?
2 A No. Well, did I read them? Yes, I did.
3 Q Were there any resumes from the district that
4 you wanted to contact individuals from?
5 A I may, but I have other resumes that are a
6 little longer that I would contact first.
7 Q Are those from Edison?
8 A Yes, uh-huh.
9 Q You told me your criteria for hiring. Is that
10 the same criteria you use when reviewing resumes in
11 deciding whether to contact someone?
12 A Well, the part about their knowledge and their
13 education, yes. You can't tell on a piece of paper the
14 person's attitude or how much self-confidence they have.
15 But I am looking for a particular -- in some cases,
16 particular content areas. So for instance, world
17 language, I want to see that that person that says that
18 they have an education and a proficiency in Spanish.
19 Q Are some of resumes that you've received from
20 Edison of persons that are proficient in Spanish?
21 A Yes, uh-huh.
22 Q Does it indicate on their resume if a teacher's
23 credentialed?
24 A Yes.
25 Q Out of the resumes you've received from Edison,

1 do you know how many of those applicants are
2 credentialed?
3 A I can't tell you how many. Some are and some
4 aren't.
5 Q How many resumes, about, did you receive from
6 Edison?
7 A Oh, gosh. Currently the ones I have in hard
8 copy, I've probably got five or six in hard copy, but I
9 have many that are on my e-mail that I just haven't
10 taken down yet.
11 Q When you say "many," is that more than ten?
12 A Oh, gosh, yes. Sometimes they'll send, it
13 might be 20 in a batch. But they send those out, you
14 see, to everybody, so I have to go through and select
15 which ones might be suited to me. My experience is that
16 I'm going to have more success if the person's already
17 living in the area or in California because of the cost
18 of living is so high here.
19 Q How many of those resumes have you reviewed,
20 only the five or six that you have hard copies of?
21 A I've read them, but I'm narrowing down to the
22 ones that I'm really serious that that's the subject I
23 need. Because they could be, you know -- they send 'em
24 out to everyone, so it could be that teacher's a primary
25 teacher. I don't need that. Or let's say it's a middle

1 school history teacher. I don't need that. I have to
2 go through and sort out which ones are really the areas
3 that I happen to need this year.

4 Q The teacher that you've interviewed already,
5 why did you pick that resume and ask that person for an
6 interview?

7 A On the basis of their background and education.
8 It's also a credentialed teacher that has several years
9 of teaching middle school, and because my teacher who
10 was there and met her originally just felt she was
11 terrific in all ways, personally and attitude and the
12 whole thing.

13 Unfortunately the only thing she wanted was a
14 seven/eight history/social science and I already have
15 that filled.

16 Q So you're not hiring her?

17 A Well, I tried. She's wonderful. I tried to
18 redirect her but she -- she already has a job so she
19 doesn't have to -- but she'd rather be up here. I think
20 her husband works at Stanford or something, so she
21 wanted to be up here.

22 Q But it didn't work out?

23 A Well, she gave me another updated resume and
24 said, call, but then what I was trying to get her
25 interested in was my fourth or fifth grade, and huh-uh.

1 A They may do a preliminary interview. For
2 instance, in one kind of had a preliminary interview at
3 the job fair there.

4 Q So they assist you in finding candidates?

5 A Oh, absolutely, and they really are very
6 helpful.

7 Q They also review the resumes?

8 A Uh-huh. Teachers are very good, I find, when
9 they're talking about recommending somebody to work with
10 them at their site. They're very particular. So I've
11 gotten some very good -- some of the best off of their
12 recommendations.

13 Q Do you think having a teacher who is fluent or
14 proficient in a target language qualifies or assists
15 that teacher in teaching English learners?

16 MR. JACOBS: Objection, compound.

17 BY MS. KOURY:

18 Q You can answer though.

19 A I don't know if I understand the question.

20 Q Do you think that being proficient or being
21 fluent in a target language assists a teacher in
22 teaching English language learners?

23 A Yes, I think so.

24 Q Do most of your -- do you seek teachers who are
25 proficient or fluent in languages such as Spanish --

1 Middle school or high school, but she wasn't going down
2 to -- she would have been great in it, but --

3 Q When do you expect that you'll begin
4 interviewing more teachers to fill these positions for
5 next year?

6 A Oh, I will be doing phone interviews and
7 hopefully in-person interviews hopefully next week.

8 Q Was this person that you interviewed, was that
9 a phone interview or a in-person interview?

10 A No, she came to my office.

11 Q Have there been any phone interviews?

12 A Not yet. The recruiting teachers may be
13 talking to people already, because if they go through
14 and they find somebody they've talked to they think is
15 really of particular interest, then that person goes
16 right up to the front and they'll say, "You need to
17 interview this person now."

18 Q What's a recruiting teacher?

19 A Well, as I said before, we have teachers that
20 we pay a stipend to to be involved, to work with the
21 regional recruiter to try and facilitate finding the
22 right teachers.

23 Q Are they located at the school site?

24 A Oh, yes.

25 Q Do they interview the teachers?

1 A Yes.

2 Q -- in order to teach English learners?

3 A I would prefer to have someone that has a
4 second language to teach anyone. But particularly if
5 they teach Spanish, because our school is close to 70
6 percent second language learners.

7 Q How many of your teachers this past school year
8 are proficient or fluent in Spanish, do you know?

9 A Yes. Just give me a minute to think.

10 I have eight that are really literate. I mean,
11 there are other people like myself that understand
12 Spanish and can speak some, but I wouldn't call 'em
13 proficient. I have eight that are really literate.

14 Q Do they teach English language learners?

15 A We all teach English language learners.

16 Q How many others do you think, or do you know
17 have a background in Spanish such as what you are
18 describing, in other words, they understand Spanish and
19 can speak a minimal amount?

20 A Let me think. I have to think of 'em by name.
21 Let's see.

22 Maybe four or five. Four that I could be sure
23 would understand pretty well.

24 Q Other than what you've described to me before
25 with the SDAIE, is there any other type of additional

1 training that you provide to your teachers to assist
2 them in teaching English language learners?
3 A Well, I think I mentioned we had the training
4 to use the Santillana materials also specifically. And
5 when she is giving that instruction, she doesn't just
6 tell you, "This is the way you use the materials." She
7 actually talks about the techniques to be used in
8 general for working with English language learners.

9 Q Who is she?

10 A She works with Santillana and she is a former
11 teacher. Bagatello is her last name, Ann Bagatello.

12 Q Is she employed by the district?

13 A No, by the publisher.

14 Q And how long does she train the teachers to use
15 these materials? Is it a one-day session?

16 A She did the one-day session and then she'll
17 come back as needed. She will come back next year --
18 she's really -- sometimes, you know, they're just a
19 salesperson, but she's really a knowledgeable teacher.
20 She's pretty good.

21 Q Is there any other type of training provided to
22 teachers to assist them to teach English language
23 learners?

24 A The district has provided some staff
25 development sessions, but they're more in regard to what

1 subject and because they were new.

2 I can't think of anything else.

3 Q You described to me earlier the custodial
4 schedule for cleaning the bathrooms. Could you tell me
5 what the procedure is at Edison for maintaining
6 cleanliness on the campus in general?

7 A What do you mean by "procedure"?

8 Q Well, are there -- the two night custodians,
9 do they clean the campus or maintain the campus at night
10 besides just cleaning the bathrooms?

11 A They clean the rooms, the classrooms and they
12 clean the bathrooms and they clean the office. And they
13 would clean the courtyard, if there were papers or
14 things in there, they would do that.

15 The head custodian is also working at night.
16 But we have a little different schedule in that our head
17 custodian actually works during the day for the district
18 on their maintenance crew. At night he works for us.
19 So he arrives at like 3:30 and that's when the night
20 custodians are there, so he can direct their work and so
21 forth. And because he works one job for the district
22 and one job for Edison, they also work on the weekends.
23 Because they only work -- oh, they work like five hours
24 a night during the week and they make up the rest of the
25 40 hours on the weekends. So they do all the yard work,

1 the regulations might be and the obligations.

2 Q What do you mean by that?

3 A Well, for instance, you must do half an hour a
4 day and it must be in your lesson plan. And so, you
5 know, regulations that the State might put forward of
6 what has to happen with English language learners,
7 rather than so much the techniques a teacher -- whereas
8 we spend a little more time on how to teach.

9 Q And that's done in the programs that you
10 described to me?

11 A What's done?

12 Q When you say that "we spend more time" --

13 A Yes, in the Santillana and in general training
14 and good instruction, sure.

15 Q Is there any other type of support that you
16 provide or that Edison provides to teachers teaching
17 English language learners to assist them?

18 A Yes. We have, again, a regional person who
19 comes who work specifically with the world language
20 teachers.

21 Q Anything else besides the regional person who
22 comes for the world language teachers?

23 A Well, she also looks at what the program is and
24 what we're doing with all of the classrooms. But she
25 was particularly focused on them because of their

1 the lawns and bushes and cleaning up of the campus, and
2 that's when they might do additional maintenance.

3 Q Who's they?

4 A The custodians.

5 Q All three of them?

6 A Uh-huh.

7 Q So they work at Edison-McNair on the weekends?

8 A Yes, and at Brentwood. And there's some other
9 -- I don't know how many custodians are hired over at
10 Brentwood. I know I have the two plus the head
11 custodian does both schools, but he has another crew
12 over there to work at their facility.

13 Q What other additional maintenance do they do on
14 the weekends that you were mentioning?

15 A Oh, they paint. We've had carpeting done on
16 the weekend. Oh, gosh, you know, repair of things. And
17 when the fire department came because of our dead cat,
18 in order to climb whatever they thought it was, they
19 poked a hole in the ceiling, so that would be the kind
20 of thing that they would come back and repair.

21 Q Did they come back and repair that?

22 A I mean the custodian did, yeah, uh-huh.

23 Q And the nightly cleaning, you said they clean
24 the classrooms. What do they do in the classrooms?

25 A Vacuum, could be, you know, clean chalk trays,

1 clean off desks, if necessary, that kind of thing, empty
2 the trash.

3 Q And they clean around -- do they clean the
4 outside of the campus, meaning the play areas?

5 A That happens more on weekends. And then the
6 day custodian, part of his job, he goes around and picks
7 up any papers that might have been left from the night
8 before and that kind of thing.

9 Q When you say "he goes," where does he go,
10 around the campus?

11 A And the campus, uh-huh.

12 Q Does he check the classrooms as well?

13 A During the day?

14 Q Right.

15 A No, that's supposed to be all completed at
16 night. But if something comes up -- sometimes, you
17 know, if a teacher calls and says there's a problem,
18 then he goes and takes care of it.

19 Q What about the multipurpose room, does -- or do
20 the night custodians clean the multipurpose room?

21 A Yes, and the day custodian has part of that
22 responsibility. But he cleans up every day after
23 breakfast. We provide breakfast for the students. And
24 then he cleans again, cleans up after lunch.

25 Q How does he clean after breakfast and after

1 A Yes, certainly.

2 Q Has he ever advised you that a particular
3 repair needed to be done or some maintenance needs to
4 occur?

5 A Surely.

6 Q Could you give me an example of that?

7 A Let's see, sometimes it's been bathrooms where,
8 you know, if he wanted to have a new -- he wanted new
9 partitions put in, and of course we put the new
10 partitions in the bathroom where the student
11 subsequently burned the bathroom. But you know, he felt
12 that we needed new partitions. He tells us about that.
13 He did that himself, or hired somebody to do it that
14 time so it would get done quickly.

15 If it were just a regular kind of thing that he
16 could just go fix, he would probably just go fix it.
17 But if it were something that -- and which is often the
18 case, where he needs to expend money, for instance, go
19 to Home Depot to get a part or something like that, then
20 he would either check with me or the business manager.
21 Often if it's materials, he checks with the business
22 manager.

23 He checks with me about overtime because we
24 spent so much money on overtime for last school that I
25 finally had to tell him no more overtime without advance

1 lunch? Does he just pick up the trash?

2 A He empties the trash, he sweeps up the floor,
3 that kind of thing. When they polish the floor, they'll
4 do that on the weekends usually. We also -- there's a
5 church that they're rebuilding that uses our
6 multipurpose room on Sundays, so we clean after them
7 too.

8 Q Does he wipe down the tables?

9 A Oh, yeah, sure.

10 Q How about the night custodians, how do they
11 clean the multipurpose room? Is it the same?

12 A He does most of the work in the multipurpose
13 room before he leaves for the day. But they get
14 involved, for instance, if it's been used at night or on
15 the weekend, then they would be cleaning it.

16 Q Do you oversee the custodians' work? In other
17 words, do they report to you?

18 A They report to the head custodian.

19 Q Does the head custodian report to you?

20 A Yes, to me and to the business manager. In
21 Edison's structure, the business manager also is
22 responsible for facilities.

23 Q Do you know, is the head custodian informed to
24 advise either you or the business manager if there are
25 facility problems on campus they discover?

1 approval.

2 Q Is this how you learn about problems on campus
3 with respect to maintenance issues is through your head
4 custodian?

5 A Usually. He comes to work at 3:30 and I'm
6 usually there until 5:00 or 6:00 o'clock and he makes a
7 point of coming in, or if I have a concern I'll go find
8 him. But he usually comes in and tells me whatever is a
9 concern for him.

10 Q Do you pay for any of these maintenance issues
11 through your general fund, or where do you get the money
12 to pay for additional --

13 A Out of our regular budget. That's one of the
14 reasons I had to say we're going to stop the overtime,
15 we were running out of money, yeah.

16 Q Has there ever been a time where you needed him
17 to repair or fix something, or you needed him for
18 overtime and you didn't have the funds for it?

19 A No. When we have emergencies, you just have to
20 take care of it.

21 Q And you've been able to do so?

22 A Yes.

23 Q Is it his responsibility to maintain the
24 drinking fountains on campus?

25 A Yes.

1 Q You began to describe the drinking fountain or
2 the problems you've had with the drinking fountain
3 located outside.

4 A Yeah.

5 Q Other than that drinking fountain, have there
6 been any other drinking fountains that, you know, have
7 not worked or have had problems?

8 A The drinking fountains are kind of an ongoing
9 maintenance issue because children do like to stick
10 things in the faucets so that the water doesn't come
11 out, you know, that kind of thing. And we replaced all
12 the faucet heads so that they would work more
13 efficiently. But it seems to be that it just kind of
14 takes constant paying attention to the faucets in order
15 to be sure that they're functioning.

16 He's been pretty good about that, but sometimes
17 you go out there and, you know, two of them have a good
18 stream of water and the other one has a smaller stream
19 of water, and the kids don't like that. But it's just a
20 real -- you know, he just has to tend to that a lot.

21 Q When were the fountain heads replaced?

22 A Oh, gee, earlier this year. I couldn't tell
23 you which month, but it was --

24 Q Before Christmas?

25 A I want to say it was before Christmas. I don't

1 the faucet.

2 Q Does that happen often, that the students jam
3 things up the faucet?

4 A I don't know. It's right up there with
5 graffiti in the bathroom. It doesn't happen all the
6 time, but from time to time he's had to clean those out.

7 Q Is there anything you do to address that with
8 the students?

9 A Yes. We address it with the teachers and the
10 teachers address it with the students. But ideally, if
11 we could keep that outside fountain working -- which I
12 don't think we can -- then when the students have their
13 lunch recess, they could use the outside. But because
14 we can't, then they, of course, have to be able to
15 drink, so they come in. So they're not as closely
16 supervised when they come in to use that fountain as
17 they might be. There's not a teacher that has water
18 fountain duty. So yes, people have access to it and can
19 do things if they want to. But we try to fix
20 everything, you know, as quick as we can.

21 Q Have you ever received complaints that a
22 student is unable to drink water when he or she needs to
23 or wants to?

24 A Sometimes they've come in and said the drinking
25 fountain's not working, yeah.

1 remember exactly.

2 We also have redone -- tried to maintain that
3 outside one and he totally had it fixed and working
4 wonderfully and that lasted for about two days before
5 somebody jammed some stuff in there, and it just --
6 we've given up on the outside one because we can't
7 control the --

8 Q Do you think it's beyond your control?

9 A Yes. When you have an open campus like that,
10 and you come back on Mondays and it's not working, what
11 are you going to do? But when the children are there,
12 the courtyard's open so they have those fountains.

13 Q How about keeping the water fountains clean,
14 whose responsibility is that?

15 A The custodians.

16 Q When do they clean the water fountains?

17 A That's part of the job that they do at night
18 when they're cleaning.

19 Q What about the day custodian, does he check the
20 water fountains during the day?

21 A Well, he does a general check of the campus.
22 I suppose if there was something -- sometimes he is
23 unplugging the water fountains during the day.

24 Q Why is that?

25 A Well, because somebody's jammed something up

1 Q Have you been in the office when that's
2 happened?

3 A Uh-huh.

4 Q And what did you do?

5 A I go out and see.

6 Q And then what happens?

7 A And then we contact the custodian and see if
8 it's something that the day fellow can fix, and if not
9 and it needs repair, we repair it.

10 Q How quickly do the repairs usually occur for
11 the water fountains?

12 A Well, a lot of times it's like that night.
13 Unless it's a matter of a part he can't get. You know,
14 he'll just go get it -- if it needs a part or a new
15 faucet or something, he gets it and repairs it. But I'm
16 sure there are occasions when he can't get the part.

17 Q When you say "he can't get the part," do you
18 mean he can't get the part within that school day?

19 A It could be. Maybe they don't have the part
20 and it has to be ordered. If they have to order the
21 part, then it could take longer.

22 Q Do you know of any occasion where a water
23 fountain has been broken and it's taken longer than a
24 school day for him to repair it?

25 A I don't know that. I would imagine it to be

1 true, but I don't know that for a fact.

2 Q Do you ever received complaints about the water
3 fountains having trash in them?

4 A No, not particularly. Sometimes kids put paper
5 in it, but that's cleaned out.

6 Q When you say it's cleaned out, do you mean
7 nightly?

8 A Oh, yes, nightly. But it might be -- I mean,
9 if I walk by a drinking fountain and somebody put trash
10 in it or something like that, I clean it out. I don't
11 leave it.

12 Q And you said earlier that you do have
13 opportunity throughout the school day to observe the
14 water fountains?

15 A Oh, sure.

16 Q How would you generally describe their
17 condition?

18 A In general I think they're fine. I think there
19 are times when, you know, they have to be cleaned. I'm
20 more frustrated by keeping them working with a strong
21 enough flow of water but I think the custodians make
22 every effort to try and have it working.

23 Q When you say you're frustrated with keeping the
24 flow of the water, is that because the students tend to
25 clog the faucets?

1 not to use anymore because it's not functioning?

2 A Uh-huh.

3 Q Do you think that there are enough water
4 fountains on campus? Aside from having one water
5 fountain outside now that's not functioning, do you
6 think that there are enough water fountains on campus?

7 A Well, judging by their use, I would say yes. I
8 don't see lines of kids waiting to use the drinking
9 fountain.

10 Q Have you ever sought assistance from the
11 district in maintaining the water fountains for keeping
12 their flow strong?

13 A No, I think Oscar feels he's been able to do it
14 himself.

15 MR. JACOBS: Oscar is?

16 THE WITNESS: He's the head custodian, excuse me.

17 BY MS. KOURY:

18 Q How about problems with broken windows, is that
19 something that your custodian handles?

20 A Yes.

21 Q How do you learn about problems such as broken
22 windows?

23 A How do I personally learn about them?

24 Q Do you personally learn about them?

25 A Not always, because many times it's just taken

1 A Yes, and it frustrates me more than one way,
2 not only the water, but the fact that that's happened is
3 kind of frustrating.

4 Q What about condoms in the water fountains, have
5 you ever seen condoms in the water fountains?

6 A No. But on the outside water fountain, the
7 kids have told me that like when they've come back on a
8 Monday morning, that there are condoms there, and then I
9 ask the custodian to clean it up. But we've also told
10 them that -- you know, that drinking fountain doesn't
11 work so don't go there.

12 Q How does the custodian clean it when you've
13 told him to clean it because a condom has been found on
14 the water fountain?

15 A What do you mean how? He removes it.

16 Q Is there anything else that was done to the
17 water fountain?

18 A Well, he could clean it if it were dirty, I'm
19 sure. But I don't know that that's ever happened with
20 the drinking fountains that are functioning that we were
21 using. I've never heard anybody tell me of happening
22 with the ones inside the courtyard.

23 Q Your understanding is it only happen --

24 A The one outside, yeah.

25 Q And that water fountain, the students are told

1 care of. If it were really broken so that somebody
2 could get in and that kind of thing, then somebody would
3 let me know that they've boarded up the window until it
4 could be fixed. But the kind of glass -- a lot of times
5 it's cracked and it's not a matter of the being
6 concerned about access.

7 Q Have you had any windows broken such that they
8 needed to be boarded while you've been at Edison?

9 A Yes.

10 Q And how did you learn about that?

11 A You know, I don't remember whether the
12 custodian told me or the teacher or the office people.
13 Somebody told me about it.

14 Q Do you know how that's resolved?

15 A What do you mean?

16 MR. JACOBS: Objection.

17 BY MS. KOURY:

18 Q If a window is broken and it needs to be
19 boarded, is that something that requires a maintenance
20 order from the district?

21 A No. No, our custodian takes care of that.

22 Our custodian takes care of all the maintenance except
23 for some emergency or capital --

24 Q Do you know if teachers are aware of a window
25 in a classroom being broken, what they do?

1 A Yes, they tell us about it. They tell the
 2 office generally, rather than going -- they don't go
 3 straight to the custodian. They tell the office and the
 4 office people would inform the custodian.
 5 Q And then what happens? After the custodian is
 6 informed, what happens?
 7 A Well, if it's the day custodian he's probably
 8 going to board it until Oscar comes in in the afternoon,
 9 because Oscar would be the one that would go out and
 10 purchase the window and replace it.
 11 Q Does someone clean the glass? Presumably if a
 12 window was broken, there may be glass. Is someone
 13 responsible for cleaning up the glass?
 14 A Yes.
 15 Q Who would that be?
 16 A The custodian.
 17 Q And how long does it take for the window to be
 18 replaced once a window is broken, and when I say
 19 "replaced," I mean a new glass put in the window?
 20 A It would depend again on whether he had to
 21 order glass or whether it was readily available.
 22 Q "He" being Oscar?
 23 A Yes, uh-huh.
 24 Q Do you know generally, does that take a couple
 25 of days or is that longer?

1 A Again, I would say it depends on whether the
 2 materials are available to him. It could be the same --
 3 that same night if he's able to get what he needs. If
 4 he's not, then as soon as he's able to, it's repaired.
 5 Q Have you ever received any complaints for
 6 windows being boarded up --
 7 A No.
 8 Q -- and not being replaced quick enough?
 9 A No.
 10 Q Have you ever learned of any lights being
 11 broken in any classrooms?
 12 A Broken? Not functioning? Which?
 13 Q Either broken or not functioning?
 14 A Oh, sure, lights go out and they replace them.
 15 Q Who is responsible for that, to --
 16 A The custodian.
 17 Q And how does the custodian learn about that,
 18 when a light needs to be replaced?
 19 A Well, it could be by their own observation, or
 20 the teacher will tell 'em, or the teacher will go tell
 21 the office so the office -- Oscar has a mailbox there,
 22 so we leave notes for him telling him if there's a light
 23 out in such and such a room or whatever the issue might
 24 be.
 25 Q Have you informed the teachers to inform Oscar

1 by writing him a note and putting it in this mailbox?
 2 A We've directed them to do that, but they always
 3 know to let the office manager know and he would let
 4 Oscar know.
 5 Q And how quickly are lights replaced in a
 6 classroom if they're not functioning or if they're
 7 broken?
 8 A Well, if they have the lights on campus, it's
 9 done right away. And then he might have to go out and
 10 buy additional. Usually he keeps extra lights, though.
 11 Q You how do you know that?
 12 A Who do I know what?
 13 Q That he keeps additional lights?
 14 A Because I've seen the day custodian replace
 15 lights when we told him one was out.
 16 Q And have you ever received any complaints that
 17 lights were not functioning or broken and they're not
 18 being replaced fast enough?
 19 A No.
 20 Q You mentioned earlier that sometimes windows
 21 are just cracked?
 22 A Yes.
 23 Q And what happens when a window is cracked? Is
 24 that something that the custodian is made aware of?
 25 A Yes. Those are supposed to be taken care of

1 too. It isn't quite -- you know, in the doors there's
 2 those little windows, the doors in the classroom, and
 3 they have wire in 'em and all that. Sometimes they
 4 become cracked, but it isn't a matter of somebody's
 5 going to break in through that, nor is it a situation
 6 where it could, you know -- how do I say, make a
 7 problem -- danger for a child or something. So --
 8 Q It's not given priority as would --
 9 A It's not given the priority of a window that
 10 could provide access or could have been a danger, if
 11 it's a safety issue. If it's a safety issue, then he'd
 12 have to take them out and board it up.
 13 Q Have you heard of windows that have cracks in
 14 them being replaced while you've been at Edison-McNair?
 15 A Surely.
 16 Q So they are replaced when there's a crack in
 17 window, it's just not given the same priority as a
 18 broken window would be?
 19 A I would say that's fair to say, yeah,
 20 particularly those little ones.
 21 Q Are you aware of any -- actually, are there any
 22 practices in place at Edison, or things done at Edison
 23 to address problems regarding pests?
 24 A Pests?
 25 Q Yes.

1 A Like mice?

2 Q Like mice, like rats?

3 A I've never seen a rat anywhere, but we do have
4 a field close to us and so forth, and so we have had
5 mice, and we have a pest control company that deals with
6 the mice if we have mice.

7 Q Does the pest control -- you said it's a
8 company?

9 A Yeah, it's a private company that comes and
10 they put out little --

11 Q Traps?

12 A Well, they're not traps. They're more like
13 poison trays. That's why we had -- I had one that I
14 think was going to become a pet because I didn't want to
15 come in and find him in the morning there. But he left.

16 Q Does the pest control company come on a regular
17 basis or do they only come when --

18 A We had one time this year when it seemed like
19 -- I was spraying and I guess the mice must have had
20 babies or something because I really had not seen any
21 mice before that. But there was a period there and then
22 we had them come and -- but I also found that people put
23 food away. For instance, I had 'em in my office because
24 I keep candy in there and I didn't think about that, and
25 I came in the morning and they were chewing on the

1 A Well, I haven't had the same teacher tell me
2 more than once because we take care of it, but I've had
3 different teachers say that they saw a mouse in the
4 classroom.

5 Q Has the pest control only come once this school
6 year?

7 A I don't know how many times they've come. Once
8 that I directly was talking to him that he came when I
9 was in the office. But it wouldn't take me to call him.
10 I mean my office people would call and have him come
11 out.

12 Q So it's possible he's come out on other
13 occasions and you're not aware of it?

14 A They could have and I would not necessarily
15 know it because people just take care of it.

16 Q And would teachers complain directly to your
17 office managers?

18 A Surely, and me, anybody else, I'm sure, if they
19 saw a mouse.

20 Q Other than setting the poison trays, do you
21 know of any other measures the pest control company took
22 to insure that there wouldn't be any more pests?

23 A When I talked to him he put those out. That
24 seemed to pretty much work. He talked about being sure
25 there wasn't food left out somewhere, that kind of

1 candy. Once I put the candy inside of a metal filing
2 cabinet, he apparently chose another home. So part of
3 it is, you know, be sure that you keep the foodstuffs
4 out.

5 Q So you advise your teachers with respect to --

6 A Uh-huh. You don't have to say much. Once they
7 see a mouse, they don't particularly like that either.
8 But there are fields there and I think, you know, we
9 just have to keep having the pest control people come
10 when that happens. We had one episode this year when
11 they came out and I haven't heard complaints about it
12 since then.

13 Q When did the pest control come out this year?

14 A Oh, spring. I can't remember months, but I
15 know it was springtime.

16 Q Meaning after January?

17 A Yes. They're little babies. They're like
18 field mice. Have you ever seen 'em?

19 Q Have you heard any teachers complain that there
20 are rats in the classrooms?

21 A No. Mice. They see the mice.

22 Q You've had teachers indicate to you that there
23 are mice in the classrooms?

24 A I have, yeah.

25 Q Was that on more than one occasion?

1 thing.

2 Q Why do you think it seemed to pretty much work?

3 A Because we haven't heard any complaints about
4 mice since he was there this last time, and I haven't
5 seen any more. We did have to talk to teachers about
6 not leaving food out though.

7 Q Do you know if the teachers, or if you
8 instructed the students about leaving food out as well?

9 A The children don't generally leave food out
10 overnight, and that's kind of the issue, you know. The
11 mice don't generally join you for lunch. They wait
12 until you go home and then they come.

13 Q Have you received any complaints other than the
14 ones you just indicated from teachers regarding mice or
15 rats at school?

16 A No.

17 Q No complaints from parents?

18 A No, not to me.

19 Q Are there any other measures that you haven't
20 discussed with me yet that you take to insure that pests
21 are kept off of your campus?

22 A I can't think of any pests except for
23 springtime mice that we've had. Once in a while we get
24 ants, and that again is when people leave food.

25 Q Has that been a problem at your school at all?

1 A It hasn't been a major thing, but I got ants
2 because I left my candy out. Once I put it away --
3 Q But you learned your lesson; is that right?
4 A I'm learning don't leave your candy out.
5 Q Have you heard of any classrooms having ant
6 problems?
7 A A couple of classrooms, they said that they had
8 ant problems, and then we had the custodians spray at
9 night. But you know, you don't want to use that spray
10 during the daytime when children are there. It's just
11 the same kind of spray you'd use at home, but you never
12 know when it might negatively affect a child, so I ask
13 them to do it at night so that the odor and all is gone.
14 Q Did that seem to resolve the problem?
15 A It seemed to. I haven't had anybody come back
16 to me a second time.
17 Q Have you ever had the pest control people spray
18 any kind of pesticide?
19 A Not that I know of, no.
20 Q Have you ever received any complaints or heard
21 about a problem with holes in the ceilings of any of
22 your classrooms?
23 A I have one teacher, yes, and that's been fixed.
24 He had a hole in his ceiling. And then we had the fire
25 department hole and we fixed that.

1 Q Was that the fire department hole that the fire
2 department made when they were looking for the smell?
3 A Yes.
4 Q Was the hole in the ceiling that you said a
5 teacher complained about, do you know what room that was
6 in?
7 A Yes, it was the math teacher, seventh grade
8 math teacher, and what the head custodian had told me is
9 there had been a leak in the roof and water had come in
10 and so forth an that he had -- that has sections. We
11 had removed those. I don't know whether -- I think he
12 removed them himself because they were wet, and then in
13 order to get up and repair, and that was open for a
14 while because he was dealing with finding the leak in
15 the roof, and then you know how that goes. And once he
16 determined that he had that taken care of, then he
17 closed up the hole.
18 Q Was that in Room 7, do you know?
19 A Yes, it is Room 7.
20 Q How quickly after the teacher complained that
21 there was a leak in the roof did your custodian begin
22 working on that?
23 A You know, I can't tell you for a fact but I'm
24 sure if the teacher told him there was a leak, he
25 probably was doing whatever he could to stop the leak

1 right away. But he did tell me he didn't close up the
2 hole right away because he wanted to be sure he'd taken
3 care of the leak.
4 Q So he left the hole open until he determined
5 that he had taken care of the leak?
6 A Yeah. You know, those have kind of a drop
7 ceiling. So the hole was where the dropped ceiling is.
8 It's that piece there. There are pipes up there in and
9 there's a roof up in there, and if you've ever had a
10 leak, you know sometimes water will sometimes follow a
11 certain path and that's not where the leak is.
12 Q When you say he removed sections, do you mean
13 the sections from the tiles, the ceiling tiles sections?
14 A Yes.
15 Q Did he require assistance from the district
16 when he was taking care of that?
17 A I don't believe so. Not to my knowledge.
18 Q Do you know how long it took him to close the
19 tile --
20 A How long between the time of the leak and the
21 closing? I don't know.
22 Q How long -- yes.
23 A I don't know that.
24 Q Did you receive any complaints about it being
25 -- remaining exposed?

1 A No. I have a very comical math teacher who
2 referred to it as his skylight, but he wasn't disturbed
3 by it because it didn't affect the cold or the hot in
4 the room or anything. It was just open. And it was --
5 it's toward a corner so it wasn't like over a kid's head
6 or something like that, you know.
7 Q And it's now fixed?
8 A Yes.
9 Q Is it no longer leaking?
10 A Well, it hasn't rained since then, so we'll see
11 when it rains again.
12 Q Is it your custodian's opinion that the leak
13 has been repaired?
14 A He thinks it has been, yes. That's why he
15 closed it up.
16 Q Are you aware of any exposed holes in your
17 blacktop area?
18 A Exposed holes in my blacktop area?
19 Q When I say "blacktop," I mean the play areas of
20 the school.
21 A Exposed holes? No. The football field
22 sometimes -- and that really is part of the 49er
23 Academy. You know, under the grass it might have some
24 divots or things like that.
25 Q Excuse me?

1 A It might have divots or something. You know
2 how grass areas sometimes do that.

3 Q Is there any area where there were pipes that
4 there's a -- there was pipes that were exposed that
5 perhaps have now a plank of wood over them?

6 A There is a place out to the side of the
7 asphalt, if you run the way over the grass, where
8 there's some valves down in there, but it has like a
9 metal grate over it.

10 Q What do you mean by "a metal grate over it"?

11 A It has a metal grate over it.

12 Q Is there any access inside -- under the metal
13 grate, or is it completely covered?

14 A The children can lift the grate out if they
15 choose to, but the grate covers the whole thing. It's
16 just a rectangular, maybe that wide, and I don't know,
17 maybe the distance across this table. But it has a
18 metal grating that fits over it.

19 Q Do you know how deep it is once -- if you lift
20 the metal grate?

21 A (Indicating.)

22 Q About?

23 A Yeah, I don't know. A foot. There's some
24 valves down in there and then it has a metal grate over
25 it.

1 Q Do you know why the metal grate's not
2 permanently affixed?

3 A I think so that people can get at the valves.

4 Q Is this near the children's play area?

5 A Yes, it's, as I said, between the asphalt and
6 the grass of the football field, to the side.

7 Q Have you ever heard of any students falling
8 inside?

9 A No.

10 Q Have you ever heard of any students hurting
11 themselves?

12 A No. I have seen them take the grate off and
13 get in it, but they weren't hurt. They were doing it on
14 purpose.

15 Q Do you think it poses a danger to the students?

16 A No.

17 Q Why not?

18 A Well, because generally the grate's on there
19 and it's not an issue, and the grate is really heavy. I
20 can't lift it. I mean, if somebody moves it, it would
21 take --

22 Q Have you seen students lift it?

23 A I have seen when it wasn't there and they were
24 playing a game and there was a child sitting in it. But
25 it's not very deep and -- but I didn't see them move the

1 grate, and I don't know when it was moved or by whom. I
2 just had to ask to have the custodian put it back.

3 Q Have you ever received any complaints or
4 concerns from parents with respect to this?

5 A No, huh-uh.

6 Q How about other teachers?

7 A No. It's only been one time, and in fact,
8 fairly recently, that I saw the grate off there and the
9 kids were playing.

10 Q Did you instruct the kids not to take the grate
11 off?

12 A Yes.

13 Q Have you ever seen other teachers instruct the
14 kids not to take the grate off?

15 A No, I've never seen the grate off it other than
16 that one time.

17 Q Have you ever heard of it coming off other than
18 that one time?

19 A No, nobody's brought it to my attention. It's
20 another one of those things, though, that could happen
21 after school on the weekends because the playground's
22 not closed. But it would take several people, pretty
23 strong, to move it.

24 Q Is there air conditioning at your school,
25 Edison-McNair?

1 A No.

2 Q Do any of the classrooms have air conditioning?

3 A Portables, yeah. There are four portables back
4 there. Brentwood uses three of them, we use one.

5 You're right, they do have air conditioning.

6 Q But the permanent classrooms don't?

7 A No.

8 Q Do you think the permanent classrooms need air
9 conditioning?

10 A I think everybody needs air conditioning. It
11 would be nice to have air conditioning on these days
12 when it gets so hot. But I don't know of any of the
13 schools have air conditioning. I've never had air
14 conditioning where I came from.

15 Q Have you ever received any complaints that the
16 permanent classrooms are too warm?

17 A Oh, when we have the hot days, many times the
18 teachers will take a class out under a tree or something
19 like that. Sure, it gets warm.

20 Q Do those hot days, are they usually consecutive
21 hot days, or are they usually broken up?

22 A Well, I mean, it's not hot like it is in
23 Los Angeles. You know, we have had some hot times,
24 last month. There's been a few days.

25 Q When you say "hot times," though, is that just

1 one particular day that's hot that's followed by a day
 2 that's cooler and then perhaps another hot day, or do
 3 you have a spring of several days --
 4 A We've had, if I am remembering correctly, maybe
 5 two days together and then a cooler day and you know --
 6 Q Have you received any complaints from parents
 7 or from students that their classrooms are too hot?
 8 A No. Teachers will say, you know, it's hot
 9 because when you're in a room with 30 children, it gets
 10 warm. But they usually -- the nice thing here is that
 11 oftentimes in the afternoon you get a breeze and so it
 12 helps. But there have been days when -- for instance,
 13 we had the physical education, instead of being outside,
 14 we had them at the Boys and Girls Club in the
 15 multipurpose room.
 16 Q Is that something that you do to alleviate the
 17 heat, take them elsewhere?
 18 A Sure.
 19 Q Other than -- also you mentioned that some
 20 classes will take -- or some teachers will take their
 21 classes outside. Other than that, is there anything
 22 else that teachers do to alleviate the heat in the
 23 classrooms?
 24 A Well, they have fans in the classrooms.
 25 Q Do they have shades in the classrooms?

1 A Shades as in blinds?
 2 Q Correct.
 3 A Most of the classrooms do have blinds. We did
 4 have some that the custodian took down to clean and in
 5 the process of cleaning them they fell apart. And so
 6 there are a couple of rooms that need blinds replaced,
 7 which is also on -- part of his July work is to get
 8 those.
 9 But the way those rooms are set with that
 10 courtyard, blinds are not a real -- you aren't having
 11 sun shining right in those rooms. The fans are really
 12 helpful.
 13 Q How do you know that?
 14 A Because I've been in the rooms. They have --
 15 what we supply is the kind, it's on a stand so it's up
 16 high enough so you're getting a pretty good flow of air.
 17 Some teachers bring in additional fans, but they all
 18 have ones provided at school.
 19 Q How many permanent classrooms do you have?
 20 A By "permanent classrooms," you're talking about
 21 not portables, right?
 22 Q Right.
 23 A I just have to stop and think. I've got 18
 24 home rooms, plus I have an art class. I believe there's
 25 19 counting the art room.

1 Q. We also discussed a little bit the graffiti on
 2 the walls. You say that's something that your night
 3 custodian usually handles?
 4 A Yes. It depends though. Sometimes if it's
 5 somebody's name or if the language is bad, then I have
 6 the day man clean it up right now.
 7 MS. KOURY: I need a five-minute recess.
 8 (Recess.)
 9 BY MS. KOURY:
 10 Q We've been discussing water fountains earlier.
 11 A We certainly have. Excuse me, it's getting
 12 late.
 13 Q Have you ever received any complaints or been
 14 aware of any of the water fountains having brown water
 15 that's coming out?
 16 A Brown water. Brown water. I don't think I've
 17 seen any brown water. I don't recall that.
 18 Q Have you received any complaints from any of
 19 the students or teachers or other persons on campus that
 20 the water coming out of the water fountain is dirty?
 21 A I don't recall that. I've had the kids -- some
 22 of them will come and say the water tastes yucky and
 23 then I go out and taste the water, you know, and it
 24 hasn't been -- anything different that I know of.
 25 That's kids.

1 Q Are you aware of the sinks in the science
 2 classroom, I believe it's Classroom 12, the 8th grade
 3 class?
 4 A Yes.
 5 Q Do you know if the sinks in that classroom work
 6 properly?
 7 A No, they don't work, but he didn't want them to
 8 be working.
 9 Q Who's "he"?
 10 A The teacher.
 11 Q Why didn't he want them to be working?
 12 A Well, it's a science room that has those
 13 science kinds of tables, high tables, you know, where
 14 the kids sit on a stool. And the way it was set up is
 15 with a small individual sink, I assume to do some kinds
 16 of experiments, and -- because we asked him about
 17 replacing those and making sure they function, and he
 18 said it would be a real classroom management issue if he
 19 had all those fountains working while he's trying to
 20 teach.
 21 Q Do you know what he meant by that?
 22 A Yeah, because the kids would be playing with
 23 it, splashing each other with water and doing other such
 24 interesting things, so it works better for him to have
 25 them off.

1 Now, about -- I want to say two weeks ago,
 2 within the last month, he said he'd like to have it for
 3 next year so that he has one that's up close to him that
 4 does work.
 5 Q Have you made arrangements to make that happen?
 6 A Sure. I already told the head custodian to be
 7 sure that happens.
 8 Q Do you have an understanding that the head
 9 custodian will be able to repair that sink for next
 10 year?
 11 A Yes, he didn't seem to think it was an issue to
 12 do it. It's just that we had followed what the teacher
 13 wanted this year, and I can understand that because
 14 there's several sinks in there and it could be a
 15 problem.
 16 Q Have you ever received any complaints from the
 17 science teachers that they don't have sufficient
 18 supplies for any of the experiments in their class?
 19 A No.
 20 Q Have you been aware of any science teacher not
 21 being able to do certain experiments because there are
 22 not sufficient supplies?
 23 A No. He has cupboards full of materials in the
 24 science room.
 25 Q How do you know that?

1 A Because I've seen them.
 2 Q What kind of supplies does he have in there?
 3 A Oh, various kinds of things, you know, just for
 4 science experiments. I don't know all those -- whatever
 5 goes with the curriculum for teaching science. To me,
 6 my knowledge about science, it's a lot of stuff.
 7 Q Have you ever received any complaints from
 8 either teachers or students or parents that there
 9 weren't enough supplies during an experiment for all the
 10 students in the class?
 11 A No, huh-uh.
 12 Q Do you give the science teachers discretion in
 13 which experiments to conduct and which experiments not
 14 to conduct?
 15 A That would be his decision, surely, as long as
 16 he's teaching the curriculum and if he wants to do the
 17 experiment, he will. My impression and understanding
 18 with BJ is that he probably does more, and he may do
 19 some different things because he really is a science
 20 person.
 21 Q How do you know that?
 22 A How do I know --
 23 Q What do you base that opinion on?
 24 A Oh, in the things that he's shared with me that
 25 he's doing, you know, and things that I've watched him

1 do.
 2 Q When you say things that you've watched him do,
 3 in terms of --
 4 A Experiments and that kinds of things he's done
 5 in class.
 6 Q So in your opinion, he's a pretty good science
 7 teacher?
 8 A Oh, yes, he certainly is.
 9 Q Have you received any complaints from parents
 10 that he doesn't conduct enough experiments in that
 11 class?
 12 A No, uh-huh.
 13 Q Are you familiar with the Room P2, the drama
 14 room for the eighth grade class?
 15 A Yes.
 16 Q Are you familiar with any windows in that room
 17 being cracked?
 18 A I think earlier in the year there was a cracked
 19 window there. It's been replaced. I don't know if
 20 there -- I can't remember if it's cracked since then.
 21 But it's outside again. It's more of an issue
 22 when we have things that are outside of that enclosed
 23 courtyard, the portables sit out by themselves, so
 24 they're exposed all weekend and all night to everybody.
 25 Q Your understanding is that that window was

1 cracked and has since been replaced?
 2 A Yes.
 3 Q What about a window in Room 19, do you have any
 4 understanding as to whether a window in the door in that
 5 room was cracked?
 6 A Yes, that was one of those little windows.
 7 Q Has that since been replaced?
 8 A I don't think it has been replaced. I'd have
 9 to go back and look again.
 10 Q Do you know why it hasn't been replaced?
 11 A That one is one of the ones I was talking to
 12 you before that probably isn't a priority with the
 13 custodians because it has that wire mesh in it and it's
 14 not going to break out and you can't enter that way, so
 15 it's not going to cause anybody any harm.
 16 The issue there was getting that same kind of
 17 glass with the wire in it, and he said he was having
 18 difficulty getting that to replace it.
 19 Q And that's why it hasn't been replaced yet?
 20 A That's my understanding, uh-huh.
 21 MS. KOURY: I have no further questions.
 22 MR. JACOBS: My turn.
 23 EXAMINATION
 24 BY MR. JACOBS:
 25 Q What was the process by which you were

1 recruited by Edison to become a principal in an Edison
2 school?

3 A I had a friend who mentioned Edison to me, and
4 I looked it up on the web and then that person talked
5 with Lauren Dutton, who isn't with the company anymore.
6 I'm not sure what her role was, something to do with
7 recruitment and all that. And I don't remember if I
8 called her or she called me, but I talked to Lauren and
9 we talked about basically my experience and so forth and
10 whatnot. And then she referred me to Richard Barth who
11 is in charge of principal recruitment in New York. And
12 then we continued to talk, and at some point I think we
13 both decided that this was a good idea and I sent my
14 resume in on that.

15 Q By this time, were you already retired?

16 A By the time I was hired, yes.

17 Q How about the time when you started talking
18 with Barth?

19 A I think the first conversations, Michael, if I
20 remember correctly, would have been in May which would
21 have been before I was retired but certainly when I knew
22 I was retiring.

23 Q Did Barth continue to be your contact through
24 the recruitment process?

25 A Yes.

1 Edison selects challenging districts and challenging
2 schools and there's more to do, and they're also, in my
3 estimation in talking to them and having met them since,
4 they really are wonderful principals and they work hard.

5 Q And the reason they conveyed to you that they
6 loved what they were doing was what?

7 A Well, they said that they feel a lot of
8 satisfaction, that the children really were making
9 progress, and that what Edison had said about what their
10 philosophy was and their beliefs was true in their
11 estimation. They hasn't found any -- because that's the
12 same kind of skepticism I would -- it's like it sounds
13 good, but, does it play the same way it sounds? And
14 they said that it did. That they had found that the
15 people at the very top of the company were truly
16 interested in students.

17 Q What were some of the details of the philosophy
18 and beliefs that these principals described to you as
19 having matched -- the reality matched what they had been
20 told?

21 A They really felt that the people they came in
22 contact with and the people at the very highest levels
23 of the company really did believe that the children in
24 these really challenged schools were really capable of
25 learning as effectively as anybody else given maybe a

1 Q Was he the one who described the Edison
2 philosophy to you on behalf of Edison?

3 A He referred me to their website which I read.
4 He also recommended four or five different principals
5 that I should call and talk to. And he just said, "Ask
6 them the good, the bad and the ugly." So I did.

7 Q Were these principals in California?

8 A No. But one of them was a Californian that had
9 gone to Colorado. And let's see, one of them was
10 another Californian that had gone to Wisconsin, I think
11 it was, and then another person that was in -- someplace
12 in the east, and then one that was in Dallas -- no,
13 San Antonio.

14 Q If I ask you questions about what they conveyed
15 to you as a group, is that fair given the kinds of
16 information they provided, or in the sense that it was
17 relatively -- it was more or less similar about Edison,
18 our should we break it down one by one?

19 A I think it was pretty much similar because, my
20 impression was they all said the same thing, they were
21 tired, they worked long hours and followed by "I love it
22 and I plan to stay," so --

23 Q They work long hours because of the job
24 requirements in an Edison school for a principal?

25 A I think that they worked long hours because

1 little balance, you know -- given more possibly; given
2 some advantages instead of the disadvantages they're
3 generally used to.

4 Q And the advantages that they described to you
5 as coming with the Edison philosophy were what?

6 A Well, first of all, it's really a great deal of
7 staff development for teachers and really conveying that
8 idea for teachers. The teachers that are successful
9 with us are ones who buy what they do and say. You can
10 tell they really do believe these children are going to
11 learn and that they can learn.

12 Edison is not one that says lower the standards
13 or what educators say, dumb down the curriculum, in
14 order to make it so these children can learn, but to
15 maintain standards and the learning and they will learn.

16 Also, their additional subject matter, which
17 happens to be something I really believe as I do think
18 people are going to be more effective readers and doers
19 of math if in fact they have art and music and drama and
20 all those other pieces. So --

21 Q Were there any things that they suggested to
22 you that you should be aware of and in a kind of a we --
23 you'll love it, but come in with your eyes open, you
24 should be aware of the following things you'll need to
25 watch out for?

1 A You should be aware of the fact you're going to
2 work long hours. That was the only thing.

3 Q That was the only negative?

4 A They just said that, you know, it was long
5 hours and it took a lot of time.

6 But they also had -- a couple of 'em had just
7 gone through start-ups where it was a charter school
8 that wasn't affiliated with a district, and so it's like
9 they've taken a whole building, where the building has
10 to be redone and all the furniture has to be brought in
11 and, you know, start-ups are a more complicated thing
12 than an existing school. So it's like here comes
13 opening day and the chairs aren't there.

14 Q That was the particular Edison school in
15 question for a couple of these principals was a school
16 that was a start-from-scratch project; is that what
17 you're saying?

18 A Uh-huh. They do both -- most of the schools,
19 to my knowledge, are partnership schools, like we have
20 with Ravenswood, partnership with the district. But
21 there's some that are chartered by the State and are
22 separate from the district, they're just free-standing.
23 And they may have taken over -- you know, they may be
24 leasing or buying a building actually, and then redoing
25 it for a school. Some cases it's an old school that's

1 Q Before you -- if you had to answer this -- I'm
2 going to ask this question as of your state of mind
3 before you delved deeply into the Edison philosophy.
4 So as of that time, if someone asked you what does it
5 take to enable children who are otherwise disadvantaged
6 to learn effectively in a public school environment,
7 what would you have clicked off as some of the key
8 factors?

9 MS. KOURY: Objection, vague.

10 MS. SOTO HERNANDEZ: Objection, broad, overbroad.

11 THE WITNESS: You want to narrow that down?

12 BY MR. JACOBS:

13 Q No.

14 A You're going to have to restate it because now
15 I forgot.

16 Q Sure. So I'm going to before you learned what
17 Edison brought to bear on this issue, and the question
18 is, with this philosophy that, let's say in shorthand
19 all children can learn, if you had been asked, "Okay,
20 what would it take to enable disadvantaged children to
21 learn?" what would you have clicked off as the
22 prerequisites for that?

23 MS. SOTO HERNANDEZ: Overbroad.

24 MS. KOURY: Objection, vague.

25 THE WITNESS: The first thing that would come to my

1 been shut down and then they come in and re-do it and
2 open it up. So that -- those people were particularly
3 exhausted, because there's a great deal, you know, more
4 to do to get ready.

5 But you know, any school, if you're going to do
6 a good job, it takes long hours. It just does.

7 Q And your personal belief that otherwise
8 disadvantaged children could learn if properly
9 challenged and given some advantages, where did that
10 come from?

11 A Where did it come from?

12 Q Did you have some particular empirical data
13 that led you to that, or was it a matter of faith?

14 A It's probably a matter of experience.

15 Q And are the experiences that come to mind when
16 you --

17 A Well, I taught for 15 years before I was ever
18 an administrator, and so I had lots of opportunities to
19 see children that might have been considered not able to
20 learn but did. And I saw that certainly in the
21 schools -- the schools where I was, with one exception
22 in Salinas where what Salinas calls disadvantaged
23 schools. They aren't as challenged as these are, but
24 certainly there's many children who have challenges,
25 and they can learn. They really can.

1 mind probably would be that you have to have a caring,
2 knowledgeable teacher, and then a school environment
3 that really emphasizes that the expectation is that you
4 will learn. I think that school culture has a lot to do
5 with people in general, that there's an expectation
6 there for that. You do need knowledgeable teachers, but
7 it's also working with parents to -- because they don't
8 always believe that either, you know.

9 BY MR. JACOBS:

10 Q To lead the parents to believe that their
11 children can learn?

12 A Uh-huh. Uh-huh. And I don't mean that
13 everybody learns the same amount on the same page in the
14 same day. Different folks take longer or have to have
15 different ways to do in order to learn. But it can
16 happen.

17 Q Was this part of the -- were these experiences
18 and beliefs part of your discussion with Edison when
19 they were recruiting you?

20 A Surely.

21 Q And did you -- I take it you found an alignment
22 between your experiences and beliefs about all children
23 can learn and Edison's experiences and beliefs?

24 A Exactly.

25 Q And in particular, did Edison convey to you any

1 empirical information about what it takes to create this
 2 kind of environment?
 3 MS. KOURY: Objection, vague.
 4 THE WITNESS: They had stated that -- and they say
 5 it many times, that they spent several years doing
 6 research to determine what things would be the most
 7 critical for students in what's called a disadvantaged
 8 environment to learn. And one was certainly the design
 9 they use, including the drama and the art and music and
 10 all that, that was a piece. The longer day and longer
 11 year was another part of that. We have what Edison
 12 calls core values that we teach, and they felt that that
 13 teaching of values was critical to people being
 14 effective learners. We don't have any issue about --
 15 we're not short on smarts. We have plenty of smarts
 16 going around, but we have issues about responsibility
 17 and --
 18 BY MR. JACOBS:
 19 Q We being?
 20 A The students. All of us probably. But you
 21 know, the responsibility to show up, to be on time, to
 22 be responsible for your behavior. Students can manage
 23 very nicely under direct supervision. Where we're
 24 trying to go is, how do you manage -- can you
 25 self-manage, and so we spend a lot of time on that kind

1 of thing. You know, what do you do if nobody's watching
 2 kind of thing, and talk about courage and responsibility
 3 and respect and all of those kinds of issues, which is a
 4 big piece of working with students.
 5 Q And this is -- you're now describing both what
 6 you have done at Edison-McNair and what you learned as
 7 part of the Edison philosophy when you were having your
 8 interactions with them last summer?
 9 A Uh-huh. You'll see if you come to our school
 10 in the office that the -- those values are posted there.
 11 You know, it says Courage, Respect, Responsibilities,
 12 and when teachers are talking with students it would be
 13 more of a conversation about, in this situation, if you
 14 were being responsible, what would you do? Was your
 15 behavior responsible? And of course, they have had
 16 conversations about what being responsible is and that
 17 kind of thing. So trying to get students a little bit
 18 more internalized.
 19 Q On the additional subject matter topic, the
 20 teaching art, music and drama and those sorts of things,
 21 did you -- in your discussions with Edison, did it get
 22 more concrete than that about what the relationship was
 23 between teaching those subjects and creating a learning
 24 environment in traditional reading, writing, mathematics
 25 kinds of topics?

1 A I'm not sure I understand the question, but if
 2 I do, there -- the teaching of reading and language and
 3 math is involved in all those other subjects. They
 4 aren't a separate kind of thing. If you're doing drama,
 5 you know, you are reading and speaking and listening and
 6 doing those kinds of things. World language certainly
 7 is a piece of that. Art and music, people learn
 8 different ways and they have different ways of learning,
 9 but some people are auditory, some people are visual,
 10 some people happily have both things going for them.
 11 But those are ways to enhance that. All of those kinds
 12 of things add to your ability to do math and art, and
 13 they talk about, you know the studies of the brain and
 14 so forth, and how that enhances learning. And I happen
 15 to believe that, so --
 16 Q So it was a good match?
 17 A Yeah, a good match.
 18 Q But on those topics, is there an Edison
 19 philosophy as to how those topics should be taught in
 20 order to maximize the benefit in the core subjects?
 21 A Yes, they recommend a curriculum for the art
 22 and for the drama and so forth, sure. And again, they
 23 do have regional and national people that can come out
 24 and help with that direction when it's wanted.
 25 Q And in particular, when you're talking with the

1 teachers in those subjects about how they're teaching
 2 those subjects -- we'll talk now about your
 3 Edison-McNair experience -- is part of the conversation
 4 with them, "How are we using this subject to reinforce
 5 what they're learning in math?"
 6 A Absolutely.
 7 Q Can you give me a for instance?
 8 A Well, as I think about art, of course the art
 9 is -- enhances both the reading and the math, but in
 10 particular he will be talking about spatial
 11 relationships and the geometry and those kinds of things
 12 are just inherent.
 13 And in drama, of course the connection between
 14 language and reading is just -- I mean, those children
 15 are doing plays, they're acting parts, they're reading
 16 the parts, they're memorizing the parts, they're
 17 speaking. She works on trying to get them to do some
 18 extemporaneous kinds of things.
 19 Q And during the recruitment process, did you
 20 learn about world language as one of the --
 21 A Yes.
 22 Q -- feature -- world language is a term of art
 23 in the Edison world, meaning it's a concept that's, if
 24 not unique to Edison, it's featured in the Edison
 25 learning environment?

1 A Yes. The term "world language," I don't know
2 where they got that, but that's what they use anyhow.
3 But the teaching of English to English language
4 learners, you know, that's not new. We've been doing
5 that a long time. But one of the things that isn't done
6 generally in public schools, at least in California
7 where my experience is, is teaching Spanish or another
8 language to the English learners. Generally because it
9 just is -- you know, a teacher has a class and how are
10 they going to logistically do that. It's been something
11 that's been mentioned, Spanish as a second language, but
12 it rarely ever happens. Whereas in Edison, it is
13 intended that it will happen.

14 Q And if I understand the structure right from
15 your earlier discussion, there is a world language class
16 for the English speakers and there's a world language
17 class for the English learners, is that -- the ELL
18 students?

19 A Yes, uh-huh.

20 Q Is that correct?

21 A Uh-huh.

22 Q They're not mixed in world language?

23 A Not in world language, no.

24 Q They are mixed in other subjects?

25 A Yes.

1 how does that affect your learning?

2 A Well, the teacher is responsible to know who
3 they have in their class who is an English language
4 learner, and therefore they would employ those
5 techniques that might be helpful to them. They might be
6 over it second time. Let's say they've given the lesson
7 and they've given the lesson in English, and even though
8 the person might be an English speaker, they might pull
9 those children into a small group and go over it again.

10 Q And go over it in Spanish?

11 A. No, not necessarily.

12 Q Just -- but maybe?

13 A If the teacher is a Spanish speaker and they
14 think that they really have people who have no English
15 -- most of our children will have some. But then you
16 get new children in from Mexico all the time who may
17 have none. And the small group generally helps. Or
18 sometimes they just individually go around and make sure
19 that they understood.

20 Q But that's something a teacher would do for a
21 student, I would think, regardless of whether they were
22 ELL, that is try to make sure they're understanding, and
23 if not --

24 A Oh, surely. But I think they feel they have an
25 obligation to be particularly sure that those children

1 Q So when a student at McNair places out of ELL,
2 you talked about that interaction with -- was it
3 Mr. Santos?

4 MS. KOURY: Lopez.

5 THE WITNESS: Oh, Mr. Lopez, yes.

6 BY MR. JACOBS:

7 Q When a student places out of ELL, what does
8 that mean functionally at Edison-McNair?

9 A Well, according to the State guidelines, it
10 would mean that they would be able then to not -- not
11 need the English as a second language instruction
12 supposedly. I think there is a transition time there,
13 though, when people need support. But that they would
14 then be able to take the Spanish.

15 And the children who are Spanish speakers,
16 their grammar is not necessarily correct, nor do they
17 necessarily read or write. So when they take the
18 Spanish, when they first start, they go, "I know how to
19 do this," but it doesn't take too long before they
20 become helpers in class for the oral language with
21 others, but most of them are not literate.

22 Q Let me break this down a little bit. In
23 math -- and let's take fourth through sixth to start.
24 If you're an ELL student and while you're in ELL in
25 math, what does that mean, the fact that you're in ELL,

1 understood what the lesson was. Sure, they check with
2 everybody, but they're -- I mean, they are required to
3 know who are those children in your class and to be sure
4 that they do understand.

5 Q So in that class then, you place out of ELL
6 based on this criteria that you discussed this morning,
7 what happens to your math instruction?

8 A The only difference in the math -- well, there
9 wouldn't be any difference in the math instruction
10 except that if, in fact, you are indicating that you
11 understand, then maybe you wouldn't need the additional
12 help or time for additional explanation.

13 Q And then same question for -- what's the -- for
14 four through six, what would we call English, your basic
15 English instruction?

16 A You're talking about the reading -- SFA?

17 Q SFA. All right, so let's talk about SFA then.

18 A With the SFA, the way the grouping goes, we
19 have English language learners who really -- we place
20 them both with teachers who speak Spanish and they're at
21 the very beginning level. So they're at lower level and
22 they are getting really more intense English language
23 instruction along with SFA. It's done with SDAIE
24 instruction and a lot of emphasis, and those children
25 are separated in that situation until they could move

1 forward.

2 Q And they're separated by an SFA group?

3 A Uh-huh.

4 Q Is it ever the case that a non-ELL student is
5 in the same group as ELL students for SFA purposes?

6 A It could be, but they would probably be ELL
7 students that are at higher levels. I don't know if
8 you're familiar with those tests, but the ones they use
9 here, it goes A, B, C, D, E, F, and A/B means you have
10 no English or very little, and E/F means you probably
11 have quite a bit of English but you maybe haven't gotten
12 scores to the point where you can redesignated. You
13 know, if they don't get the SAT9 scores, you can't
14 redesignate them anyhow.

15 So the A/B's would probably be with those
16 teachers that are teaching -- we even organize it so the
17 group's smaller, they don't have as many students and so
18 forth. But there could be students that haven't been
19 redesignated that are at higher levels that would be
20 with English speakers.

21 Q Can you pass out of those SFA levels at a pace
22 independent of whether you pass out of the ELL program?

23 A Uh-huh, yes.

24 Q So if you're learning English very quickly, you
25 would move up in SFA levels very quickly?

1 his emphasis was could you -- you know, if we are
2 effectively teaching English, then shouldn't they learn
3 enough English so that they can -- and I think he sees
4 that as a piece of whether we're successfully teaching
5 or not. If the children have been here, then shouldn't
6 they be able to make the change. We hope so too.

7 BY MR. JACOBS:

8 Q Does the district get additional funding to
9 account for a greater number of ELL students?

10 MS. KOURY: Objection, calls for speculation.

11 THE WITNESS: Yes.

12 MS. ALTAMIRANO: Join.

13 THE WITNESS: Yes.

14 BY MR. JACOBS:

15 Q So that's the impact on the district then of
16 redesignating is that some of the funding is lost?

17 MS. KOURY: Objection, mischaracterizes her
18 testimony, calls for speculation.

19 MS. ALTAMIRANO: Join.

20 THE WITNESS: I don't know if that's true or not.

21 I imagine it is, but the direct certainly emphasizes
22 redesignation, so they seem to have an interest in
23 having that done. And when anybody comes from the State
24 or whatever to check on the program, they are very
25 interested in how many have you redesignated and how

1 A Surely.

2 Q So again, I'm having trouble figuring out what
3 the specific ELL -- the impact of passing out of ELL
4 itself is. It sounds like in reading, the real test is
5 whether you're moving up in the SFA levels.

6 A I'm not sure I understand -- you're saying what
7 is the significance of being redesignated?

8 Q Correct.

9 MS. SOTO HERNANDEZ: I'll object, vague.

10 THE WITNESS: Being redesignated has some
11 significance to the State and the district I think, and
12 it has some significance to the parents. That's
13 important to them. What a teacher is really looking at
14 is how do you learn in the classroom. So if they're
15 seeing you're really proficient, that means you're an
16 academic learner. You know, there's a difference
17 between a social language and an academic language. But
18 if they really have academic English and can function
19 there, the teacher's going to treat them that way. But
20 if you can't get a high enough score on the SAT9, then
21 technically we can't redesignate you.

22 Mr. Lopez' issue was -- and I can't speak to --
23 I don't know anything about the high school district,
24 but he apparently does not like the idea that they're in
25 a class for limited English students in high school. So

1 many children. Because, you know, if you were sitting
2 there were children, let's say they had entered
3 Brentwood in kindergarten, we've got them in fifth
4 grade and they still cannot read English, hum.

5 BY MR. JACOBS:

6 Q I could see that would be --

7 A That would be a little bit off-putting, and
8 people have said in the past that that was one of the
9 problems with the bilingual programs, which is, you
10 know, just my opinion. I don't know. I'm very familiar
11 with bilingual classes because in Salinas that's what we
12 had up until 227, teachers were teaching both languages.

13 Q SFA is a curriculum that Edison has adopted
14 widely?

15 A Across the nation, yes.

16 Q SFA is also an approved curriculum by the State
17 Board of Education?

18 A At this point it is, yes.

19 Q Do you know if SFA is used anywhere else in
20 Ravenswood?

21 MS. KOURY: Objection, calls for speculation.

22 THE WITNESS: Well, at Brentwood, but not anywhere
23 else in the district.

24 BY MR. JACOBS:

25 Q Have you seen any comparative evaluations in

1 the Ravenswood School District of SFA learners versus
2 learners using alternate curriculums?

3 A I don't know that there's been any comparison
4 made, not to my knowledge.

5 Q Are you aware of any -- well, let me start
6 over.

7 Edison-McNair is a charter school, correct?

8 A It's referred to as a charter school, yes. I
9 see it as a partnership, but it's a charter.

10 Q Parents have their children there by choice?

11 A Yes.

12 Q And the alternative to Edison-McNair if you
13 didn't choose affirmatively to go to Edison-McNair or
14 Brentwood, let's say, if it started there, would be
15 what?

16 A Other schools in the district. This district
17 has what they call open enrollment. You can go to any
18 school you want to. So -- in fact, my understanding is
19 the buses kind of make the great circle road, so you
20 could get on anywhere and get off at any school you want
21 to, so they can choose to go to our school or any other
22 school in the district.

23 Q Is there a default? If you don't make an
24 affirmative choice as a kindergartner and you signed up
25 for kindergarten, are you placed in a particular school?

1 Q Are you aware of any kind of benchmarking or
2 comparison among -- by the district itself comparing
3 Edison-McNair performance with performance of other
4 schools in the district?

5 MS. KOURY: Objection, calls for speculation.

6 MS. ALTAMIRANO: I'll join.

7 THE WITNESS: I don't know that.

8 BY MR. JACOBS:

9 Q You're not aware of any such comparison?

10 A No.

11 Q Do you have any information about what
12 Ravenswood School District is looking for from
13 Edison-McNair by way of setting performance standards
14 that can then be adopted by other schools in the
15 district?

16 MS. SOTO HERNANDEZ: Objection, no foundation.

17 MS. ALTAMIRANO: Calls for speculation.

18 MR. JACOBS: Excuse me, ladies, I've asked "Are you
19 aware," so the objection is totally meritless and
20 perhaps designed to coach.

21 Q So let me just ask you, are you aware of any
22 information from the school district about what it is
23 looking for in terms of Edison-McNair's contributing --
24 I'll change the question a little bit -- educational
25 technology to the district that can then be adopted or

1 MS. KOURY: Objection, calls for speculation.

2 THE WITNESS: I don't understand what you're asking
3 me.

4 BY MR. JACOBS:

5 Q You just sign up for kindergarten, do you have
6 to choose a school, or does the district place you if
7 you don't choose?

8 MS. KOURY: Same objection.

9 THE WITNESS: I don't know. I've never seen a
10 situation where mother or somebody didn't walk in with a
11 child to the school they wanted.

12 BY MR. JACOBS:

13 Q So your experience, this a matter of choice?

14 A Yes. In my experience, yes.

15 Q And the alternative to Edison-McNair in the
16 Ravenswood School District, what are those alternatives
17 for fourth through eighth grades?

18 MS. KOURY: Objection, asked and answered.

19 THE WITNESS: Well, whatever schools they have
20 fourth through eighth grade.

21 BY MR. JACOBS:

22 Q And what are those?

23 A Well, I'm not sure what they all are. I think
24 Cesar Chavez is through eighth grade, but I really don't
25 know for sure.

1 considered for adoption by other schools?

2 MS. KOURY: Objection, vague and calls for
3 speculation.

4 THE WITNESS: I'm not aware of that.

5 BY MR. JACOBS:

6 Q So when you were given your mission at
7 Edison-McNair, did somebody sit you down and say, "This
8 is what we want you to accomplish there"?

9 A Yes, Edison did.

10 Q Who was that at Edison?

11 A The operations vice president who is the person
12 I work for.

13 Q I think you mentioned his name before --

14 A Her.

15 Q I'm sorry.

16 A Dr. Ana Tilton.

17 Q Is she local?

18 A No, she has a whole region, Kansas, Missouri,
19 Colorado, California, et cetera.

20 Q And where is she based?

21 A You mean her office?

22 Q Yes.

23 A Her office is in Santa Cruz in her home, but
24 they always give a New York address. Her e-mail's in
25 New York anyway.

1 Q Has she made site visits since you've been
2 principal?

3 A Yes.

4 Q How many?

5 A Oh, gee, I'm trying to think. I don't know.
6 Three or four times that I can think of.

7 Q So did she have a conversation with you along
8 the lines of, "This is your mission at Edison-McNair
9 should you choose to accept it"?

10 A Uh-huh, yes. Because I interviewed with her
11 after interviewing with Richard basically. And then
12 she's the one that wanted me to come to East Palo Alto
13 to interview, and that interview was with her and the
14 assistant superintendent of the district, the other
15 Edison principal and the court monitor.

16 Q The court monitor of -- the desegregation?

17 A No, it's a special education kind of thing.

18 Q So tell me about what she conveyed to you about
19 what she hoped you would accomplish at Edison-McNair.

20 A Edison -- and they repeat it at their
21 conferences too. They expect a five percentile gain
22 each year. And across the nation they've gotten that
23 every year, and year before last, I think they -- yeah,
24 last year they got a six percentile across the nation,
25 and this year they're looking for seven, which is above

1 A Uh-huh. In the studies that they've done,
2 children who actually get to the 40th percentile tend to
3 graduate from high school. And those that are at the
4 60th tend to graduate from college. Those that are at
5 the 80th tend to go to a good college. You know, a
6 better school.

7 So there's some statistical -- so their goal
8 is -- for instance, let's say I had a child entering the
9 fourth grade at the 20th percentile. If in fifth grade
10 he's at the 25th, sixth grade 30th, the eighth grade,
11 he's going to be at the 40th percentile, I would have
12 reason to have some confidence that he would go on and
13 finish high school.

14 Q So at the high level, they said to you, "Your
15 mission is to achieve results at Edison-McNair that are
16 consistent with our national goal," is that fair?

17 A Yes.

18 Q And then did they go down a level and say,
19 "Here's how we want you to accomplish that"?

20 A Yes.

21 Q What did they say?

22 A Well, that's the establishment of the
23 curriculum. For instance, you will use Success For All,
24 you will use Chicago Math, you will use these because
25 we've researched these and we feel this is the most

1 what the districts have been doing.

2 Q Can you break that down a little bit, that's
3 five percent gain in what?

4 A Percentile on their SAT9 scores.

5 Q And the percentile is the number of -- is the
6 percentile of what, number of students --

7 A Well, you want me to explain a little bit about
8 that, how that goes?

9 Q Yes.

10 A SAT9 is a nationally normed test. So
11 hypothetically, if you're at the 50th percentile, that's
12 grade level. If you're in an affluent eastern school,
13 it probably is because they have very, very high
14 standards, but that's okay.

15 Many of the schools that Edison would become
16 involved with, the overall level of the students is like
17 the 15th or 20th percentile.

18 Q That means that --

19 A That on the average, that the children are
20 scoring at the 15th or 20th percentile, which means
21 compared across the nation, if you're at the 20th
22 percentile, 80 percent of the people taking the test
23 score higher than you do.

24 Q So the goal is each year to move that number up
25 five percent?

1 effective way to do it.

2 And that comes from -- and they make it very
3 clear to principals, who sometimes -- you know, we do
4 tend to be creative, you need to have that square before
5 you come in because sometimes people think, well, that's
6 nice but I have a better idea, and that's okay too. And
7 Edison doesn't mind if you enhance what they're doing,
8 but you can't change it. That's been one of the issues
9 in the public schools in the past is, you know, you
10 adopt a problem but the teacher doesn't think that's
11 great so they do something totally different. That's
12 not acceptable in Edison either for the principal or the
13 teacher. You can do more than, but you will use those
14 programs because they've spent the time and they feel
15 that that is the best way to do it.

16 Q Let's take Success For All, for example. Does
17 Success For All have a -- there's a set of materials
18 that comes with Success For All?

19 A Yes.

20 Q And does Success For All accompanying teacher
21 materials say "This is the set of materials you need in
22 order to teach Success For All"?

23 A Uh-huh.

24 Q And in order to teach Success For All
25 successfully, you better have this set of materials,

1 correct?
 2 A Yes.
 3 Q And does Success For All tell you what kind of
 4 homework to assign?
 5 A Not specifically the homework, but they make
 6 suggestions in that line, and then they would give you a
 7 variety of kinds of things you might do that would
 8 support reading comprehension or increasing vocabulary
 9 and that kind of thing.
 10 Q How about with -- what were some of the others
 11 that you just clicked off, and I know we've been talking
 12 about them, but rather than go through my notes, you
 13 mentioned Success For All --
 14 A Chicago Math.
 15 Q Chicago Math. Does Chicago Math say, "This is
 16 the set of materials you need in order to use this
 17 program effectively"?
 18 A Yes.
 19 Q And does it also make recommendations regarding
 20 homework assignments?
 21 A Yes, uh-huh.
 22 Q And what was the other one you mentioned that
 23 Edison was adopting?
 24 A I can't think, what was I talking about? What
 25 was I talking about?

1 Q The introductory question was how you were
 2 going to accomplish this mission, and one way was using
 3 these prescribed programs --
 4 A I can't think what the third one was I
 5 mentioned, or if I did.
 6 MS. KOURY: Just for a point of clarification, she
 7 didn't.
 8 MR. JACOBS: There wasn't a third, okay.
 9 Q Did they say anything else to you about how you
 10 were going to accomplish this mission at Edison-McNair?
 11 A Well, one of the things that impressed me was
 12 that they really felt -- their whole emphasis has been
 13 that the evidence is that the scores went up, but that
 14 they really wanted those scores to go up because the
 15 children knew more, not because we do things to
 16 manipulate scores.
 17 Q So as opposed to teaching to the test in a very
 18 direct sort of way, they wanted you to teach toward
 19 understanding and knowledge?
 20 A They really thought they should know more, and
 21 therefore get the scores off of that.
 22 Q So that was one of your worries, that maybe you
 23 would just be cramming for tests in these schools in
 24 order to get the scores up, that was their benchmark.
 25 MS. SOTO HERNANDEZ: Objection, no foundation.

1 MS. KOURY: Objection, mischaracterizes testimony.
 2 THE WITNESS: That could be a concern because there
 3 are districts that are doing that.
 4 BY MR. JACOBS:
 5 Q Right. What else -- did they tell you anything
 6 about Edison-McNair's situation in particular and then
 7 say, "Now this is what we want you to work on"?
 8 MS. KOURY: Objection, vague.
 9 MS. ALTAMIRANO: I'll join that objection.
 10 THE WITNESS: I don't think they characterize it as
 11 being different from other Edison schools. It's just
 12 that I could look at their test scores and see where
 13 they were and, you know -- I don't remember them saying
 14 anything that was different about it from others because
 15 most of the schools they have are similar.
 16 BY MR. JACOBOS:
 17 Q Were you provided by Edison with any kind of a
 18 assessment of Edison-McNair around the time that you
 19 started in your job that characterized various strengths
 20 and weaknesses of the school?
 21 A I saw the SAT9 scores from last year. I saw
 22 the results of the Harris poll that was taken. I
 23 certainly was impressed with the fact that the school
 24 was to make 20 points in the API and they made 52. For
 25 a middle school, that's quite remarkable, so I figured

1 they must be doing something right.
 2 Q But is the answer to my question then, aside
 3 from those items, you weren't provided with an
 4 assessment of the school by Edison?
 5 A No.
 6 Q And how about same question for the district,
 7 did the district have any kind of report on the school
 8 other than test scores that said, here are the strengths
 9 of Edison-McNair, here are the challenges in particular
 10 at this school that you will face?
 11 A No.
 12 MR. JACOBS: Shall we break for the afternoon?
 13 MS. KOURY: Fine with me.
 14 MR. JACOBOS: Okay. So then we'll see you
 15 Wednesday.
 16 MS. KOURY: Counsel, do you want to stipulate with
 17 respect to this transcript?
 18 MR. JACOBS: What do we need to stipulate to as
 19 opposed to the ordinary treatment?
 20 MS. KOURY: Stipulate that copies of documents
 21 attached to the deposition may be used as originals?
 22 MR. JACOBS: Sure.
 23 MS. KOURY: Stipulate that the original of this
 24 deposition be signed under penalty of perjury; that the
 25 original be delivered to the office of the San Mateo

1 County Counsel; that the reporter is relieved of
 2 liability for the original of the deposition; that the
 3 witness will have 30 days from the date of the court
 4 reporter's transmittal to sign and correct the
 5 deposition, and that the witness, Mary Seiersen, through
 6 her attorney, shall notify all parties in writing of any
 7 changes in the deposition, and if there are no such
 8 changes communicated or signature within that time, that
 9 any unsigned and uncorrected copies maybe used for all
 10 purposes as if signed and corrected?

11 MR. JACOBS: Sounds good to me.
 12 MS. SOTO HERNANDEZ: Yes.
 13 (Whereupon, the deposition adjourned at 5:03p.m)

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1 STATE OF CALIFORNIA)
 : ss
 2 COUNTY OF ALAMEDA)

3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:

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

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

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

20
 21 Dated: _____

22

 23 THERESA A. DARNELL
 24 CSR No. 9966
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 9 I, MARY SEIERSEN, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript of my deposition; that I have made such
 12 corrections as noted herein, in ink, initialed by me, or
 13 attached hereto; that my testimony as contained herein,
 14 as corrected, is true and correct.

15 EXECUTED this ____ day of _____,
 16 200____, at _____, _____.
 (City) (State)

17
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 19 _____
 MARY SEIERSEN
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