

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)
)
)
 Plaintiffs,)
)
 vs.) No. 312236
)
STATE OF CALIFORNIA; DELAINIE)
EASTIN, State Superintendent)
of Public Instruction; STATE)
DEPARTMENT OF EDUCATION; STATE)
BOARD OF EDUCATION,)
)
 Defendants.)
-----))

DEPOSITION OF MARY SEIERSEN
Menlo Park, California
Wednesday, June 27, 2001

Volume 2

Reported by:
Richard M. Raker
CSR No. 3445
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COUNTY OF SAN FRANCISCO

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8 STATE OF CALIFORNIA; DELAINIE)
9 EASTIN, State Superintendent)
10 of Public Instruction; STATE)
11 DEPARTMENT OF EDUCATION; STATE)
12 BOARD OF EDUCATION,)
13)
14 Defendants.)

15 Continued Deposition of MARY
16 SEIERSEN, taken on behalf of
17 Plaintiffs at 990 Marsh Road,
18 Menlo Park, California, beginning at
19 10:00 a.m. and ending at 4:00 p.m.,
20 on Wednesday, June 27, 2001 before
21 Richard M. Raker, Certified Shorthand
22 Reporter No. 3445.
23
24
25

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21 INSTRUCTION NOT TO ANSWER
22 (None)
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24
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1 Menlo Park, California, Wednesday, June 27, 2001
2 10:00 a.m. - 4:00 p.m.
3
4 MARY SEIERSEN,
5 having been first duly resworn, was examined and
6 testified as follows:
7
8 EXAMINATION
9
10 BY MR. JACOBS:
11 Q Welcome back, Ms. Seiersen.
12 A Thank you.
13 Q You've described the relationship between
14 Edison and the school district as a partnership. I
15 wonder if you could give the broad outline of that
16 partnership.
17 MS. HERNANDEZ: Objection; overbroad.
18 THE WITNESS: Yeah.
19 MS. KOURY: May we stipulate that our
20 objections will be --
21 MS. HERNANDEZ: An objection by one of us
22 will be an objection by both?
23 THE WITNESS: Could you be a little bit
24 more specific?
25 BY MR. JACOBS:

1 Q Have you seen an agreement between the
2 district and Edison?
3 A Yes.
4 Q What is that agreement called?
5 A It's called a Memo of Understanding.
6 Q What are the salient terms of that
7 agreement?
8 MS. HERNANDEZ: Objection; overbroad.
9 THE WITNESS: I need to ask you
10 particularly.
11 BY MR. JACOBS:
12 Q Well, have you ever had to describe the
13 partnership between the school district and Edison to
14 anyone else?
15 A I'm trying to think. I don't recall that
16 I have. No, not particularly.
17 Q What responsibilities does Edison have
18 under that Memo of Understanding?
19 MS. HERNANDEZ: Objection; overbroad.
20 THE WITNESS: My understanding, if I
21 understand what you're saying, is that we are to manage
22 that school and be responsible for the education of
23 those children.
24 BY MR. JACOBS:
25 Q And what are the responsibilities of the

1 this year is about \$4,700 a student. That may not be
2 totally accurate, but it's somewhere around there.
3 MS. KOURY: Point of clarification. Is
4 that 4,700 from State funds, is that your
5 understanding?
6 THE WITNESS: That is -- yeah, that's my
7 understanding.
8 BY MR. JACOBS:
9 Q And is that the total per -- is that the
10 total budget that Edison receives from the district for
11 Edison McNair?
12 MS. KOURY: Objection; vague.
13 THE WITNESS: Could you repeat the
14 question?
15 BY MR. JACOBS:
16 Q Are there any funds that the district
17 provides to Edison with respect to the operation of
18 Edison McNair beyond the \$4,700 per-student figure?
19 A I don't know if it's included in the 4,700
20 or in -- above it, but there's categorical -- what we
21 call categorical funds that come both from the State and
22 the Federal government.
23 Q What is your total school budget?
24 A Total dollars? I don't know offhand. I
25 have a business manager who does that.

1 school district under that Memorandum of Understanding?
2 MS. HERNANDEZ: Objection; overbroad.
3 THE WITNESS: In regard to what?
4 BY MR. JACOBS:
5 Q Anything.
6 A Oh. Well, their responsibility would be
7 in regard to the connection, I believe, with the State
8 and the Federal -- Feds in regard to passing through the
9 funding, and still they are responsible, I suppose. I'm
10 new to Edison, so my view as a principal is basically
11 that I have two superintendents. I have Dr. Knight and
12 Dr. Tiltan, who is the vice president for Edison, so I
13 would simply inform both of them.
14 Q Let's break it down a little bit. The
15 district provides funding on a per-student basis to
16 Edison?
17 A Yes.
18 Q What is that funding level?
19 A It's whatever the State provides and --
20 for ADA and any categorical funds that might come from
21 the State or Federal government.
22 Q Do you know the funding level per student?
23 A Yes.
24 MS. HERNANDEZ: Objection; vague.
25 THE WITNESS: What I believe is current

1 Q Does Edison supplement the moneys that you
2 just identified with Edison-provided funds?
3 MS. KOURY: Objection; calls for
4 speculation.
5 THE WITNESS: No, not currently.
6 BY MR. JACOBS:
7 Q I think you referred in your testimony
8 last time to some grants from foundations.
9 A Yes.
10 Q How is that channeled? Does that go to
11 the district and then to the school, or to Edison and
12 then to the school, or some other mechanism?
13 A I don't know the mechanism.
14 Q You said not currently. Is there a
15 possibility that Edison might provide funding to
16 operate -- to facilitate the operation of the school
17 beyond the moneys you've identified?
18 MS. HERNANDEZ: Objection; calls for
19 speculation.
20 THE WITNESS: Edison makes contributions
21 when they start up.
22 BY MR. JACOBS:
23 Q And how does that relate to Edison McNair
24 then?
25 A I'm not sure I understand what you mean,

1 relates to Edison McNair.

2 Q So are you saying when you said not
3 currently, were you referring to some contributions that
4 were made in the past?

5 A Yes. When Edison made the partnership
6 with the district, then Edison, due to their programs,
7 for instance, provides the computers and takes care of
8 the wiring and so forth and all those kinds of things.
9 There were some things that were provided as part of
10 what they call start-up. I know the computers were
11 certainly there -- were provided.

12 Q When you were brought on by Edison, were
13 you given any training or instruction in the business
14 model as it relates to the operation of particular
15 schools?

16 MS. HERNANDEZ: Objection; vague.

17 THE WITNESS: I don't understand what you
18 mean.

19 BY MR. JACOBS:

20 Q The business model meaning that Edison is
21 a company.

22 A Um-hmm.

23 Q And were you given any training or
24 instruction in what Edison expects in terms of the
25 financial model applicable to the schools they

1 A Yes.

2 Q Do you receive any reports on the
3 profitability of Edison McNair?

4 MS. KOURY: Objection; vague.

5 MS. HERNANDEZ: Objection; vague.

6 THE WITNESS: I don't understand.

7 BY MR. JACOBS:

8 Q Which part don't you understand?

9 A I don't understand what you mean by
10 profitability of Edison McNair.

11 Q Meaning whether -- any reports that show
12 whether Edison McNair is, from the Edison standpoint,
13 operating at a profit or a loss?

14 A We receive statements each month to
15 indicate where we are as far as our expenditures and
16 revenue is concerned.

17 Q So, for example, in May you receive a
18 statement that says here's where you are in terms of
19 expenditures?

20 A Um-hmm.

21 Q And is that against budget or against
22 revenue, or both?

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

24 Business is not my end of -- that's not what I do.

25 Q Is there any -- let's generalize the

1 operate?

2 A You're asking me when I came on was I
3 given any training in regard to the business model?

4 Q Yes.

5 A No.

6 Q Have you been given any training
7 subsequently on the business model?

8 A Yes.

9 Q What has that training consisted of?

10 A Attending a conference with the business
11 manager and beginning to learn a little bit about, you
12 know, the budgeting process.

13 Q When you're referring to the budgeting
14 process, what do you mean?

15 A How the budget is set up somewhat.
16 Basically, the business manager takes care of it.
17 If I have moneys that I want to spend, then he's the
18 one that says yes, you have it or no, you don't, because
19 he has the overall budget and then we look at it
20 together.

21 Q And the business manager was hired by
22 Edison?

23 A Yes.

24 Q And installed in the school before you got
25 there?

1 question a little bit. Is there any feedback mechanism,
2 formal or informal, by which you are given guidance on
3 operating the school so that it will meet Edison's
4 financial goals for the school?

5 A Yes.

6 Q What is that feedback?

7 A There is a monthly statement that reflects
8 whether we're within the budget.

9 Q Do you have any information about how the
10 budget for the school relates as Edison's financial
11 goals for the school?

12 A I don't understand exactly what you mean.

13 Q Edison -- the budget is -- well, let's
14 start over again. The budget has an expenditure
15 component and a revenue component, correct?

16 A Yes.

17 Q And the revenue component is derived from
18 what?

19 MS. KOURY: Objection; calls for
20 speculation.

21 THE WITNESS: It would be derived from any
22 moneys received.

23 BY MR. JACOBS:

24 Q Well, that's -- I guess that's my
25 question. If Edison's going to run the school at a

1 profit, then -- as opposed to at a loss, then how
2 does -- what information do you have about the increment
3 between what the budgeted expenditures are for the
4 school and Edison's gross revenues attributable to the
5 school?

6 MS. HERNANDEZ: Objection; assumes facts.

7 THE WITNESS: I think you better say it
8 slowly when you're talking about budget because it's not
9 my field.

10 BY MR. JACOBS:

11 Q Have you ever been told what Edison's --
12 aside from meeting budget, have you ever been informed
13 of any financial goals that Edison has for Edison
14 McNair?

15 A I'm still not sure I understand the
16 question. We're supposed to meet budget, and you're
17 asking me what else?

18 Q Whether Edison has informed you of the
19 financial goal that it has aside from meeting budget?
20 Let me give you a for instance.

21 A Give me a for instance.

22 Q Edison says, Ms. Seiersen, you are our
23 principal on site and we're going to give you a budget.
24 We want you to know that we need you to operate within
25 that budget, because our goal is 5 percent profit at

1 Q Have you been given any -- so as I
2 understand your testimony so far, you have been given to
3 understand that there is a percentage that represents
4 McNair's contribution.

5 A Yes.

6 Q Exactly what that is varies from time to
7 time, and you don't feel comfortable testifying about it
8 because it's not your area of direct responsibility; is
9 that right?

10 A Yes.

11 Q Have you been given any feedback about
12 what you need to do to improve McNair's contribution?

13 MS. KOURY: Objection; assumes facts.

14 THE WITNESS: I'm not sure what you mean.

15 BY MR. JACOBS:

16 Q Which part of it?

17 A Any part of it. Ask it again. Try a
18 different way of asking. Maybe I just don't understand
19 you.

20 Q Have you been given any feedback in which
21 you've been told, you know, Ms. Seiersen, we really need
22 you to do a couple things here to improve the economics
23 at Edison McNair so that you can improve Edison McNair's
24 contribution?

25 MS. KOURY: Objection; mischaracterizes

1 that school and your budget will allow us a 5 percent
2 profit or some other number of profit. And that's what
3 I'm asking you, is whether you've been given that kind
4 of information.

5 A Yes.

6 Q What has been conveyed to you?

7 A There is a statement of a percentage that
8 would be McNair's contribution.

9 Q A contribution to profit?

10 A I don't know if that's the term.

11 Q What is the percentage?

12 A It varies. It depends.

13 Q Depends on what?

14 A I don't know. I'm not the business
15 person. Somebody else calculates that and tells me what
16 it is.

17 Q What are they?

18 A I don't figure it out.

19 Q What have they told you it is?

20 A It has varied during the year. I'd have
21 to go back and look at it. That's not the part I pay
22 attention to.

23 Q Do you have a range in mind?

24 A Yeah. You know, I wouldn't be comfortable
25 saying, because I'm just not sure.

1 her testimony.

2 MS. HERNANDEZ: Overbroad.

3 THE WITNESS: If I understand what you're
4 saying, I haven't been directed to do anything except
5 stay within my budget, and that's what I do.

6 BY MR. JACOBS:

7 Q What information do you have about how
8 your budget for next year will compare with your budget
9 for the year just finished?

10 A The information that I'm aware of
11 currently is that there are some grants from the State
12 that are coming to an end. Therefore, I would have less
13 money to work with.

14 Q Do you have any other information?

15 MS. HERNANDEZ: Objection; vague.

16 BY MR. JACOBS:

17 Q About how your budget for next year will
18 compare with this year?

19 A No.

20 Q Do you have any information about how
21 McNair's contribution for next year will compare to
22 McNair's contribution for the year just ended?

23 A My understanding is that it will be less.

24 Q The contribution will be less?

25 A Contribution will be less.

1 Q And how do you have that understanding?
 2 A By looking at a projected budget.
 3 Q Does that -- and just so we're on the same
 4 track, by the contribution being less, you understand
 5 that McNair will operate at closer to break-even from
 6 Edison's standpoint?
 7 A Yes.
 8 Q Does that mean that you -- that
 9 correspondingly your budget is greater on a per-student
 10 basis?
 11 A No.
 12 Q So what's the factor here that's leading
 13 to the contribution being less?
 14 A Well, I believe I said because the
 15 revenue's going to be less.
 16 Q So do you have -- is it your understanding
 17 that the budget per student will stay constant
 18 notwithstanding that drop in -- the drop in grants?
 19 A That's the intention.
 20 Q But you're not sure yet what will happen?
 21 A You need to ask that again. The
 22 contribution, the --
 23 Q As I understand what you're saying, the
 24 school will operate at closer to break-even from
 25 Edison's standpoint why, because there's a drop in

1 categorical -- in some grants from the State.
 2 A Um-hmm. Yes.
 3 Q And if that doesn't come out of your
 4 per-student budget somehow or your budget, then
 5 obviously revenues are going to decline and expenditures
 6 will stay the same; therefore it's closer to
 7 break-even.
 8 A Exactly.
 9 Q Is that true, will expenditures stay the
 10 same?
 11 A That's the way -- excuse me.
 12 MS. HERNANDEZ: Objection; calls for
 13 speculation.
 14 THE WITNESS: It appears to me that that's
 15 the intent.
 16 BY MR. JACOBS:
 17 Q And that's based on the interaction so far
 18 that you've had about the budget for next year.
 19 A Yes.
 20 Q Under the arrangement with the district,
 21 is it your understanding that the \$4,700 per student,
 22 which may or may not include the categorical funds, is
 23 the money that you and Edison have to spend on the
 24 school as opposed to you getting a portion of that and
 25 the district retaining a portion of that to spend on the

1 school?
 2 MS. KOURY: Objection; vague.
 3 THE WITNESS: I don't know the answer to
 4 that.
 5 BY MR. JACOBS:
 6 Q Let me ask it a little differently.
 7 A Okay.
 8 Q Does the district retain any ongoing
 9 operational responsibilities with respect to the school
 10 under the partnership. For example --
 11 MS. HERNANDEZ: Objection.
 12 BY MR. JACOBS:
 13 Q -- does the district retain any
 14 responsibility for maintenance?
 15 A Yes.
 16 Q And is that the responsibility for the --
 17 for maintenance that is not done by your on-site staff
 18 that they retained? Or let me ask that again.
 19 Is the responsibility that they retain the
 20 responsibility before maintenance other than that
 21 performed by the on-site staff you described in your
 22 previous testimony?
 23 A Yes.
 24 Q Does that maintenance responsibility get
 25 accounted for under the 4,700 per-student figure, or is

1 that over and above the \$4,700 a student?
 2 MS. HERNANDEZ: Objection; calls for
 3 speculation.
 4 MS. KOURY: Objection; vague. Are you
 5 including the maintenance from the district or
 6 maintenance from the school site?
 7 MR. JACOBS: I meant the district. I
 8 meant the district maintenance. Sorry.
 9 THE WITNESS: Could you ask me one more
 10 time?
 11 BY MR. JACOBS:
 12 Q Well, let's tally this up first. The
 13 district retains responsibility for maintenance other
 14 than the maintenance performed by your on-site staff,
 15 correct?
 16 A Yes.
 17 Q What other responsibilities does the
 18 district retain under the partnership with Edison for
 19 Edison McNair?
 20 MS. HERNANDEZ: Objection; overbroad,
 21 calls for speculation, no foundation.
 22 THE WITNESS: In regard to what?
 23 BY MR. JACOBS:
 24 Q In regard to the operation of the school.
 25 A I'm not clear what you're asking me. I

1 understand what you're asking about maintenance, but
 2 what else are you asking?
 3 Q Well, did they pay any teacher salary?
 4 Does the district retain any responsibility to pay
 5 teachers' salaries?
 6 MS. KOURY: Objection; asked and answered.
 7 THE WITNESS: The teachers' salaries are
 8 paid by the district, that it goes through their
 9 business office.
 10 BY MR. JACOBS:
 11 Q Meaning that the paycheck is cut by the
 12 district?
 13 A Yes.
 14 Q And does that reflect -- well, let's tally
 15 it up, first of all, what the district retains. The
 16 district retains responsibility for some maintenance,
 17 for salaries -- for teachers' salaries in some way that
 18 we'll explore. What else does the district retain
 19 responsibility for?
 20 MS. HERNANDEZ: Objection; calls for
 21 speculation.
 22 BY MR. JACOBS:
 23 Q Special Ed? Does the district operate the
 24 Special Education?
 25 A Yes, they do.

1 Q And that includes Special Ed on site at
 2 Edison McNair?
 3 A Yes.
 4 Q Does the district retain responsibility
 5 for capital improvements to the school site?
 6 A I don't know that.
 7 Q Does the district have any ongoing
 8 responsibilities for transportation?
 9 A Yes.
 10 Q What are those? What does the district do
 11 for transportation?
 12 A They provide the busing.
 13 Q Does the district retain responsibility
 14 for any textbooks or instructional materials?
 15 A No.
 16 Q Does the district retain responsibility
 17 for any athletic programs?
 18 A No.
 19 Q Now, having gone through something of a
 20 mental checklist, what other items are you aware of that
 21 the district retains responsibility for under the
 22 agreement with --
 23 MS. KOURY: Objection as to the term
 24 "responsibility."
 25 MR. JACOBS: I think we'll clarify that as

1 we go on.
 2 MS. HERNANDEZ: I object. Vague.
 3 THE WITNESS: What do you mean by
 4 "responsibility"?
 5 BY MR. JACOBS:
 6 Q Well, I think it will probably depend on
 7 an item-by-item analysis. But, for example, the
 8 district does not retain responsibility for your salary,
 9 right?
 10 A No.
 11 Q That comes from Edison.
 12 A Um-hmm. Yes.
 13 Q Let's just try a couple other items. Does
 14 the district have any responsibility for supplying
 15 computers to the school?
 16 A No.
 17 Q Does the district have any responsibility
 18 for electricity expenditures by the school?
 19 MS. HERNANDEZ: Objection; vague, calls
 20 for speculation, no foundation.
 21 THE WITNESS: Are you talking about paying
 22 the electric bill?
 23 BY MR. JACOBS:
 24 Q Correct.
 25 A No.

1 Q I believe you said that the district
 2 facilitates teacher recruitment?
 3 A The personnel office is available to us as
 4 it is to any school.
 5 Q Is that set out in the Memorandum of
 6 Understanding?
 7 A You know, I don't recall.
 8 Q Does the district retain any
 9 responsibility for school discipline?
 10 MS. KOURY: Objection; vague.
 11 THE WITNESS: If a student were to go to
 12 the point of expulsion, which we haven't, then that
 13 would go to a district committee and ultimately to the
 14 Board of Education.
 15 BY MR. JACOBS:
 16 Q Now, of the items that we've covered where
 17 the district has some, as yet, unspecified
 18 responsibility, the real reason I went through that list
 19 was to find out if any of that responsibility is
 20 accounted for over and above the \$4,700 per student.
 21 So, for example, teacher salaries that are paid by the
 22 district, does that -- do those teacher salaries come
 23 out of the \$4,700 per student, plus or minus the
 24 categoricals?
 25 A Yes.

1 Q Do the capital expenditures come out of
2 the \$4,700, plus or minus the categoricals?
3 A I don't know that. I believe that's true,
4 but I'm not sure.
5 Q So as you focus on your planning for next
6 year, are there items that you are planning for or
7 asking that they happen that are not something that you
8 have to worry about falling under your budget?
9 A Are you asking me am I asking the district
10 to provide some things that would be outside of my
11 budget?
12 Q Exactly.
13 A Yes.
14 Q And what is that?
15 A Currently, it has to do with replacement
16 of fixtures in the bathrooms, and I have asked them to
17 get estimates for replacing the heater -- the heating
18 system.
19 Q And it's your understanding that if that
20 happens, it will happen outside the budget that we've
21 been talking about today?
22 A Yes.
23 Q Is there anything else that you're
24 thinking of for next year that, as you understand it,
25 would be outside of the budget?

1 A Those are the two things that I have
2 specifically requested.
3 Q Has there been any -- while you have been
4 principal, has there been any response from the district
5 when you have asked for something to occur to the effect
6 that that's supposed to be done by Edison, not us, under
7 our Memorandum of Understanding?
8 MS. HERNANDEZ: Objection; vague,
9 ambiguous.
10 THE WITNESS: Could you state that again?
11 I'm not sure I followed you.
12 BY MR. JACOBS:
13 Q So you have a Memorandum of
14 Understanding.
15 A Yes.
16 Q It allocates some responsibilities to the
17 district and some -- and it allocates some
18 responsibilities to Edison.
19 A Yes.
20 Q Have there been instances during the
21 course of the year where you've had a discussion with
22 the district in which the district has said, you know,
23 we really think that's Edison's responsibility, not
24 ours?
25 MS. HERNANDEZ: Objection; vague again.

1 THE WITNESS: No, I haven't.
2 BY MR. JACOBS:
3 Q And how about the other way around where
4 you have said to the district, you know, that's your
5 responsibility, not Edison's?
6 A If there were such a discussion, it
7 wouldn't be carried on by me.
8 Q It would be carried on by --
9 A Probably Dr. Tiltan would do that.
10 Q From a slightly different direction, over
11 the course of your tenure at Edison McNair, have there
12 been any expressions to you from the district to the
13 effect that the district is disappointed that Edison has
14 not taken certain steps with respect to the school that
15 the district understood Edison was responsible for?
16 MS. HERNANDEZ: Objection; vague,
17 ambiguous, lacks foundation.
18 THE WITNESS: You're not specific in what
19 you're asking, but they haven't had any objections about
20 anything, so I guess I could say that. To my knowledge,
21 there haven't been any.
22 BY MR. JACOBS:
23 Q Let's talk about textbooks and
24 instructional materials again.
25 A Okay.

1 Q If I understood your testimony from last
2 time, it was to the effect that there is -- there is no
3 class at Edison McNair in which, with respect to
4 textbooks, each student is given his or her own copy of
5 the textbook to use throughout the year at home or in
6 class. Is that true?
7 MS. HERNANDEZ: Objection;
8 mischaracterizes testimony.
9 MS. KOURY: And compound.
10 THE WITNESS: If I understand what you're
11 saying and if -- and knowing what I know is if the
12 distribution was intended to be one to one, then it is.
13 If a distribution of an instructional material is
14 intended to be one for every two children, which can be,
15 you know, when you have paired reading and so forth,
16 then it is. Whatever it is intended to be, the
17 relationship is there.
18 BY MR. JACOBS:
19 Q Intended by whom?
20 A Well, that would be prescribed by the --
21 by the program.
22 Q I'll take your vocabulary then. Is there
23 any case at Edison McNair at which, so far as you're
24 aware, the program in question recommends a one-to-one
25 distribution of textbooks to students?

1 A Yes. Yes.
 2 Q What are such instances?
 3 A Well, the math program would be one to
 4 one. History. I'm trying to think what else. Some
 5 aspects of the Success for All depends on what
 6 components you're teaching, whether it's a one to one or
 7 not. Science is a curriculum rather than textbooks, so
 8 that's different. Let's see what else. I can't think
 9 of another one that uses textbooks.
 10 Q By one to one, what do you mean? What do
 11 you mean by one to one?
 12 A Oh, excuse me. Ratio with -- the way we
 13 say it is, for instance, one math book for each child.
 14 Q And by one math book for each child, you
 15 don't mean one math book for each child sitting in a
 16 classroom with the next set of students in that
 17 classroom sharing that set. You mean if you have 60
 18 students using that curriculum there's 60 copies of the
 19 textbook; is that correct?
 20 MS. KOURY: Objection; vague.
 21 BY MR. JACOBS:
 22 Q Let me ask it real -- let me ask it a
 23 little differently, just to make sure we're using the
 24 same vocabulary.
 25 I've heard the vocabulary classroom sets.

1 That classroom set, as I understand it, refers to a set
 2 of books in the classroom that the students use in the
 3 classroom, but if there's a rotation of students, the
 4 next set of students would use that same set of books,
 5 meaning during period one 30 books are used by 30 kids.
 6 During period two the same 30 books are used by 30
 7 different kids.
 8 Are you familiar with that vocabulary for
 9 a classroom set?
 10 A Yes.
 11 Q I want to distinguish classroom sets,
 12 then, from the case where each student receives his or
 13 her own copy to use at home or in school.
 14 A I understand.
 15 Q Okay. And so what did you mean by one to
 16 one?
 17 A I meant that there was one book for them
 18 to use.
 19 Q In the classroom?
 20 A In the classroom.
 21 Q So you meant classroom set?
 22 A That's the term you're using, yes.
 23 Q So just to make sure we've got the census
 24 down for the school, is there any case in which
 25 textbooks are available on a one-to-one basis as I

1 defined one to one.
 2 MS. HERNANDEZ: Objection; vague.
 3 MS. KOURY: Calls for speculation.
 4 THE WITNESS: Well, in history we buy by
 5 the number of students not by class, and in math we
 6 would do the same thing. So I don't think that's your
 7 definition of a classroom set, is it? Otherwise, if I
 8 had 120 fourth graders, I would have 120 history books.
 9 BY MR. JACOBS:
 10 Q That's what I meant by one to one. That
 11 is, to be even more precise, if you have 120 fourth
 12 graders, then you would have 120 fourth grade history
 13 textbooks.
 14 A Yes.
 15 Q Do you understand that to be the case?
 16 A Yes.
 17 Q With respect to which grades?
 18 MS. KOURY: Asked and answered.
 19 MS. HERNANDEZ: Objection; vague as to
 20 which classes.
 21 THE WITNESS: Are you talking about grade
 22 levels?
 23 BY MR. JACOBS:
 24 Q Well, let's start with -- I was taking a
 25 history answer. So for history your understanding is

1 that at least -- start over.
 2 Are there any grades in history in which
 3 you understand that there is a one-to-one distribution
 4 of textbooks as I define one to one?
 5 A Yes.
 6 Q What grades?
 7 A Fourth, fifth and sixth.
 8 Q And is there something in your mind that
 9 is helping you come to the conclusion that that's the
 10 distribution in those grades for history?
 11 A Yes.
 12 Q What is that?
 13 A I can see the books in the room. I know
 14 there are sets of books in each room.
 15 Q How does that -- when you say there is a
 16 set of books in each room, how does that help you know
 17 whether we're talking about classroom sets for
 18 one-to-one distribution?
 19 A If the teacher has 30 students, they have
 20 30 books. Fourth, fifth and sixth grade -- those --
 21 fourth and fifth are totally self-contained classrooms.
 22 Q So there's no rotation.
 23 A No, there's no rotation. In sixth grade
 24 there are two teachers that teach history and English.
 25 They each have sets of books for their kids.

1 Q Do they have two sets of books for two
2 sets of kids, or am I understanding the schedule?
3 A I hear what you're saying. We buy the
4 books in relation to the number of students. So if they
5 had in sixth grade 30 students two times, then there
6 would be books for all of those students.
7 Q You mean 60 books?
8 A Yes.
9 Q Now, when you -- well, let's go through
10 the rest of the grades. In seventh grade for history?
11 A That can be different.
12 Q In what way?
13 A You know, I'm not sure because I am not
14 familiar with seventh and eighth grade. That's all new
15 to me this year. I've never had a school that had
16 seventh and eighth grade. I do know that there are
17 books there for homework.
18 Q How do you know that?
19 A Because the teacher told me that.
20 Q You asked?
21 A Yes.
22 Q In connection with the lawsuit?
23 A No.
24 Q Under what circumstances?
25 A We were discussing homework and whether --

1 I defined it, meaning --
2 A Yes.
3 Q -- each student has his or her own copy?
4 A Yes.
5 Q And what's the uncertainty you have about
6 seventh and eighth grade math?
7 A I haven't reviewed that book order, so I'm
8 not as familiar with it. I'd have to go back and review
9 the order to see what is exactly there. There's one
10 teacher that deals with that and has been there for some
11 time.
12 Q You said some aspects of Success for All
13 are intended to be distributed on a one-to-one basis.
14 A Yes.
15 Q Do you recall what those were?
16 A Well, they are what we call trade books,
17 so it's a different title for each level, but if they
18 were reading, you know, Talk Everlasting, then each
19 child would have a copy of that.
20 Q And that's intended by Success for All?
21 A Yes.
22 Q And, in fact, your textbook situation is,
23 you believe, one to one as I defined it?
24 A Yes. We purchase what the program calls
25 for.

1 I'm -- I don't remember why it came up, but we were
2 discussing homework, and he said he had a full set for
3 homework, if it was necessary for them to have -- to
4 take a book home. I can't remember what the context was
5 or why we were discussing it. Probably in regard to
6 ordering books.
7 Q In math, you said that the program is one
8 to one?
9 A Yes.
10 Q What's your situation in terms of
11 textbooks or whatever the main instructional material is
12 in math?
13 A Do we have the material for each student,
14 is that what you're asking?
15 Q Yes.
16 A Yes.
17 Q Then can we just do that census grade by
18 grade? That's fourth through eighth. Each student has
19 his or her own copy?
20 A I can't tell you for sure about eighth
21 grade. Seventh and eighth grade math, I'm not sure
22 about that. I'd have to check on that.
23 Q You are sure about fourth to sixth grade?
24 A Yes.
25 Q That each student -- that's one to one as

1 Q And just to be clear, the program calls
2 for each student then -- when we're talking about the
3 trade books for each student to have his or her own copy
4 to be able to take home and read at home.
5 A We don't necessarily send them home to be
6 read for homework.
7 Q But they have the copy.
8 A But there is a copy. If you were at the
9 level now where your reading level would call for Talk
10 Everlasting, then there is a copy for you to read.
11 Q And that copy for you to read is a copy
12 that you can take home to read if you want to do extra
13 work?
14 A If the teacher prescribed that you do
15 that.
16 Q Well, let's do our census, then, by number
17 of students. Success for All is ungraded, I take it --
18 MS. HERNANDEZ: Objection; vague.
19 BY MR. JACOBS:
20 Q -- meaning fourth might be mixed in with
21 fifth grade, or fifth with sixth?
22 A Yes.
23 Q So are there levels in Success for All?
24 A Yes.
25 Q What are they called?

1 A They describe them by grade levels
2 actually, otherwise you might be reading at a -- it
3 could be a second grade level, it could be a sixth grade
4 level. And then there are certain books that are
5 prescribed to go with that level.

6 Q And what grades do you teach Success for
7 All at Edison McNair?

8 A Depends on what time of year you mean.
9 The beginning of the year would be levels -- I want to
10 say second. I need to say Success for All is always
11 fourth, fifth and sixth. It's not the seventh and
12 eighth grade programs, just so we understand that.

13 The beginning of the year had some people
14 starting at second grade level, and certainly, well,
15 through sixth, but now at this point there isn't, I
16 don't believe, any students left that are at that lower
17 level.

18 Q Did you say sixth was the highest level of
19 Success for All?

20 A No. We take it up higher now, but at the
21 beginning of the year I don't think any of the children
22 were reading higher than sixth grade level.

23 Q So looking at the range from lowest to
24 highest throughout the year, it starts at second and
25 ends at --

1 Q And the best information you have is that
2 for each of the trade books that are prescribed by
3 Success for All that are used at Edison McNair, you have
4 had over the course of this past year one copy for each
5 student assigned to that level or assigned to that trade
6 book?

7 A Yes, one copy has been purchased for each
8 student at that level.

9 Q Now, you focused on purchasing --

10 A Um-hmm.

11 Q -- and I wonder if you see a potential
12 disconnect between what is purchased and what is
13 actually just distributed to the students.

14 A No.

15 Q So the best information you have is that
16 you have purchased one copy for each student who's in
17 that -- who's in the level that's using the associated
18 trade book.

19 A Um-hmm.

20 Q And that that copy has gotten into the
21 hands of each -- each copy has gotten into the hands of
22 each student.

23 A Yes.

24 MS. KOURY: Objection; asked and answered.
25 BY MR. JACOBS:

1 A I don't know what the highest level is in
2 SFA, but it's above sixth grade.

3 Q Might be seventh, eighth?

4 A Yes, in there. That also is a new program
5 to me.

6 Q What level is the level at which you start
7 reading trade books?

8 A All of those levels have traded books, but
9 the second grade level is more of an emphasis on
10 decoding and beginning reading.

11 Q So for each level of Success for All, you
12 have to -- you are instructed by Success for All --
13 every student in that level should have his or her own
14 trade book copy for that level.

15 A If a trade book is prescribed for the
16 level, then there is one for each student.

17 Q And not -- and no sharing required?

18 A Not for those books.

19 Q Now, there's some books that you -- that
20 Success for All doesn't prescribe that Success for All
21 anticipates sharing. Is that the point?

22 A Yes. And there are what -- there is --
23 there are prescribed books that the teacher reads
24 aloud. So there's one copy that the teacher's reading
25 to the students.

1 Q So you know of no case in Success for All
2 in which there has been a need for students to share
3 trade books in the classroom?

4 MS. KOURY: Objection; asked and
5 answered.

6 THE WITNESS: I don't --

7 MS. HERNANDEZ: Objection; vague as to
8 time frame.

9 BY MR. JACOBS:

10 Q This past year.

11 A I don't know that.

12 Q You don't know that, meaning you are not
13 aware of any such instance?

14 A I'm not aware of any such instance.

15 Q Are there any other programs in which the
16 program intends that you purchase and distribute
17 textbooks on a one-to-one basis that use it at Edison
18 McNair? We've been through history, math, Success for
19 All.

20 A I don't believe that the other programs
21 called for that.

22 Q And the other programs that you're
23 thinking of now include what?

24 A I'm thinking specifically of science.
25 Other topics such as art, music and PE and so forth

1 don't have textbooks that go with them.
 2 Q How about English language instruction?
 3 A English language instruction we purchased
 4 the Santianna, and that is for English language oral
 5 development. There is not a textbook that goes with
 6 it.
 7 Q How about Spanish language?
 8 A Yes, there is -- there is a textbook.
 9 Q And is that a one-to-one case?
 10 A Yes.
 11 Q What grade levels are you thinking of?
 12 A For the Spanish?
 13 Q (Nods head up and down.)
 14 A We have fourth through eighth grade.
 15 Q So have you, in fact, over the course of
 16 the past year had a one-to-one availability of textbooks
 17 for students in Spanish?
 18 MS. HERNANDEZ: Objection; vague.
 19 THE WITNESS: I don't know that. When you
 20 asked me that, I don't know that for a fact.
 21 BY MR. JACOBS:
 22 Q Do you know of instances where you didn't
 23 have one-to-one availability?
 24 MS. HERNANDEZ: Objection; vague,
 25 ambiguous as to which books.

1 THE WITNESS: I don't know if I understand
 2 what you meant by that last question. I just answered
 3 that.
 4 BY MR. JACOBS:
 5 Q Well, I get to ask it a couple different
 6 ways.
 7 A Okay.
 8 Q Sometimes people -- it's an exercise in
 9 communication?
 10 A Oh, all right.
 11 Q So if I ask it in the negative, maybe I
 12 get a slightly different answer than if I ask it in the
 13 possible.
 14 Are you aware of instances in which you
 15 did not have one-to-one availability of Spanish
 16 textbooks in the past year?
 17 A If I understand what you're saying, what I
 18 said was, I don't know -- I don't know that. I don't
 19 know that we purchased that one to one or not, so I
 20 can't answer it specifically in the positive or the
 21 negative. Am I being unclear?
 22 Q Well, maybe my question's a little
 23 unclear. It seems to me you could be aware of an
 24 instance where you didn't have one-to-one availability
 25 that could come up during the year that might be

1 unrelated to purchasing. It might just be an instance
 2 that came to your attention of, oh, we don't have enough
 3 of these.
 4 MS. KOURY: Objection; vague.
 5 THE WITNESS: No, nobody's said that to
 6 me.
 7 BY MR. JACOBS:
 8 Q Is there any take-home -- are there any
 9 take-home materials from the science curriculum?
 10 A I don't know that. I'm not sure I know
 11 what you mean by "take-home."
 12 Q Well, science doesn't have a textbook,
 13 right?
 14 A No.
 15 Q And that's true fourth through eighth?
 16 A Yes, I believe that's true.
 17 Q And there's a science curriculum that
 18 has -- that has kits, for example, for the classrooms,
 19 correct?
 20 A Um-hmm. Various materials.
 21 Q Are there -- and the way we started this
 22 line of questioning was you said, we have what the --
 23 what is intended, and so maybe I should start there with
 24 science. Are you aware of whether the science
 25 curriculum that you use intends for there to be any

1 materials that are available on a one-to-one basis so
 2 that students may take them home to study?
 3 A I don't know that.
 4 Q You don't know one way or the other?
 5 A I don't know one way or the other.
 6 Q When you arrived at Edison McNair, did you
 7 become aware of any instances when, during the previous
 8 year, there had been shortages of textbooks? And I'm
 9 going to define "shortages" now. I'm going to define it
 10 your way. A shortage exists when -- although the
 11 program intends there to be one-to-one distribution, as
 12 I defined it, in fact, you do not have one-to-one
 13 distribution. So let me restate the question now.
 14 A Um-hmm.
 15 Q Having defined "shortage" thusly, are you
 16 aware of any instances where there were shortages of
 17 textbooks in the year before you got to Edison McNair?
 18 A No.
 19 MS. HERNANDEZ: Objection; calls for
 20 speculation.
 21 THE WITNESS: Excuse me. I don't know
 22 that.
 23 BY MR. JACOBS:
 24 Q Again, you don't know --
 25 A I'm not aware of what went on the year

1 before.

2 Q One way or the other?

3 A No.

4 Q When you were brought on by Edison, were

5 you given any -- were you given any guidance concerning

6 Edison's standards with respect to the availability of

7 textbooks?

8 MS. HERNANDEZ: Objection; ambiguous.

9 THE WITNESS: Would you like to clarify

10 that question?

11 BY MR. JACOBS:

12 Q By standards?

13 A Standards, yes.

14 Q All right. Let's -- I take it that you

15 think it's important that where the -- important from an

16 educational standpoint that where the program intends

17 there to be a one-to-one distribution of textbooks,

18 there in fact be a one-to-one distribution of

19 textbooks. Yes?

20 A Yes.

21 Q And if I use one to one from here on out,

22 you'll understand it to mean one to one meaning that

23 each student has a copy available to that student to

24 take home as opposed to a classroom set that's shared in

25 a classroom with multiple sets of students. Okay?

1 MS. HERNANDEZ: Objection;

2 mischaracterizes testimony.

3 THE WITNESS: I didn't say to take home.

4 BY MR. JACOBS:

5 Q Because the teacher may not -- all right.

6 Why do you say that? Why do you say "I didn't say to

7 take home"?

8 A Well, because I didn't say that.

9 Q Well, what's the importance of that?

10 A Because it may or may not be used to take

11 home. That may not be part of the assignment. It may

12 be used just in the classroom.

13 Q Well, is there ever -- but I took it from

14 your testimony that there is never a case, to your

15 knowledge, where there has been -- where the reason for

16 a no-take-home situation has been that there weren't

17 enough textbooks available.

18 A If it -- I'm having trouble responding to

19 your phrasing, but what I'm saying is that that would --

20 lack of the book would not be the reason for not having

21 it at home.

22 Q Precisely.

23 A Is that what I'm saying right?

24 Q Yes. So I think we're on the same

25 wavelength.

1 A Okay.

2 Q "One to one" means that there is a copy

3 available for each student, so that if the teacher were

4 to assign -- or the student on his own initiative were

5 to say I really would like a copy to take home, the

6 reason for that not happening would not be a shortage of

7 textbooks.

8 A The answer to that the way you phrased it,

9 yes. I'm not sure.

10 Q Let's try it one more time. I just want

11 to make sure as we talk about one to one that we're not

12 talking about classroom sets.

13 A Yes, I hear what you're saying.

14 Q One to one means one copy for each student

15 using that textbook.

16 A It's just the way you're phrasing, I'm not

17 sure whether the answer's yes or no.

18 Q And I can see why. So let's be sure that

19 when we're using one to one we're using one copy for

20 each student, correct?

21 A I get that part, yes.

22 Q So now I'll start over again. I take it

23 that you believe it's important that where the program

24 intends there to be a one-to-one availability of

25 textbooks, that, in fact, at the school there be a

1 one-to-one availability of textbooks. Yes?

2 A Yes.

3 Q Is that importance in any way stressed to

4 you by Edison?

5 A Yes.

6 Q In what way?

7 A Edison expects the program to be fully

8 implemented.

9 Q And by "fully implemented," you mean,

10 among other things, a one-to-one availability of

11 textbooks?

12 A If that's what the program prescribes.

13 Q And how do they convey that to you?

14 A Well, they provide a list of the materials

15 that should be included in the program, and there is an

16 expectation that you purchase those and have them.

17 Q An expectation on the part of Edison

18 institutionally?

19 A Yes.

20 Q Does Edison in any way check up to see

21 that that expectation is met?

22 A Yes.

23 Q How?

24 A They have what we call regional

25 coordinators for -- particularly the emphasis there is

1 on math and the SFA program. Those people come to
2 visit. They observe in the classrooms. They talk to
3 the site coordinator for that subject, and they check on
4 do you have the materials you need to have.

5 Q Was there any case in the past year where
6 your site coordinator, whether it's the textbook one to
7 one or something else, notice that there was something
8 missing and brought it to the school's attention?

9 MS. HERNANDEZ: Objection; vague.

10 THE WITNESS: Not that I recall.

11 BY MR. JACOBS:

12 Q But it's your understanding that if there
13 was something missing, that's part of the job of the
14 site -- I'm sorry, of the regional coordinator to bring
15 any such gaps to the attention of the school?

16 MS. HERNANDEZ: Objection; vague.

17 THE WITNESS: It would be part of their
18 responsibility to communicate to the coordinator -- site
19 coordinator that there was a need to purchase. If they
20 said that, we would then purchase, but I don't recall
21 that that was said this year.

22 (Recess taken.)

23 BY MR. JACOBS:

24 Q Do you have an understanding of what would
25 happen if you were to tell Edison that the reason a

1 THE WITNESS: Are you asking me what my
2 expectation would be?

3 BY MR. JACOBS:

4 Q I'll take that. I said "understanding,"
5 but I'll take expectation.

6 A I don't think I'd ever asked the question.

7 Q You would just make sure that your budgets
8 had enough allocated to these programs to ensure that
9 they were fully implemented?

10 A Yes.

11 Q The fully implemented guidance, what
12 programs does it relate to beyond the ones that you have
13 site coordinators for?

14 A What does it pertain -- what subjects does
15 it pertain to where I don't have site coordinators?

16 Q Um-hmm. Can I ask it a little
17 differently?

18 A Yeah. I'm just trying to think if there
19 is one where I don't have a site coordinator.

20 Q Well, do you have one for Spanish?

21 A I don't have an overall site coordinator
22 that does all grade levels for Spanish like I do for the
23 other subjects, but there are people at each grade
24 level.

25 Q Who are coordinators?

1 program was not fully implemented was you lacked the
2 money to purchase all the necessary materials?

3 MS. KOURY: Objection; vague.

4 MS. HERNANDEZ: Objection; calls for
5 speculation.

6 THE WITNESS: You're asking me a
7 hypothetical question that if we were short on materials
8 but I didn't believe I had the budget, what would Edison
9 say?

10 BY MR. JACOBS:

11 Q Right.

12 A I never had that happen.

13 Q And did they give you any instruction on
14 what to do in that circumstance?

15 A It hasn't happened.

16 Q Different question.

17 A Excuse me.

18 Q Did they give you any instruction on what
19 to do if it were to arise, or what they would do if it
20 were to arise?

21 A No.

22 Q Do you have any understanding of what they
23 would say if you were to report my budget doesn't have
24 sufficient funds for this?

25 MS. KOURY: Objection; asked and answered.

1 A Well, who manage that.

2 Q Let me ask it a little differently.

3 A Okay.

4 Q As I understand it, there are certain
5 programs that Edison prescribes. They not only
6 prescribe that -- the program itself, but they have a
7 methodology for ensuring that the program is fully and
8 properly implemented at each school, correct?

9 A Um-hmm.

10 Q And that methodology includes this
11 mechanism of regional coordinators and site
12 coordinators?

13 A Yes.

14 Q And that mechanism is Edison's way of
15 ensuring that -- as you understand it, that there is
16 some uniformity in the way these programs are
17 implemented across Edison's school sites?

18 MS. HERNANDEZ: Objection.

19 MS. KOURY: Objection; mischaracterizes
20 her testimony.

21 THE WITNESS: If you're saying do they
22 have the regional and site coordinator system so that
23 they can have consistency in schools, then my answer
24 would be yes.

25 BY MR. JACOBS:

1 Q And part of that consistency is a
2 contingency in the level of instructional resources that
3 are associated with those Edison-prescribed programs.

4 A Yes.

5 Q And what that enables Edison to do, among
6 other things, is measure on an apples-to-apples basis
7 the performance of students in those various programs.
8 They know that the methodology of teaching is roughly
9 similar. They know the level of resources is roughly
10 similar, so they can do cross-school comparisons, right?

11 MS. HERNANDEZ: Objection; calls for
12 speculation.

13 THE WITNESS: I don't know if that's what
14 they use that information for, but they do provide the
15 same training of methodology for all the schools, and
16 they do review materials so that all schools would have
17 the materials required for the program.

18 BY MR. JACOBS:

19 Q And the programs that we're talking about
20 now are math and SFA, right, or more generally math and
21 reading?

22 A Are you asking me is that the only
23 areas -- are those the only areas where they have
24 coordinators?

25 Q Where they have prescribed programs.

1 BY MR. JACOBS:

2 Q And that is, they teach the teachers how
3 to teach it, and they insist that the teachers follow
4 that particular methodology, and variation from the
5 methodology is discouraged?

6 A Yes.

7 Q Is there the same level of Edison
8 prescription in the history curriculum?

9 MS. HERNANDEZ: Objection; vague, calls
10 for speculation, lacks foundation.

11 THE WITNESS: The standard in regard to
12 the materials would certainly be the same, that there
13 would -- you know, that the program was fully
14 implemented with materials. I have not seen a regional
15 coordinator. There may be one, but I haven't seen one.

16 BY MR. JACOBS:

17 Q And how about teacher instruction in how
18 to teach the history curriculum?

19 MS. HERNANDEZ: Objection; vague.

20 THE WITNESS: What do you mean, how
21 about?

22 BY MR. JACOBS:

23 Q Do they have the same level of
24 prescriptiveness in giving the teachers day-to-day
25 guidance about how to teach that curriculum?

1 A No, those are not the only areas.

2 Q What are the other areas?

3 A Well, there's history.

4 Q So the history curriculum is
5 Edison-prescribed?

6 A Yes. It also has to be the State of
7 California's program.

8 Q Well, let me ask you that. With respect
9 to SFA, that's a program that Edison is using across the
10 country, correct?

11 A Yes.

12 Q And the math program that you're using at
13 Edison McNair that's Edison-prescribed is also across
14 the country, correct?

15 A Yes.

16 Q Now, with respect to history, is that, as
17 you understand it, a California-specific program?

18 A I don't know. It's because I live in
19 California and I recognize it as a California program.
20 I don't know if they use it in other states.

21 Q Does Edison -- is there a -- let me ask it
22 this way: My understanding of, for example, the way SFA
23 is done is that Edison's level of insistence on
24 conformity is high.

25 MS. HERNANDEZ: Objection; vague.

1 A Those directions are in the teacher's
2 edition to the history program.

3 Q Are they at the same level of detail as
4 the directions given to teachers in, for example, SFA?

5 MS. KOURY: Objection; vague, calls for
6 speculation.

7 THE WITNESS: SFA and math and the history
8 all have teacher's editions that tell you what to do.
9 The difference that I see this year is that there is a
10 coordinator for SFA and for math who have been on the
11 site more than once.

12 BY MR. JACOBS:

13 Q And for history you haven't seen a
14 coordinator at all?

15 A No.

16 Q One of the roles of the coordinator is to
17 check on whether the teacher manual is being followed
18 for math and SFA?

19 MS. HERNANDEZ: Objection; vague, calls
20 for speculation, lacks foundation.

21 THE WITNESS: Yes.

22 BY MR. JACOBS:

23 Q And for history, how does Edison in any
24 way monitor what goes on in the school?

25 MS. HERNANDEZ: Objection; vague,

1 overbroad.

2 MS. KOURY: Assumes facts.

3 THE WITNESS: There is -- we have a
4 website for Edison employees, and there is on that
5 website considerable information that comes to the
6 teachers in regard to history and the teaching of
7 history.

8 BY MR. JACOBS:

9 Q Is there a mechanism in the -- you haven't
10 seen a regional coordinator for history. Is there some
11 substitute mechanism aside from this website that you're
12 aware of that allows Edison to monitor and counsel if
13 the teacher's manual isn't being followed?

14 MS. KOURY: Objection; vague.

15 THE WITNESS: That mechanism would be the
16 principal.

17 BY MR. JACOBS:

18 Q Does Edison interact with you to determine
19 whether you are checking up on that?

20 MS. KOURY: Objection; vague as to the
21 term "checking up."

22 THE WITNESS: I'm not sure I'm clear what
23 you're asking me. Do they have a way of knowing what
24 I'm doing?

25 BY MR. JACOBS:

1 things that the principal is accountable for.

2 A Yes.

3 Q And accountable to Edison for.

4 A Yes.

5 Q Do the points of accountability include
6 ensuring that programs are fully implemented?

7 A Yes.

8 Q And is that a -- how granular is that
9 evaluation? Is there just an overall rating for the
10 whole school for you, or is it broken down by grade
11 level, or by subjects?

12 A I haven't seen the final, so I don't
13 really -- I don't really know how that is. The midyear
14 was -- the way it's done is I wrote reflections,
15 otherwise my reflections on each of these five points of
16 accountability, what I saw happening, what I -- you
17 know, so forth and so on. And then the regional vice
18 president responded in a narrative to her comments and
19 questions about what I said, and can include
20 commendations or recommendations or additional goals to
21 meet by the end of the year.

22 Q Does the process include input from the
23 regional coordinators for the particular subject
24 matters?

25 MS. KOURY: Objection; calls for

1 Q Well, it's not necessarily a camera in
2 your office, but do they -- is one of Edison's -- let's
3 step back more generally. Does Edison have some kind of
4 an interaction with you on a periodic basis in which
5 they go through a list of things that are important to
6 them and say now what are you doing about this?

7 A We have evaluations by our supervisors
8 that would reflect whether the principal were monitoring
9 classrooms, et cetera.

10 Q How often is that evaluation done?

11 A For a principal.

12 Q Yes.

13 A What I'd seen this year is a midyear
14 evaluation, and then there will be one at the end.

15 Q What are the components of the evaluation?

16 A I haven't seen the final evaluation, but
17 there are five points of accountability, and now you're
18 going to ask me what they are and I'm not going to
19 remember.

20 Q Well, you used the word -- you used a
21 word, though, that I think will help me ask you some
22 questions about this, because they call it points of
23 accountability, right?

24 A Yes.

25 Q And by points of accountability, they mean

1 speculation.

2 THE WITNESS: I don't know that. I don't
3 know what she uses.

4 BY MR. JACOBS:

5 Q Do you have any information on what
6 information sources she had, other than your write-up,
7 for measuring whether any of the programs were fully
8 implemented?

9 A Yes. When the site coordinator -- excuse
10 me, regional coordinators visit, they make a site
11 report, which would come to me and to the regional vice
12 president. So she's seen the reports.

13 Q As you understood the -- accountable for
14 the item on the evaluation that renders you accountable
15 for whether programs are fully implemented, what was
16 your understanding of the -- of what the range of
17 programs was that that related to?

18 A I'm not sure I understand what you mean,
19 the range of programs.

20 Q Well, for example, when you understand
21 yourself to be accountable for whether programs are
22 fully implemented, do you have any understanding that
23 that relates to phys. ed.

24 A Absolutely. It relates to all areas in
25 the school.

1 Q Okay. Then --

2 A All areas. Excuse me. I'm doing it
3 again.

4 Q Well, let's take phys. ed., for example.
5 That's one I don't understand. What does it mean to
6 fully implement physical education in the Edison
7 environment?

8 A That would mean that the physical
9 education classes are scheduled according to the
10 guidelines of the State in which you operate, otherwise
11 the children aren't getting the appropriate amount of
12 time; that they, in fact, are truly getting exercise and
13 moving and, you know, things related to coordination
14 and -- for instance, they do calisthenics. They do
15 running. They teach games and so forth.

16 Q Can I stop you? I understand the part
17 about that there may be State guidelines for the amount
18 of time, and that may be the source of that
19 understanding of what "fully implemented" means.

20 What's the source of your understanding
21 about fully implemented for the other elements you just
22 identified?

23 A There is a State framework -- certainly in
24 California, I imagine each state, but certainly in
25 California -- for health and physical education, just as

1 Q And that's separate from the State?

2 MS. KOURY: Objection; vague as to
3 "separate from the State."

4 BY MR. JACOBS:

5 Q That's not a State that the -- what it
6 means to fully implement Success for All is not
7 prescribed by the State of California.

8 A No. It was prescribed by the program and
9 Edison.

10 Q So we have one that's -- that full
11 implementation -- we have one program, physical
12 education, in which full implementation means following
13 the State framework. We have another program, Success
14 for All, in which full implementation means following
15 the Success for All vendors' guidance and the Edison's
16 guidance on implementation, correct?

17 A Yes.

18 Q Okay. So let's go through the rest of the
19 areas at the school that relate to your accountability
20 for full implementation.

21 A Okay.

22 Q What else besides physical education did
23 you understand the full implementation accountability
24 aspect of your evaluation to relate to?

25 A I don't think I understand the question.

1 there are frameworks for the other subjects.

2 Q Are there any benchmarks for physical
3 education that come from a source other than the State
4 of California that you had in mind when you were
5 explaining whether you -- in what ways you were
6 accountable for full implementation of physical
7 education?

8 MS. KOURY: Objection; vague. Also
9 mischaracterizes her testimony.

10 THE WITNESS: The guidelines I'm familiar
11 with are from the State of California.

12 BY MR. JACOBS:

13 Q And Edison -- so in the case of phys. ed.,
14 for example, Edison didn't give you have any guidelines?

15 A Not that I am aware of.

16 Q And the district didn't have any
17 guidelines that you were directing yourself to?

18 A The district follows the State guidelines.

19 Q So no separate guideline for phys. ed.

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

21 Q All right. At the other extreme, it seems
22 to me -- let me see if I can get a modal here going.
23 Edison has a very detailed prescription of what it means
24 to fully implement Success for All, correct?

25 A Um-hmm. Yes.

1 Sorry.

2 Q When you understand that you are
3 accountable for fully implementing programs, do you
4 understand that to relate to anything other than
5 instructional programs?

6 A The principal has the overall
7 responsibility for everything at the school.

8 Q But with particular respect to fully
9 implementing programs --

10 A Yes.

11 Q -- is there anything other than the
12 instructional program that you understand that to relate
13 to?

14 A That's what I'm saying is that you would
15 have overall responsibility for all areas, whether
16 it's -- you're referring to what -- an academic area.
17 We consider them all to be part of the full program.

18 Q I'll ask you another hypothetical. Do you
19 understand that if you -- that you are accountable under
20 the full implementation component for the
21 extracurricular program?

22 MS. KOURY: Objection; asked and answered.

23 THE WITNESS: Extracurricular would be the
24 after-school program.

25 BY MR. JACOBS:

1 Q Or the --
 2 A Is that what you're saying? I don't know
 3 what you mean by extracurricular.
 4 Q A club, a school club.
 5 A Would I be responsible for a school club?
 6 Q Are you responsible -- are you accountable
 7 for full implementation of any activities at the school
 8 that relate to after-school clubs?
 9 MS. HERNANDEZ: Objection; vague,
 10 ambiguous.
 11 THE WITNESS: Responsible in what way?
 12 BY MR. JACOBS:
 13 Q Are you accountable?
 14 A For after-school programs?
 15 Q Of any sort.
 16 MS. KOURY: Objection; vague and
 17 overbroad.
 18 THE WITNESS: By Edison?
 19 BY MR. JACOBS:
 20 Q Correct.
 21 A No, not that I know of.
 22 Q So you have in mind that the full
 23 implementation element of your evaluation doesn't relate
 24 to everything that goes on at the school.
 25 MS. KOURY: Objection; mischaracterizes

1 the testimony.
 2 THE WITNESS: It would certainly relate to
 3 anything that goes on during the school day. If we had
 4 extracurricular activities, which we do, then that would
 5 probably be something that would be considered, but it
 6 wouldn't be basic.
 7 BY MR. JACOBS:
 8 Q So that's my question. What else is basic
 9 that is -- that relates to your accountability for full
 10 implementation?
 11 A Anything that happens during the school
 12 day.
 13 Q Assemblies?
 14 A Yes, it could be.
 15 Q Is there something that you understand
 16 yourself to be responsible for fully implementing with
 17 respect to assemblies? What I'm trying to get as is
 18 whether this full implementation has any focus to it.
 19 A When I speak about implementation as far
 20 as a principal's responsibility, I'm thinking about what
 21 specifically is the program that's prescribed for each
 22 of the subject areas, which can be what's going to
 23 happen in the art and music and PE and those things,
 24 too. That happens within the school day. You're going
 25 on to other things.

1 Q Fine. I'm with you now.
 2 A Okay.
 3 Q Arts, for example, Edison actually has a
 4 viewpoint on arts as to what a program for the arts
 5 should look like, right?
 6 A Yes.
 7 Q And so there are some benchmarks that you
 8 measure yourself against to determine whether you have
 9 fully implemented the arts program?
 10 A There is a curriculum for the arts
 11 program.
 12 Q That curriculum comes from Edison?
 13 A Yes.
 14 Q Does it specify what it means to be fully
 15 implemented in terms of the availability of supplies?
 16 A My knowledge of that art program, which,
 17 of course, is recent, is that there are certain kinds of
 18 things that need to be taught, and those kinds of things
 19 would require certain materials. If they did, they
 20 would be supplied.
 21 Q Now, you put that in the passive voice,
 22 "they would be supplied."
 23 A They are supplied.
 24 Q By?
 25 A We buy them.

1 Q Meaning you understand that you are
 2 accountable with respect to full implementation for, in
 3 some way, ensuring that there's a system in place to get
 4 those art supplies onto the school site, right?
 5 MS. KOURY: Objection; mischaracterizes
 6 her testimony. Also vague.
 7 THE WITNESS: Are you asking me is there a
 8 process by which we buy our supplies?
 9 BY MR. JACOBS:
 10 Q No. I'm asking if there's a process by
 11 which you are accountable for whether you buy art
 12 supplies.
 13 MS. KOURY: Objection; vague.
 14 THE WITNESS: I am accountable that the
 15 art program is happening. It couldn't happen without
 16 the supplies.
 17 BY MR. JACOBS:
 18 Q Well --
 19 A So that becomes a part of it.
 20 Q Is that different -- is happening just
 21 different from fully implemented?
 22 MS. KOURY: Objection; vague.
 23 THE WITNESS: I don't know. I'm tempted
 24 to say, "Is this a word game?" because I'm not sure what
 25 you're saying. When I say that it's happening, we have

1 guidelines for the art program, that if you're going to
2 do those things that you would have to have certain
3 materials and those lessons would need to be taught, and
4 that's what we see happens.

5 BY MR. JACOBS:

6 Q And you believe that you are accountable
7 for seeing that that occurs?

8 A Yes.

9 MS. KOURY: Objection; asked and answered.

10 BY MR. JACOBS:

11 Q And you measure yourself against
12 guidelines, but I take it that in the case of the art
13 program, the guidelines don't reach down to the level
14 of, oh, and by the way, you're going to need five cans
15 of paint for this. They rather prescribe we're going to
16 teach painting.

17 MS. KOURY: Objection; vague.

18 MS. HERNANDEZ: Lacks foundation.

19 THE WITNESS: No, it's more specific than
20 that.

21 BY MR. JACOBS:

22 Q It's down to the level of what supplies
23 you need to purchase?

24 A In order to do the lesson, if the lesson
25 says that it is a study in perspective using charcoals,

1 lacks foundation.

2 THE WITNESS: Excuse me. My turn? I
3 can't tell you whether it's that specific. I know that
4 the art teachers have made orders for materials when
5 they needed them, and they were supplied.

6 BY MR. JACOBS:

7 Q You also understand that you are
8 accountable for full implementation of the drama
9 program?

10 A Yes.

11 Q Was that the same kind of -- if I asked
12 you the same questions about the drama program that I
13 just asked you about the arts program, would your
14 answers be the same or is there some difference in the
15 way Edison prescribes what it means to fully implement
16 the drama program?

17 MS. HERNANDEZ: Objection; overbroad,
18 compound.

19 THE WITNESS: The drama program doesn't
20 call for the kinds of materials the art program calls
21 for, but if the drama teacher were, for instance, going
22 to, as she did this year, teach Romeo and Juliet, then
23 she would have the materials she needed to do that. If
24 she felt that was one copy, it would be one. If she
25 felt it was more, she would have more.

1 you'd have to have the charcoals.

2 Q But is that something -- when you say "you
3 would have to have," is that because you would read the
4 lesson and you would understand because you know what --
5 as someone trained to teach art that if it says you're
6 going to do perspective with charcoal, you're going to
7 have to buy charcoal, or does the lesson plan say make
8 sure you have charcoal?

9 MS. HERNANDEZ: Objection; assumes facts.

10 THE WITNESS: I don't know how it's
11 worded.

12 BY MR. JACOBS:

13 Q Do you have an understanding, though --
14 let's compare arts with Success for All.

15 A Um-hmm.

16 Q Success for All, you were told exactly
17 what materials you're going to need in order to teach
18 Success for All, correct?

19 A Um-hmm.

20 Q Is there the same level of detail with
21 respect to materials in the arts program?

22 MS. KOURY: Objection; vague, calls for
23 speculation.

24 THE WITNESS: I don't --

25 MS. HERNANDEZ: Objection; ambiguous,

1 BY MR. JACOBS:

2 Q Is it your understanding that the drama
3 program -- let's start over again. Does the Romeo and
4 Juliet guidance come from Edison, that is, does Edison
5 say seventh grade drama, use the following plays?

6 A I can't answer that. I don't know the
7 answer.

8 Q Then relatedly, do you know whether the
9 Edison program prescribes the materials that one needs
10 to carry out the prescribed curriculum?

11 MS. KOURY: Objection; asked and answered.

12 THE WITNESS: If I don't know for sure
13 what's prescribed, I wouldn't be able to say what the
14 materials were. I do know that the drama teacher is
15 able to have whatever it is she asks for.

16 BY MR. JACOBS:

17 Q And you understand you are -- that you are
18 accountable for making that last statement true?

19 MS. KOURY: Objection; asked and answered
20 a couple times, a couple ways.

21 THE WITNESS: The last statement being --

22 BY MR. JACOBS:

23 Q That?

24 A -- that if she wanted materials, she would
25 be able to order them and receive them?

1 Q Precisely.
 2 A Yes, I would be accountable for that.
 3 Q The Santianna program --
 4 A Yes.
 5 Q -- that's prescribed by Edison?
 6 A No.
 7 Q Where is that curricular choice made?
 8 A The district and -- the district gave us
 9 information about a couple of choices that were approved
 10 by the State of California.
 11 Q The school then chose Santianna?
 12 A Yes.
 13 Q Was that before you got there?
 14 A No.
 15 Q You chose Santianna?
 16 A Yes, with the guidance from the district
 17 people.
 18 Q Did Edison play any role in that?
 19 A Yes. When -- we call that program for
 20 English language learners and for teaching Spanish world
 21 language, and we have a regional coordinator for world
 22 language, and so I would consult with her.
 23 Q Did Edison, meaning your superiors or the
 24 coordinator you're talking about as opposed to yourself,
 25 did Edison endorse the choice of Santianna?

1 A Yes, they approved of it.
 2 Q I take it that you understood yourself to
 3 be responsible for the full implementation of the world
 4 language program?
 5 A Yes.
 6 Q And one component of that is then full
 7 implementation of the Santianna program.
 8 A Yes.
 9 Q Does the Santianna program prescribe what
 10 instructional materials need to be on hand in order to
 11 implement that program?
 12 A The program provides the materials. It
 13 comes in a kit. And it's an oral language program, so
 14 there are cards in the kit, according to the level
 15 you're teaching, that you use. Those are the
 16 materials. Because it's to elicit conversation.
 17 Q Is there any written component to the
 18 English component of world language?
 19 A That is the English component.
 20 Q Is there any written component, any
 21 writing -- reading or writing as opposed to oral?
 22 A Yes. We also are learning to write. And
 23 if you saw these cards, there's a whole lesson around
 24 pictures and conversation about the pictures and so
 25 forth. When you're at a point when you're ready to

1 write, then you would write in response to those
 2 pictures.
 3 Q Just on blank paper? Do you have -- is
 4 there a workbook or do you write?
 5 A No, there is not a workbook that goes with
 6 it. No, that's not true. Yes, there is a workbook that
 7 goes with certain levels of it, and we did purchase
 8 those.
 9 Q And you would --
 10 A I think it's just the beginning ones.
 11 Q And does the regional coordinator perform
 12 the function with respect to full implementation of
 13 world language that the corresponding regional
 14 coordinators do for math or Success for All?
 15 A Yes.
 16 Q As you are preparing your budget for next
 17 year, one of the components, I would imagine, is
 18 purchase of textbooks and instructional materials with
 19 respect to the implementation of the curricular you're
 20 going to teach next year.
 21 A Yes.
 22 Q Is that a process that's been delegated to
 23 the business manager to run?
 24 A I don't know what you mean by "run."
 25 Q Well, why don't you tell me what the

1 process is.
 2 MS. HERNANDEZ: Objection; vague,
 3 ambiguous.
 4 THE WITNESS: The coordinators communicate
 5 with the teachers to see what their needs are, and then
 6 they are to make, hopefully, a composite and give that
 7 to the business manager and he makes the orders.
 8 BY MR. JACOBS:
 9 Q In some cases --
 10 A He does the purchasing.
 11 Q What's the process for cases where you
 12 already know you have a vacancy for next year?
 13 MS. HERNANDEZ: Objection; vague.
 14 MS. KOURY: Objection; vague.
 15 MS. HERNANDEZ: Sorry.
 16 BY MR. JACOBS:
 17 Q You have teaching vacancies already
 18 known. Yes?
 19 A Yes. You just changed the subject.
 20 Q No. I'm sorry, the process for
 21 purchasing. There's no teacher to ask if you have a
 22 vacancy.
 23 A Oh.
 24 MS. KOURY: Objection; assumes facts.
 25 THE WITNESS: I understand what you're

1 saying now, I believe. That the coordinator would --
 2 the teacher that's there would supply the information,
 3 otherwise if I'm the fourth grade teacher, then I'm
 4 going to supply the information that's needed for that
 5 class. Let's say some books were damaged or lost or
 6 whatever so I need some reordering, then I would give
 7 that information to the coordinator for that next year's
 8 teacher.

9 BY MR. JACOBS:

10 Q Do you have any mechanisms in place to
 11 catch the case, a safety net, where the teacher --
 12 perhaps because the teacher is leaving is not attentive
 13 to what's needed for next year?

14 MS. KOURY: Objection; vague.

15 THE WITNESS: I haven't had that
 16 experience, but the coordinators know how -- have the
 17 anticipated number of students that are coming in, so
 18 they can figure that. But also if they did not get a
 19 response from a teacher, they would go to them and get
 20 the response.

21 BY MR. JACOBS:

22 Q And you understand that you're going to be
 23 evaluated in part based on whether at the beginning of
 24 the year there are sufficient textbooks and
 25 instructional materials to ensure that the programs in

1 MS. HERNANDEZ: Objection; calls for
 2 speculation, vague.

3 BY MR. JACOBS:

4 Q So I'll ask that one a little
 5 differently. You're not aware of any situation in
 6 which, by virtue of your current budget or your
 7 projected budget, to be more accurate, you will lack the
 8 resources to fully implement any of the programs at the
 9 school?

10 MS. KOURY: Objection; vague.

11 THE WITNESS: I have difficulty answering
 12 those negatively phrased questions because again, I'm
 13 not sure you want -- whether it would require a yes or
 14 no answer. My expectation is that the materials will be
 15 there at the beginning of school for each child for the
 16 programs.

17 BY MR. JACOBS:

18 Q So to put it positively, so far as you're
 19 aware, your budget has sufficient funds to permit you to
 20 make that happen?

21 MS. KOURY: Objection; asked and answered.

22 THE WITNESS: Yes.

23 BY MR. JACOBS:

24 Q Now, you've worked in an Edison school for
 25 a year with this full implementation accountability that

1 the school are fully implemented?

2 MS. KOURY: Objection; vague,
 3 mischaracterizes her testimony.

4 THE WITNESS: I'm not evaluated at the
 5 beginning of the year.

6 BY MR. JACOBS:

7 Q That wasn't quite my question.

8 A Oh, I thought you said -- that's what you
 9 said.

10 Q You'll be evaluated as of. Do you
 11 understand that one of your -- one of your areas of
 12 accountability is whether on day one, when the kids come
 13 in to school for the first day, the programs are fully
 14 implemented?

15 A Yes. That would end up being a piece of
 16 it, sure.

17 Q And so you've taken steps with your
 18 coordinators to ensure that they make that happen?

19 A Yes. I have given them directions and
 20 I've given directions to the business manager.

21 Q Now that I've got your -- the vocabulary
 22 fully implemented down, are you currently aware of any
 23 situation in which the program will not be fully
 24 implemented when the new school year starts?

25 A No.

1 we've been discussing.

2 A Yes.

3 Q And you worked for many years in a public
 4 school system in which that particular methodology was
 5 not implemented, correct?

6 MS. KOURY: Objection; mischaracterizes
 7 her testimony, calls for speculation.

8 THE WITNESS: What do you mean?

9 MS. HERNANDEZ: Ambiguous.

10 THE WITNESS: Excuse me. You have to
 11 raise your hand so I know you're going to talk.

12 I didn't understand the part about the
 13 public school when I was with the public school.

14 BY MR. JACOBS:

15 Q The public school system doesn't have
 16 regional coordinators for a particular curricula,
 17 correct?

18 MS. KOURY: Objection; mischaracterizes
 19 her testimony, vague.

20 THE WITNESS: Public school you work for a
 21 district. You don't have a region.

22 BY MR. JACOBS:

23 Q That's my question, right? You don't have
 24 a regional coordinator system for -- for example, if --
 25 when you worked down in Salinas, you never had regional

1 coordinators visit your school to see whether particular
2 curricula were fully implemented, right?

3 A I don't mean to smile, but there wasn't
4 any region. How could you have a regional coordinator,
5 but we do have -- did have people from the district that
6 certainly took care of all the book orders.

7 Q Was one of the -- you were principal down
8 in Salinas, right?

9 A I was a principal and Director of
10 Curriculum and Staff Development.

11 Q When you were a principal, you were
12 evaluated, correct?

13 A Yes.

14 Q You were evaluated by -- who was your --
15 the last -- the last evaluator you had, what was the
16 title of that person?

17 MS. HERNANDEZ: Objection; vague.

18 THE WITNESS: Superintendent.

19 BY MR. JACOBS:

20 Q Did you have a specific point of
21 evaluation in that system that corresponded to the point
22 of accountability in the Edison system, that is, the
23 accountability for seeing to it that programs are fully
24 implemented?

25 MS. KOURY: Objection; vague, calls for

1 There are people who come to your school
2 to see to it whether you have fully implemented some of
3 the programs. As to other programs, as you described,
4 you understand that you are accountable for whether they
5 are fully implemented, you self-report on implementation
6 of programs, and you have an interaction with your
7 supervisor in which areas that you've highlighted or
8 that the supervisor learns about through the regional
9 coordinator mechanism are discussed with you.

10 A Um-hmm.

11 Q Is all of the foregoing true?

12 MS. HERNANDEZ: Objection; assumes facts
13 and mischaracterizes testimony.

14 MS. KOURY: Vague.

15 THE WITNESS: That was quite a few things,
16 but as I followed it, I think that's true.

17 BY MR. JACOBS:

18 Q So I'm doing a compare and contrast --

19 A Yes.

20 Q -- like a good eighth grade student --

21 A Oh, you should be a teacher.

22 Q -- with the public school system in which
23 you worked and therefore were most familiar with --

24 A Um-hmm.

25 Q -- on this issue of how the principal is

1 speculation. You can answer it if you can.

2 THE WITNESS: If you're asking me does the
3 school district evaluate principals on the basis of
4 purchasing materials and seeing that the program is
5 implemented, then the answer is yes.

6 BY MR. JACOBS:

7 Q And what was that -- in your last
8 evaluation -- I want to not ask about all the years you
9 were principal, but just the tail end. What was the
10 mechanism in the school district that you are thinking
11 of?

12 A Mechanism for?

13 Q For holding you accountable for whether
14 programs were fully implemented.

15 MS. HERNANDEZ: Objection; vague,
16 overbroad.

17 THE WITNESS: I'm not trying to be
18 difficult, but I'm not sure I understand what you mean
19 by "mechanism."

20 BY MR. JACOBS:

21 Q Well, let me state the general question
22 and see if this helps you out. The system you've
23 described insofar as an Edison school is concerned is
24 a -- to my ear, a fairly detailed accountability
25 mechanism.

1 held accountable for, to use your vocabulary or Edison's
2 vocabulary, where the programs are fully implemented.

3 MS. KOURY: Objection; vague.

4 Mischaracterizes her testimony.

5 THE WITNESS: Are you asking me is it the
6 same?

7 BY MR. JACOBS:

8 Q I'm asking you to compare and contrast
9 those systems. One point of contrast we've already
10 identified, there is no regional coordinator who comes
11 in from the outside world, if you will, visits the
12 school and measures the degree to which programs are
13 fully implemented, correct?

14 MS. KOURY: Objection; mischaracterizes
15 her testimony. She stated when she was at a public
16 school she did have outside personnel to --

17 MR. JACOBS: Hey. Hey. Hey. Hey. Hey.
18 No coaching.

19 MS. KOURY: I'm not coaching.

20 MR. JACOBS: That is coaching.

21 MS. KOURY: I'm stating my objection, and
22 clarifying the record.

23 MR. JACOBS: No. No. Neither of which
24 you're entitled to do.

25 MS. HERNANDEZ: I object on the grounds

1 that it's overbroad.
 2 BY MR. JACOBS:
 3 Q So that's one point of contrast, correct?
 4 There is a difference between -- there is a difference
 5 in your mind between having a district person measure
 6 that and having a regional coordinator measure that.
 7 MS. HERNANDEZ: Objection;
 8 mischaracterizes testimony.
 9 THE WITNESS: Is there a difference in --
 10 there would be no regional reports made at a district
 11 level, so a superintendent would not have that
 12 information.
 13 BY MR. JACOBS:
 14 Q What other contrasts do you think are
 15 significant in this area of accountability?
 16 MS. HERNANDEZ: Objection; overbroad,
 17 ambiguous.
 18 THE WITNESS: Specifically in regard to
 19 textbooks and --
 20 BY MR. JACOBS:
 21 Q And instructional materials.
 22 A In the district from which I came -- and
 23 since I did this on both of them -- there is a district
 24 list of all the materials that are to be at the school
 25 site for the students. It's listed by one to one if

1 that's the way it's to be purchased, or it's listed one
 2 to two with prepared reading and some things like that.
 3 And it's very specifically laid out what materials you
 4 were to have in English and what materials you were to
 5 have in Spanish, because at that time -- it was prior to
 6 Proposition 227 -- we, of course, had the bilingual
 7 classes. So it was very specifically stated what you
 8 were to have, and you were expected to purchase those.
 9 The purchasing went through the district
 10 purchase -- material center. So you had a technician
 11 there that was following on that -- that specific aspect
 12 of it, but they don't do the instructional piece. They
 13 do the materials piece.
 14 Q One of the components of the Edison system
 15 that I inferred from what you said is that Edison
 16 accountability mechanism links back to the vendors'
 17 prescription for what is necessary to fully implement.
 18 A Yes.
 19 Q Was that present in the school district at
 20 which you taught?
 21 MS. KOURY: Objection; vague as to time
 22 frame.
 23 THE WITNESS: Yes.
 24 BY MR. JACOBS:
 25 Q In other words, as you understand it, the

1 list of what each school should have matched up with
 2 what the vendor of the curriculum said should be
 3 available for each classroom or each student.
 4 A It matched up with what the district had
 5 decided they could afford to purchase of what the vendor
 6 had, because if you've ever read these vendor lists,
 7 they have untold amounts of extras that you can buy, but
 8 districts don't usually buy them all.
 9 Q So comparing and contrast that with
 10 Edison, how does Edison resolve that difference, that
 11 is, between what the vendor might want you to buy and
 12 what is reasonable to buy?
 13 MS. KOURY: Objection; assumes facts,
 14 calls for speculation.
 15 THE WITNESS: I don't know the answer to
 16 that with Edison, because I'm not -- if you were
 17 familiar with Success for All, when you have Success for
 18 All you make an agreement with that company that you
 19 are, in fact, going to implement as they prescribe it.
 20 So in that case there isn't all those differences.
 21 BY MR. JACOBS:
 22 Q How about with any of the other curricula?
 23 MS. KOURY: Objection; asked and answered.
 24 THE WITNESS: I'm -- I don't know with
 25 Chicago Math if there are other things that the vendor

1 may have that are not purchased.
 2 BY MR. JACOBS:
 3 Q But in the case where they're not
 4 purchased, is the -- who gives you the permission not to
 5 purchase?
 6 MS. KOURY: Objection; assumes facts.
 7 THE WITNESS: You must be talking about
 8 the district now, right?
 9 BY MR. JACOBS:
 10 Q Well, now I'm back in Edisonland.
 11 A What I said was --
 12 MS. HERNANDEZ: I'm sorry. Objection;
 13 ambiguous.
 14 MS. KOURY: And assumes facts.
 15 THE WITNESS: Would you restate the
 16 question?
 17 MR. JACOBS: Sure.
 18 Could you read back her last answer?
 19 (Whereupon, the record was read back as
 20 follows:
 21 "A. I'm -- I don't know with
 22 Chicago Math if there are other
 23 things that the vendor may have that
 24 are not purchased.")
 25 BY MR. JACOBS:

1 Q So in the district case, the district made
2 a district-level decision about what would be purchased
3 for a curriculum, correct?
4 A Yes.
5 Q And by "the district case," we mean your
6 Salinas experience.
7 A Yes.
8 Q In the case of Edison, where is that
9 decision made?
10 MS. KOURY: Objection; vague.
11 THE WITNESS: I don't know. It would seem
12 it would have to be corporate since it's not the school.
13 BY MR. JACOBS:
14 Q So you've never been engaged in a
15 discussion while you've been there, that is, at Edison,
16 Edison McNair, in which you've had a discussion in which
17 you said, you know, I know the vendor wants us to buy
18 this, but I don't think it makes sense for us to buy
19 it?
20 A No, I have not had that conversation.
21 Q Is there a functional equivalent in your
22 Edison school of that district list of what each school
23 should have?
24 MS. KOURY: Objection; vague.
25 THE WITNESS: Yes, there is a statement

1 for the math and for the SFA. Yes, there is -- there is
2 a list, but we know what to order for those things.
3 BY MR. JACOBS:
4 Q But that's a program-by-program list?
5 A Yes.
6 Q And as I understood it from your
7 Salinas -- the prescription of Salinas, there's actually
8 a list of what every school should have; is that right?
9 A No. It's programmed by program.
10 Q Okay.
11 A And then each school purchases according
12 to the number of students they had. But it is program
13 to program. While you're thinking, may I get a cup of
14 coffee?
15 MR. JACOBS: Yeah.
16 (Recess taken.)
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1 AFTERNOON SESSION
2 -oOo-
3
4 BY MR. JACOBS:
5 Q When you were in your district position in
6 Salinas, did you play a role in monitoring whether
7 principals had prepared their schools to have the
8 necessary instructional materials and supplies that the
9 district had prescribed?
10 A Yes.
11 Q What was your role?
12 A I was Director of Curriculum and Staff
13 Development.
14 Q And how did that relate to the issue of
15 whether there was sufficient instructional materials or
16 supplies?
17 A Part of the responsibility of the Director
18 of Curriculum is the Materials Center.
19 Q The Materials Center is a district
20 facility?
21 A District facility. Um-hmm.
22 Q Does it do textbook ordering?
23 A Yes.
24 Q And then delivery of textbooks to the
25 schools?

1 A Yes.
2 Q Did you have responsibility for it in the
3 management sense, that is, that you supervised the
4 people in that office?
5 A Yes.
6 Q How did that role give you a window into
7 what was happening in particular schools?
8 A In relation to textbooks?
9 Q Let's take textbooks, yes.
10 A Okay. Well, all of the textbook orders
11 from each school came to us. In other words, we sent
12 them the forms that were already -- you know, pretty
13 well laid out. All they had -- these were all the
14 things you can buy, and then you just put your numbers
15 in over here, and those would come back in to the
16 technician and then she would check to see if those
17 orders were complete.
18 For instance, she was so experienced that
19 if an order looked like it, you know, wasn't going to
20 match up, it wasn't going to be enough, she would call
21 the principal back and say, you know, have you looked at
22 this part and this part and so forth to make sure that
23 you're covered here everything. So we did ensure it in
24 that way that everybody had the materials they're
25 expected to have.

1 Q Did you understand that was one of the
2 functions of the facility, that is, to backstop the
3 principals, or serve as a safety net for the principals
4 if they didn't --
5 A Surely.
6 Q The evaluation chain ran from principal to
7 superintendent, correct?
8 A Yes.
9 Q Did you have any input into an evaluation
10 process if you became aware of a principal who wasn't
11 effectively managing the purchasing of textbooks or
12 instructional materials?
13 MS. KOURY: Objection; vague.
14 THE WITNESS: Do you mean would I directly
15 be evaluating that piece in regard to the principal?
16 BY MR. JACOBS:
17 Q Well, or indirectly.
18 A No, not really. Not really.
19 Q So was there -- did you become aware of
20 cases -- in a general sense, did you become aware of
21 cases in which principals were ineffective in making
22 sure that their schools were stocked with the necessary
23 textbook and instructional materials?
24 MS. KOURY: Objection; vague, calls for
25 speculation.

1 THE WITNESS: We wouldn't allow that to
2 happen.
3 BY MR. JACOBS:
4 Q And you didn't allow that to happen by
5 doing what?
6 A By being sure those orders were complete,
7 matched up with the number of students, et cetera, and
8 how many books were in there.
9 Q Did you regard yourself as accountable to
10 someone to achieve that result?
11 A Yes.
12 Q To whom?
13 A Superintendent.
14 Q Did the superintendent make it clear to
15 you that he wanted you to be sure that the schools were
16 well stocked with the necessary textbooks and
17 instructional materials?
18 A He would have considered that the primary
19 responsibility of the principal, but he would have
20 expected that I would have facilitated that.
21 Q The superintendent was then responsible --
22 accountable to the school board, correct?
23 A Yes.
24 Q Were you aware of any other accountability
25 mechanism from -- in this case a mechanism outside the

1 school district to Sacramento with respect to the
2 question of whether schools were supplied with the
3 necessary textbooks and instructional materials?
4 A You know, I don't know that accountability
5 piece from that point of view.
6 Q Having worked with the Edison system in
7 this regard and now having lived in both worlds, the
8 typical school district and then an Edison school, when
9 it comes to accountability for textbooks and
10 instructional materials, is it your assessment that the
11 Edison mechanism has advantages over the typical public
12 school system?
13 MS. KOURY: Objection; vague.
14 THE WITNESS: What do you mean by
15 "mechanism"?
16 BY MR. JACOBS:
17 Q The mechanism we discussed by which you --
18 by which Edison ensures that the programs are fully
19 implemented.
20 MS. KOURY: Objection; vague, calls for
21 expert testimony, speculation.
22 THE WITNESS: In both systems, the
23 principal's expected to see that the students have
24 materials. That would be true in both the Edison and
25 the -- at least the public school system that I was

1 with.
2 BY MR. JACOBS:
3 Q In both systems there are some mechanisms
4 to support the principal in that effort?
5 A Yes.
6 Q And there's some mechanisms to hold the
7 principal accountable for performance in that effort.
8 A Yes.
9 Q And my question to you is on the
10 accountability side, do you believe that the Edison
11 system has advantages over the public school system?
12 MS. KOURY: Objection; asked and answered.
13 THE WITNESS: I'm not sure that I
14 understand what you mean, advantages in accountability.
15 I don't know what an advantage in accountability is.
16 BY MR. JACOBS:
17 Q What part is confusing?
18 A I guess I'm not understanding your use of
19 the word "advantage."
20 Q Does it have benefits for the students?
21 MS. KOURY: Objection; vague.
22 THE WITNESS: Does the Edison system have
23 benefits for the students?
24 BY MR. JACOBS:
25 Q Yes. That in a compare-and-contrast mode

1 are unavailable in the public school system from which
 2 you came?
 3 MS. KOURY: Objection; vague.
 4 THE WITNESS: Does the Edison system have
 5 what, greater accountability or -- is that what you're
 6 saying?
 7 BY MR. JACOBS:
 8 Q That's good. Does it have greater
 9 accountability?
 10 MS. HERNANDEZ: I'll object, vague and
 11 overbroad.
 12 THE WITNESS: Yeah, I'm having -- I guess
 13 I'm -- ask me again. Keep it simple. I'm simple.
 14 BY MR. JACOBS:
 15 Q Do you believe that the Edison history
 16 holds principals more accountable for the delivery of
 17 full implementation of programs to students than the
 18 public school system from which you came?
 19 A Yes.
 20 Q And do you believe that that has
 21 educational advantages for students?
 22 A Yes.
 23 Q And in particular what?
 24 MS. KOURY: Objection; calls for expert
 25 testimony.

1 THE WITNESS: Edison principals are
 2 specifically held responsible and reviewed in the light
 3 of staying within their budget, but before that comes
 4 student achievement. So all these things you're talking
 5 about are going to be looked at what kind of achievement
 6 the students made.
 7 BY MR. JACOBS:
 8 Q And in this regard, that is, full
 9 implementation, you believe that relates to student
 10 achievement?
 11 A Yes.
 12 Q And that improvements in implementation of
 13 programs -- and by implementation now we are referring
 14 specifically to having sufficient textbooks and
 15 instructional materials --
 16 A Um-hmm.
 17 Q -- that that will correlate positively
 18 with student performance.
 19 A That would be one of the aspects that
 20 would correlate with student achievement.
 21 Q Along with other components of a well-run
 22 Edison school?
 23 A Yes.
 24 MS. KOURY: Objection; misstates her
 25 testimony.

1 BY MR. JACOBS:
 2 Q Let's turn to teachers and the issue of
 3 teacher credentialing or large numbers of uncredentialed
 4 teachers.
 5 A Um-hmm.
 6 Q Is there a point of accountability in your
 7 evaluation that relates to -- in general to the hiring
 8 of teachers?
 9 MS. KOURY: Objection; vague.
 10 MR. JACOBS: Yeah, that's not very good.
 11 Q Are you held accountable for the quality
 12 of the teachers you hire?
 13 MS. HERNANDEZ: Objection; vague.
 14 THE WITNESS: Yes.
 15 BY MR. JACOBS:
 16 Q Are you held accountable in a -- I take it
 17 that one way you are held accountable in the Edison
 18 system is by measuring outputs, that is, how students do
 19 on the relevant performance matrix?
 20 A Yes.
 21 Q Are you held accountable -- and we just
 22 talked about your being held accountable for an input,
 23 that is, whether the programs are fully implemented. Do
 24 you agree that that's an input?
 25 A Okay.

1 Q So my question about teachers is, is there
 2 an input accountability standard here? That is, are you
 3 held accountable for the quality of the teachers you
 4 hire in a way that's different or distinct from the fact
 5 that you are held accountable for actual student
 6 performance?
 7 MS. HERNANDEZ: Objection; assumes facts.
 8 THE WITNESS: I'm not sure what you mean,
 9 different from.
 10 BY MR. JACOBS:
 11 Q Well, you are held -- one of your points
 12 of accountability is how your students actually do,
 13 right?
 14 A Absolutely.
 15 Q And what is the point of accountability,
 16 then, that most closely is related to the hiring of
 17 teachers?
 18 A I'm not sure I understand what you're
 19 saying, but I am expected to hire and make sure that I
 20 have a full staff according to the number of students
 21 that we'll have.
 22 I am expected to hire on the basis that
 23 they -- if they're teaching a content area, that they
 24 have that content background. If there are teachers
 25 that have credentials, then that influences my

1 selection, but it is not the only influence.

2 We do ask, you know, about educational
3 background and credentialing. But when they're hired,
4 since they still go through the Ravenswood personnel
5 office, those people are responsible to get all the
6 documentation of the backup, that what was said is true
7 and so forth.

8 For instance, if somebody says to me they
9 have a credential, they may show me their diploma, they
10 may show me their credential, but when they go to the
11 district, they have to give them a copy, et cetera,
12 et cetera.

13 So they explain to them also the rules
14 about emergency credentials and what education they're
15 required if they don't have a credential to do, you
16 know, how long they have to do that and so forth.

17 Q Does the district make the -- seek the
18 necessary approvals from the State Teacher Certification
19 Authority to hire emergency credentialed teachers on
20 your -- do they seek that authority on your behalf?

21 MS. HERNANDEZ: Objection; calls for
22 speculation.

23 THE WITNESS: I don't know what you mean
24 by "seek." I've never worked in personnel, so I don't
25 know exactly how they -- what their processes are.

1 always prefer bilingual teachers -- and that would
2 certainly be emphasized -- if we're able to get them. I
3 can't think of anything else.

4 Q Just let me clear. I understand you to be
5 describing your practices.

6 A I'm saying that's what Edison expects.

7 Q Okay. And how is that conveyed to you?

8 A How is that conveyed to me? Just in
9 general conversation. It probably hasn't been expressed
10 to me as much as many because I've been doing this so
11 long, and then the conversations I've had with them,
12 they know that I have an understanding of what quality
13 is and what we're seeking.

14 Q Is there a particular point of
15 accountability that -- on your evaluation that relates
16 to the hiring of teachers meeting the standards you've
17 just described?

18 A Not in that kind of a statement. It's
19 more related to results.

20 Q Results in this case meaning student
21 performance?

22 A Yes.

23 Q Has Edison given you any guidance as to
24 what you should be striving for in terms of a mix of
25 experienced and inexperienced teachers?

1 BY MR. JACOBS:

2 Q You don't have to file any particular
3 applications with the State educational authorities?

4 A No. It's done through the district.

5 Q Now, in terms of what you just described
6 as your -- I understood you to be testifying to your
7 goals in hiring teachers. What you were just saying,
8 how did those relate to any standards that Edison has
9 given you for the hiring of teachers?

10 MS. KOURY: Objection; assumes facts.

11 THE WITNESS: Edison would have -- would
12 expect that in any state where there's an Edison school,
13 that you would follow State guidelines.

14 BY MR. JACOBS:

15 Q What else? Any other guidance from
16 Edison?

17 A Get the best teachers you can.

18 Q Any particular guidance from Edison?

19 A I don't know what you mean, particular
20 guidance. As to what?

21 Q As to anything in hiring teachers.

22 A I don't know about guidance. There are
23 certain guidelines that one would follow. First of all,
24 you would hopefully have somebody credentialed, but if
25 not, then they certainly must be a college graduate. We

1 MS. KOURY: Objection; vague.

2 THE WITNESS: We -- I think as in any
3 district, we would prefer teachers who are credentialed
4 and experienced if they have a record of success, I mean
5 based on recommendations. You could have a credential
6 and not have had recommendations from the district in
7 which you worked.

8 BY MR. JACOBS:

9 Q Yes. And I didn't ask you credentialed.
10 I asked you experienced versus inexperienced.

11 Does Edison have any guidance for -- let's
12 take the general case. Does Edison have guidance for
13 its principals on what Edison regards as an optimum mix
14 of experienced and inexperienced teachers?

15 A They would always prefer to have as many
16 experienced teachers as possible. That would always be
17 something that they would be looking at, sure.

18 Q Is that as precise that the guidance has
19 gotten, seek as many experienced teachers as you can, or
20 have there been anything along the lines of we have
21 found that in schools with any more than, you know, X
22 percent of brand new teachers things go bad and so you
23 should not allow those percentages to get too high?

24 MS. KOURY: Objection; compound, vague.

25 THE WITNESS: I've never seen anything

1 written to that effect, no.

2 BY MR. JACOBS:

3 Q How about oral?

4 A No, not as you've stated it; that there's
5 certain percentages at Rave that makes a difference, I
6 have never heard of that.

7 Q Take away percentages now and just talk
8 more generally about mix and experienced and
9 inexperienced teachers, other than the general get as
10 many experienced, well-recommended teachers as you can.
11 Is there any other guidance from Edison on what you
12 should strive for in that regard?

13 MS. KOURY: Objection; vague.

14 THE WITNESS: I feel like I ought to be
15 able to say objection, vague.

16 BY MR. JACOBS:

17 Q You can. What part did you not
18 understand?

19 A Well, it's just -- to me it's just common
20 sense that you would always be looking for the most
21 talented, experienced teachers that you can get in any
22 system. It would always be that.

23 The fact that one has a credential may or
24 may not make a difference. The State certainly wants to
25 see people with credentials, and I would agree that I

1 BY MR. JACOBS:

2 Q And is that because Edison has given you
3 some guidance in that regard?

4 A They have given guidelines in regards to
5 salaries for teachers, and -- so if I have the best
6 teacher who has the most experience and that calls for a
7 certain salary that I'd get that kind of teacher, I'm
8 going to hire them.

9 Q What's the guidance that Edison has given
10 in terms of teachers' salaries?

11 MS. HERNANDEZ: Objection; vague.

12 THE WITNESS: We work a longer year, so we
13 paid more to compensate for the longer year. And then
14 like any district, of course if you had more years,
15 you'd be paid more --

16 BY MR. JACOBS:

17 Q Is there --

18 A -- and if you had more education.

19 Q Is there a specific salary scale that
20 Edison teachers are hired to?

21 A No.

22 Q So how is this guidance provided?

23 A There's general guidelines, and then the
24 principal has the latitude within those guidelines to
25 make decisions.

1 would always try to do that, but I would not separate
2 that from their experience and their recommendations.

3 Q From the budgetary standpoint, one of the
4 obstacles to hiring an experienced, well-recommended
5 teacher is the salary you can offer, correct?

6 MS. KOURY: Objection; vague, calls for
7 speculation and expert testimony.

8 THE WITNESS: I haven't had that
9 experience.

10 BY MR. JACOBS:

11 Q You haven't had that experience --

12 A I haven't had the experience where I
13 didn't have the budget to offer the teacher what I
14 wanted to offer him. I didn't run out of money.

15 Q Well, earlier you said that your budget
16 for next year would drive the question whether you could
17 hire a library assistant.

18 A Yes. You were talking about teachers.

19 Q Okay. But surely that if you take money
20 off of your teachers' salaries then you can have a
21 library assistant, right?

22 MS. HERNANDEZ: Objection; assumes facts.

23 MS. KOURY: Also argumentative.

24 THE WITNESS: One wouldn't do that, that I
25 could think of.

1 Q The general guidelines -- are ranges for
2 teacher salaries based on experience?

3 A Yes.

4 Q How do you manage the mix of -- strike
5 that.

6 In your -- does Edison tell you what
7 proportion of your budget it should be allocated to
8 teacher compensation?

9 A As I'm picturing the budget, there is
10 dollars that had been allocated for that, yes.

11 Q And the had been allocated part, do you
12 think that's an allocation that's made by your business
13 manager or by -- or -- and what's the interaction
14 between him and Edison?

15 MS. KOURY: Objection; calls for
16 speculation.

17 THE WITNESS: There is a whole hierarchy
18 in the business structure. There's from the New York
19 person. Then we have a person that works in that
20 department that we have a call every month where the
21 business manager and I and this person are on the
22 phone. So somewhere up there somebody has made those
23 allocations.

24 BY MR. JACOBS:

25 Q How do you manage to then stay within that

1 allocation in terms of teacher hiring?

2 A So far it hasn't been an issue. There's
3 been sufficient -- they're allocated to hire. I had not
4 had that issue in regard to hiring teachers, but I've
5 only done it once, so --

6 Q And the once is at the beginning of last
7 year?

8 A Yes.

9 Q So as you look ahead to the hiring, you're
10 going to need to do the fill spots for the coming year?

11 A Um-hmm.

12 Q Do you have in mind an amount that you're
13 going to be able to offer incoming teachers based on the
14 total allotment you have for teacher compensation?

15 MS. HERNANDEZ: Objection; lacks
16 foundation.

17 THE WITNESS: Do you mean that do I see
18 that for the number of teachers I need to hire and the
19 number I have existing that I have sufficient budget to
20 do that?

21 BY MR. JACOBS:

22 Q Well, it seems whether you have sufficient
23 or not might depend on where in the range the teachers
24 you're going to hire are --

25 A Um-hmm.

1 going to be across the range. I would hope some of the
2 people, but --

3 Q Would you hope some of the people would
4 be --

5 A Would be experienced, surely. But in
6 reality, I would anticipate from the pool of teachers
7 available that they won't all be.

8 Q The pool of teachers in this context is --
9 what do you mean by the pool of teachers?

10 A I would mean that -- from what I
11 understand and see in this area and across the United
12 States, there are more need for teachers than there are
13 teachers. Therefore, it isn't like it has been in some
14 years where -- over my longevity where there were more
15 teachers than there were jobs, then you would be
16 anticipating you would get more experienced teachers.

17 Now there are a much greater need for
18 teachers than there are spaces, so the chances that you
19 would be able to fill all those spaces with experienced
20 teachers is not very likely.

21 Q Your school has what percentage of
22 uncertified teachers?

23 A You're going to ask me percentage? Can I
24 have a piece of paper.

25 MS. KOURY: Objection; vague as to

1 Q -- is that correct?

2 A That could have -- that could have an
3 effect --

4 Q So --

5 A -- but I think that there's enough
6 latitude there that I can manage that.

7 Q So are you saying that as you understand
8 your teacher allotment for the coming year, you could
9 hire all teachers at the top of the range and still stay
10 within your teacher budget?

11 A The top of what range?

12 Q I'm sorry. In the highest range.

13 A For a district or for Edison?

14 Q For your range, the ranges you've been
15 given by Edison.

16 A Let's see. Well, I haven't even thought
17 about that because the highest range would mean I'd be
18 getting people, you know, with more than ten years of
19 experience and that all of them would have that. That
20 would probably be very hard to find. But -- and I'd
21 have to go back and look at the budget to see. I hadn't
22 made a hypothetical like that, so I would look and see.

23 Well, one doesn't usually establish a
24 budget saying your whole staff's going to be at the
25 highest range. You're usually going to say, well, it's

1 uncertified.

2 THE WITNESS: When you -- are you
3 saying -- they all are -- have emergency credentials or
4 whatever, but do you mean full, clear credentials?

5 BY MR. JACOBS:

6 Q Yes, full, clear credentials.

7 MS. HERNANDEZ: Again, I'll object; vague.

8 THE WITNESS: California teaching
9 credentials as I understand it?

10 BY MR. JACOBS:

11 Q Please.

12 A I don't know. I'll have to count here.

13 Let's see. They're all taking course work. Let's see
14 what we got here. 25 percent have the clear California
15 credentials, and then I have almost another 50 percent
16 where it's in progress or nearly finished, and I have
17 some who don't have anything.

18 (Interruption for clarification.)

19 THE WITNESS: Some who just maybe have one
20 course or none, just getting started. But I have 11
21 teachers that -- I have 24 teachers. So almost
22 50 percent who are in progress probably will finish next
23 year if they're credentialed. I have 25 percent who
24 have a credential.

25 BY MR. JACOBS:

1 Q And 25 percent who are just starting out?
 2 A Just starting out, yeah.
 3 Q What is the -- when you say 50 percent are
 4 likely to get their -- to finish their requirements by
 5 next year, does that mean they will then be eligible for
 6 a full credential?
 7 A Yes.
 8 Q And is that a combination, as you
 9 understand it, of training and experience or just
 10 training?
 11 MS. HERNANDEZ: Objection; ambiguous.
 12 BY MR. JACOBS:
 13 Q Is there an in-service requirement?
 14 A They're going to school. They're taking
 15 classes at a university or through a credentialing --
 16 Q Is that all they need to do is take the
 17 necessary classes to get the credential, or do they also
 18 have to have been in-service for a certain number of
 19 years?
 20 MS. KOURY: Objection; calls for
 21 speculation and a legal conclusion.
 22 THE WITNESS: I don't know what the years
 23 of service are, but there is a certain amount of service
 24 that takes the place of student teaching.
 25 BY MR. JACOBS:

1 Q And you don't know how long that is?
 2 A I'm not sure how long that is.
 3 Q That 50 percent is 11 teachers, did you
 4 say?
 5 A Yeah, the ones that I calculated that I
 6 have now, yeah.
 7 Q And of those 11 teachers, how many of them
 8 have more than two years in classroom experience?
 9 A Make me go back and count again.
 10 Q Well, I can ask it a different way. If
 11 you have your own mental breakdown that distinguishes in
 12 your mind between experienced and inexperienced?
 13 A Well, you asked me the number of years.
 14 That's not hard to calculate. I just have to stop and
 15 think. You're saying that have more than one year?
 16 Q Well, what is your -- do you have a
 17 benchmark in your own mind for what distinguishes an --
 18 a-n, an experienced but noncredentialed teacher --
 19 nonfully credentialed teacher from an inexperienced
 20 nonfully credentialed teacher?
 21 A You are asking me my opinion --
 22 Q Correct.
 23 A -- based on, I guess, my definition of
 24 experience?
 25 Q Yes.

1 A You like that, don't you? I would tend to
 2 say that I'd like to see -- that I'd like to see someone
 3 have three years whether they had a credential or not.
 4 Q And by three years, you mean three years
 5 as a full-time lead classroom teacher?
 6 A I don't know what you mean by "lead."
 7 Q Meaning not a student teacher or --
 8 A Oh, yeah. In the best of all worlds, I
 9 have found that when people -- some people, of course,
 10 are very good after one year, but generally just the
 11 overall experience, if one has three years, if they're
 12 going to be good, they are.
 13 Q So using that benchmark of the 11 that you
 14 have, how many of them do you regard as -- of the 11
 15 that don't have a clear credential, how many of them do
 16 you regard as experienced?
 17 MS. KOURY: Objection; misstates the
 18 testimony.
 19 THE WITNESS: So you'd say have three
 20 years is what we're saying here.
 21 BY MR. JACOBS:
 22 Q Yes.
 23 MS. HERNANDEZ: Objection; calls for
 24 speculation.
 25 MS. KOURY: And expert testimony.

1 MS. HERNANDEZ: And lacks foundation.
 2 THE WITNESS: I'm glad I picked
 3 education.
 4 Let's see. Three of those have in excess
 5 of three years.
 6 BY MR. JACOBS:
 7 Q Do you have any instructions from Edison
 8 to try to adjust the mix of teachers that you have
 9 between experienced and inexperienced or fully
 10 credentialed, not fully credentialed?
 11 MS. HERNANDEZ: Asked and answered.
 12 THE WITNESS: I haven't seen any directive
 13 to that effect, but in conversation and in recruiting,
 14 we're always looking for the people who have the
 15 credentials and the experience.
 16 BY MR. JACOBS:
 17 Q But has the district given you any
 18 guidance in that regard?
 19 A Edison does its own recruiting.
 20 Q And you've heard nothing from the district
 21 along the lines of would like to find, for you
 22 especially, more experienced, credentialed --
 23 A For me especially.
 24 Q Correct -- because you have this mix that
 25 you have?

1 MS. KOURY: Objection; vague.
 2 THE WITNESS: General comments that I've
 3 heard from the district was is that they're looking for
 4 experienced teachers, but I haven't -- they haven't
 5 addressed my school that I know of particularly. That's
 6 Edison's responsibility.
 7 BY MR. JACOBS:
 8 Q Has there been any discussion with Edison
 9 about any particular measures that might be put in place
 10 in your school to adjust the mix of experienced and
 11 inexperienced teachers?
 12 A Edison at the regional and the New York
 13 level is helping us to recruit, and so they would be
 14 looking for those people, but they haven't made a
 15 specific statement that -- that I must adjust the mix.
 16 Q How about whether you must adjust the mix
 17 or not, here are some things we're going to do to help
 18 you adjust the mix?
 19 A For instance?
 20 Q Well, special incentives. For example,
 21 for experienced teachers to come to this district -- to
 22 come to this school?
 23 A Well, they're going to be paid more.
 24 Edison's competitive because we pay more than the
 25 district does, and generally they were surrounding

1 districts, so that's the competitive edge.
 2 Q And that competitive edge doesn't reflect
 3 any additional competitive edge that Edison has
 4 contemplated providing to Edison McNair in order to
 5 adjust the mix of teachers?
 6 A I don't know that there's anything special
 7 to Edison McNair that would be different from any Edison
 8 school.
 9 Q So let me just see if I've got this
 10 right.
 11 A Okay.
 12 Q As you understand the Edison system,
 13 Edison does not take any particular steps with respect
 14 to those Edison schools that have one mix of experienced
 15 versus inexperienced teachers over another mix of
 16 experienced and inexperienced teachers. They don't
 17 change their -- let me ask it more specifically. They
 18 don't change their recruitment practices to try and
 19 level the schools with more inexperienced teachers up to
 20 some standard?
 21 MS. KOURY: Objection; vague, calls for
 22 speculation.
 23 MS. HERNANDEZ: Lacks foundation.
 24 THE WITNESS: I don't know that.
 25 BY MR. JACOBS:

1 Q You don't know of any such --
 2 A I don't know that. That could be true,
 3 but I don't know it, because I just deal with my own
 4 school. So I don't have a comparison of what the other
 5 schools are.
 6 Q Do you believe that your -- let me start
 7 over.
 8 Have you had any conversations with Edison
 9 to the effect that you need to change the mix of
 10 teachers in your school if you are going to meet the
 11 student performance standards Edison has in mind for
 12 your school?
 13 MS. KOURY: Objection; vague.
 14 THE WITNESS: If I understand what you're
 15 saying, it's just always a given that you make every
 16 effort to hire the most talented teachers you can. If
 17 that is experience in credentialing, then that is what
 18 what you do. If I can find more experienced teachers
 19 that have a good history and have good recommendations,
 20 I would, of course, hire them.
 21 BY MR. JACOBS:
 22 Q I understand that that's your objective.
 23 My question --
 24 A It's Edison's objective also.
 25 Q Now, let's talk about accountability

1 mechanisms.
 2 A Um-hmm.
 3 Q Is there an accountability mechanism here
 4 to -- that relates to your achieving that objective?
 5 MR. JACOBS: Objection; vague.
 6 THE WITNESS: Again, the accountability is
 7 through student achievement.
 8 BY MR. JACOBS:
 9 Q Is there any kind of feedback mechanism --
 10 let's say -- let me -- for instance, on your
 11 self-assessment, did you report: I took over the school
 12 in August. We have a large number of inexperienced
 13 teachers. One of my goals is to change the mix of
 14 teachers here. Any assistance you can give me in doing
 15 that would be greatly appreciated and would result in
 16 improved student performance, or words to that effect?
 17 MS. KOURY: Objection; compound, vague,
 18 leading.
 19 THE WITNESS: I didn't say that. I don't
 20 believe I said that. Am I saying that I am working at
 21 increasing student achievement in every way I can?
 22 Yes. And one of those ways would be to get the most
 23 talented teachers.
 24 BY MR. JACOBS:
 25 Q And you specifically said that?

1 A I don't remember specifically saying
2 that. I don't remember what I specifically wrote last
3 week. It's a little hard. I wrote that months ago.

4 Q And to tie this tent flap down, you do not
5 believe that compensation is an obstacle to recruiting
6 those talented teachers?

7 MS. KOURY: Objection; mischaracterizes
8 the testimony.

9 MS. HERNANDEZ: Mischaracterizes the
10 testimony.

11 THE WITNESS: That's one of those
12 negatives. Can you rephrase that in the positive so I
13 can answer it?

14 BY MR. JACOBS:

15 Q You believe that you have sufficient
16 resources in your teacher compensation budget such -- I
17 think I have to say it in the negative -- such that
18 resources are not the constraint on recruiting talented
19 teachers?

20 MS. HERNANDEZ: Objection;
21 mischaracterizes the testimony.

22 MS. KOURY: Calls for expert testimony.

23 THE WITNESS: If you are saying do I
24 believe I have sufficient budget to hire experienced
25 teachers, the answer is yes.

1 A There are people that come from other
2 parts of the country who really find, you know, the
3 traffic and the cost of living just too much.

4 Q Is that, in fact, your principal
5 recruiting pool, that is people from outside of the
6 area?

7 A We have both. We have both.

8 Q Let me just ask you something that strikes
9 me as a little odd. If you're paying more than the
10 surrounding districts, plus there's this kind of
11 incentive of I'd like to go try and work in an Edison
12 school, why don't -- why aren't you able to recruit
13 teachers from surrounding schools or school districts
14 who meet your standards?

15 MS. HERNANDEZ: Objection --

16 MS. KOURY: Objection.

17 MS. HERNANDEZ: -- calls for speculation.

18 MS. KOURY: And expert testimony, vague.

19 MS. HERNANDEZ: Lacks foundation.

20 THE WITNESS: By the time they finish
21 objecting, I can't remember what the question was. Why
22 is it --

23 BY MR. JACOBS:

24 Q Why can't you recruit from surrounding
25 school districts?

1 BY MR. JACOBS:

2 Q So the obstacle to doing so is this -- or
3 the only obstacle -- well, actually, let me ask this:
4 Are there any other obstacles, then, to hiring at Edison
5 McNair experienced teachers, obstacles other than the
6 fact, as you testified earlier, that there is a -- sort
7 of a general shortage of experienced teachers?

8 MS. KOURY: Objection; asked and answered.

9 MS. HERNANDEZ: Also overbroad.

10 THE WITNESS: In my opinion there are.
11 One is the extremely high cost of living in our
12 particular area.

13 BY MR. JACOBS:

14 Q Any others?

15 MS. HERNANDEZ: Again overbroad.

16 THE WITNESS: Among the pool of teachers
17 that would be available, only some of them would have
18 the attitudes and dedication that it would take to work
19 in our community.

20 BY MR. JACOBS:

21 Q Any others?

22 A The freeway, commuting.

23 Q Yeah.

24 A I mean, it is a real issue.

25 Q Yeah, I can see that.

1 MS. HERNANDEZ: Objection; that misstates
2 facts.

3 THE WITNESS: Yes, which is what I was
4 going to say. You said that we paid more than the
5 surrounding school districts. My comment was that we
6 pay more than the school district in which we exist. I
7 don't know what the other school districts pay. We pay
8 more than Ravenswood do.

9 BY MR. JACOBS:

10 Q So you meant surrounding schools within
11 your district --

12 A Yes.

13 Q -- not other school districts?

14 A I don't know what the other school
15 districts pay.

16 Q In your interactions in the recruitment
17 process, has that topic not come up: Oh, you are paying
18 less than the school district up the road?

19 A No. No one's ever said that to me.

20 Q But you have no benchmarks of your own to
21 know whether you are competitive from the compensation
22 standpoint by comparison to other school districts in
23 the region?

24 MS. KOURY: Objection; vague, leading.

25 THE WITNESS: I know what the salary

1 schedule is in Ravenswood.

2 BY MR. JACOBS:

3 Q And you have no information about the
4 salary schedule in adjacent school districts?

5 MS. KOURY: Asked and answered.

6 THE WITNESS: No.

7 BY MR. JACOBS:

8 Q And without that information, on what do
9 you base your assessment that you have sufficient
10 resources available to recruit talented teachers?

11 MS. KOURY: Objection; asked and answered.

12 THE WITNESS: I'm not sure I understand
13 your question.

14 BY MR. JACOBS:

15 Q If you don't know how much the surrounding
16 school districts are paying their teachers, how could
17 you know that you're offering enough to recruit teachers
18 into your school?

19 MS. HERNANDEZ: Objection;
20 mischaracterizes testimony.

21 MS. KOURY: Also argumentative.

22 THE WITNESS: I didn't say we were
23 recruiting from other school districts in this area.

24 BY MR. JACOBS:

25 Q You are in competition with those school

1 know, across, wherever, and then I do it from there, but
2 they kind of get the pool of people I can call, contact.

3 Q What information do you have about when
4 the pool of potential recruits first becomes aware of
5 the salary that they're potentially eligible for if they
6 come to Edison McNair?

7 MS. HERNANDEZ: Objection; that calls for
8 speculation.

9 MS. KOURY: Assumes facts.

10 THE WITNESS: If you were reading the
11 Edison information, it would say something in regard to
12 the excellent pay and benefits and so forth. I don't
13 know exactly how it's worded.

14 Also, there's -- recruitment people may
15 have already talked to these people on the phone, that
16 kind of thing, so they would have had some
17 conversation. When it comes to us, I have a recruitment
18 person who calls before I ever talk to anybody.

19 BY MR. JACOBS:

20 Q And it's your testimony, as you sit here
21 today, that you don't know whether the salaries that
22 Edison McNair offers are higher or lower -- obviously,
23 age and experience being held constant -- higher or
24 lower than the salaries being offered in school
25 districts in this region?

1 districts for -- in recruiting teachers, are you not?

2 MS. HERNANDEZ: Objection; calls for
3 speculation.

4 THE WITNESS: I don't know that. I don't
5 know that -- I think it takes a particular teacher in a
6 particular talent and ability and dedication to teach in
7 our school district that it may not require in the
8 surrounding districts.

9 BY MR. JACOBS:

10 Q Well, one that would require you to pay
11 more or less?

12 MS. HERNANDEZ: Objection;
13 mischaracterizes testimony, assumes facts.

14 THE WITNESS: My view of competition would
15 be Ravenswood School District, somebody who intends to
16 teach there and intends to come to that district.
17 That's who I'm competing with.

18 BY MR. JACOBS:

19 Q Now I don't understand you.

20 A Good.

21 Q I understood that Edison recruits teachers
22 for you.

23 A Edison -- Edison as in both via the web
24 and their own in-house advertising advertises the
25 positions. They seek out and send me resumes from, you

1 MS. HERNANDEZ: Asked and answered.

2 MS. KOURY: A couple of times.

3 THE WITNESS: I don't know this specific
4 region, no.

5 BY MR. JACOBS:

6 Q Do you have information about other
7 regions?

8 A I know, of course, the beginning salary in
9 Salinas.

10 Q How does that compare with Edison McNair?

11 MS. HERNANDEZ: Objection; irrelevant.

12 MS. KOURY: And time frame. Vague as to
13 time frame.

14 THE WITNESS: We certainly pay more.

15 BY MR. JACOBS:

16 Q That is, at Edison McNair you pay more
17 than --

18 A At Edison McNair we certainly pay more,
19 yes, definitely.

20 BY MR. JACOBS:

21 Q When Edison evaluates you, they -- one of
22 the matrix is whether student performance has improved,
23 correct?

24 A Yes.

25 Q If student performance has not improved,

1 do you have an understanding of what Edison looks at to
 2 determine whether the principal should be held
 3 accountable for that lack of improvement?
 4 A The principal in any school is always
 5 going to be held accountable for that.
 6 Q Period?
 7 A Ultimately. Ultimately, you are
 8 responsible.
 9 Q But along the way --
 10 A Hmmm?
 11 Q Before ultimately, along the way --
 12 A What do you mean, "along the way"?
 13 Q -- does Edison -- do you have an
 14 understanding of what Edison would look at to determine
 15 whether there are other factors than the principal's own
 16 energy, skill and dedication?
 17 A I haven't had that experience. I'll let
 18 you know if that happens, but I believe, because they
 19 are so accustomed to success and so accustomed to
 20 meeting their goals, that not meeting them would be an
 21 exception. And I think there would be probably many
 22 people who would come to visit to determine and work
 23 through with the principal what changes might need to be
 24 made in order to make those goals.
 25 Q Do you have an understanding of whether

1 Edison conducted any sort of assessment when it took
 2 over Edison McNair --
 3 MS. KOURY: Asked and answered.
 4 MS. HERNANDEZ: Calls for speculation.
 5 MR. JACOBS: I'm not done yet.
 6 MS. KOURY: Sorry.
 7 BY MR. JACOBS:
 8 Q -- whether the school district's
 9 allocation of funds to that school would be sufficient
 10 to meet Edison's view of what the appropriate inputs to
 11 a student's education would be?
 12 MS. HERNANDEZ: Objection; vague,
 13 ambiguous, calls for speculation.
 14 THE WITNESS: I wouldn't know what they
 15 assessed when they came to the district.
 16 BY MR. JACOBS:
 17 Q So when you -- all the information you've
 18 been given from Edison about your school, has any of
 19 that information included information to the effect that
 20 one of the issues with this school is that the first
 21 student's allotment is insufficient to do certain
 22 things?
 23 MS. HERNANDEZ: Objection; vague, calls
 24 for speculation.
 25 THE WITNESS: Purchase per student

1 allotment of dollars --
 2 BY MR. JACOBS:
 3 Q Correct.
 4 A -- is insufficient to do some things, is
 5 that what you're asking me?
 6 Q Yes.
 7 A No.
 8 Q And specifically when it comes to teacher
 9 recruitment, you've been given no -- I'm going to ask it
 10 in the negative again -- you've been given no
 11 information to the effect that in order to run this
 12 school within budget, you're going to have to make some
 13 choices about who you hire, and you're going to have to
 14 hire a certain number of inexperienced teachers?
 15 A Absolutely not, never.
 16 Q Let's talk now about --
 17 A If I understood you, because you put it in
 18 the negative.
 19 Q Well, let me just make sure the record's
 20 clear. I understand your answer to be that Edison has
 21 never conveyed to you -- and you can answer with yes,
 22 that's correct -- Edison has never conveyed to you that
 23 because a budgetary pressures you have to hire a certain
 24 number of inexperienced teachers?
 25 A Edison has never conveyed anything like

1 that.
 2 Q Let me -- I can put it in the positive.
 3 You regard your budget as sufficient to achieve Edison's
 4 performance goals for the school?
 5 A Yes, I do.
 6 Q Facilities. Let's talk about facilities.
 7 Are you held accountable by Edison for the -- in any way
 8 for the facilities at the school?
 9 MS. HERNANDEZ: Objection; vague,
 10 overbroad.
 11 THE WITNESS: Part of the responsibility
 12 of a principal is to see that the facilities are
 13 maintained.
 14 BY MR. JACOBS:
 15 Q And how does that relate -- does that
 16 relate to any point of accountability?
 17 MS. KOURY: Objection; vague. Are you
 18 referring to the evaluation?
 19 MR. JACOBS: Yes.
 20 THE WITNESS: I should have written down
 21 the points of accountability. I always forget. All of
 22 that is in there. And in the five points of
 23 accountability, everything is in one of the points or
 24 the other. The maintenance of the suitable environment
 25 and safe environment is part of what's expected.

1 BY MR. JACOBS:

2 Q But how are you held accountable for
3 that? What's the mechanism?

4 A Well, the obvious is is that people from
5 Edison visit the school. If there were things they felt
6 were not appropriate, they would certainly say so.

7 Q Do you have an understanding as to any
8 checklist or benchmark that people visiting the school
9 from Edison might have about what they expect the
10 facilities to look like?

11 A No.

12 MS. HERNANDEZ: Objection; vague.

13 THE WITNESS: Are you talking a list? I
14 haven't seen a list or checklist.

15 BY MR. JACOBS:

16 Q How about any kind of standard -- reading
17 the articles about Edison I came across several
18 instances in which people reported that once Edison took
19 over a school, the school was repainted. It was
20 brightened up. It just in general seemed to be brighter
21 and cleaner than it was before take-over.

22 Are you aware of any mechanism by which
23 that is accomplished?

24 MS. HERNANDEZ: Objection; calls for
25 speculation, overbroad.

1 responsibility.

2 Q Has there been any particular discussion
3 with you about that being an aspect of your
4 responsibility?

5 A There hasn't been a particular discussion,
6 but that is just a given as far as a principal in any
7 situation that I've ever known is that you are to see
8 that the facilities are maintained.

9 Q Is there an understanding with the
10 district that limits the number of students you are
11 going to have to try to house at Edison?

12 A In the Memo of Understanding there is a
13 number stated as to the limits. It's not a minimum.
14 It's a maximum number.

15 Q Which is, from your standpoint or from
16 Edison's standpoint, designed to limit the potential for
17 having more students in the facility than it can
18 appropriately house, correct?

19 A I don't know what the intent of the number
20 was, but I know there's a number.

21 Q And the number is?

22 A It is, I believe -- it's either 1140 or
23 1150, because they consider Brentwood and McNair to be
24 one school.

25 Q So the MOU actually covers both schools

1 THE WITNESS: I wasn't there, but I know
2 that when they came to McNair, yes, there were things
3 done to the facility. It was painted. I know the
4 electrical was updated. I know the wiring was --
5 whatever it needed to do for the technology.

6 There were probably other things, but it
7 would be standard procedure in Edison school to come
8 into the school and do whatever facilities they felt
9 brought it to their standards, but I haven't been a part
10 of that, so I can't give you the specifics.

11 BY MR. JACOBS:

12 Q And more particularly, you don't know what
13 the standard is that Edison might have in mind as to
14 what a school should be brought up to?

15 MS. KOURY: Assumes facts.

16 THE WITNESS: I haven't seen that.

17 BY MR. JACOBS:

18 Q Do you have any information about that?

19 A I'm not sure what you mean, any
20 information.

21 Q You said you haven't heard it. I have to
22 ask you whether you've heard about it or whether
23 you've --

24 A Well, there's an expectation that the
25 facility will be maintained as part of our

1 together.

2 A Yes. And so the number isn't two separate
3 numbers. It's one number.

4 Q Are you aware of any matrix that Edison
5 applied to determine from its end what it was willing to
6 agree to as to the maximum number of students in those
7 schools?

8 A I don't have any knowledge of that. I
9 don't know how that's done.

10 Q Brentwood is subject to class size
11 reduction?

12 A Yes. It's a K-3 school.

13 Q There's a separate principal for that
14 school?

15 A Yes, currently.

16 Q That might change?

17 MS. HERNANDEZ: Objection; calls for
18 speculation.

19 THE WITNESS: I don't know that.

20 BY MR. JACOBS:

21 Q With respect to heating and cooling, you
22 mentioned that you're putting in for a new heating
23 system.

24 A Yes.

25 Q Will that also actually be a -- is that a

1 heating and cooling system?
 2 A As far as I know, it's a heating system --
 3 Q Does --
 4 A -- but --
 5 Q Go ahead.
 6 A -- I don't know that it provides cooling.
 7 Q Is there any guidance that you received
 8 from Edison about -- that relates to that requisition?
 9 MS. KOURY: Objection; vague.
 10 THE WITNESS: I'm not sure I am clear what
 11 you're saying to me.
 12 BY MR. JACOBS:
 13 Q Did you get any input from Edison to the
 14 effect that, you know, your classrooms aren't warm
 15 enough or your heating system's out of date?
 16 A No. I spoke to them about the heating
 17 system.
 18 Q How did that eventuate?
 19 A That due to the amount of repairs,
 20 et cetera, that we were making, that it might be more
 21 efficient to have the new system.
 22 Q And you mentioned that to Edison?
 23 A Yes.
 24 Q And what was the response from Edison?
 25 A The response from Edison was to get three

1 bids on the heating.
 2 Q So Edison is managing the process of
 3 repairing or replacing the system?
 4 A No.
 5 MS. HERNANDEZ: Objection; calls for
 6 speculation.
 7 THE WITNESS: Since that time when we
 8 discussed it, it has been determined that the district
 9 will get three bids on that.
 10 BY MR. JACOBS:
 11 Q So there was some internal discussion that
 12 led to the conclusion that the district should be
 13 handling this particular --
 14 A Yes.
 15 MS. HERNANDEZ: Objection; assumes facts,
 16 mischaracterizes testimony.
 17 BY MR. JACOBS:
 18 Q And what do you know of that discussion?
 19 A All I know is that the business managers
 20 from the school district said that they would take care
 21 of getting the bids and that we didn't need to do that.
 22 Q Are you aware of any standards from Edison
 23 about what class -- what the range of classroom
 24 temperature should be?
 25 A No.

1 Q Do you have in mind a kind of -- any
 2 principal who's doing their job sort of standard for
 3 classroom temperatures?
 4 MS. KOURY: Objection; vague, calls for
 5 expert testimony.
 6 THE WITNESS: Classroom temperature needs
 7 to be comfortable. In the district that I come from,
 8 the temperature is set. Teachers can't alter it, and
 9 they set it at about -- between 72 and 74.
 10 BY MR. JACOBS:
 11 Q That's --
 12 A They try and maintain that, but they have
 13 cooling systems in some of those rooms.
 14 Q So that it can't get above that. There is
 15 an air-conditioning system.
 16 A It doesn't really kick in until you get
 17 close to 78 or close to 80. That's the way those work
 18 in some rooms. Other rooms it's only heating, and
 19 they're generally set around 72, 74.
 20 Q At Edison are there -- what is the
 21 air-conditioning situation, Edison McNair? Do you have
 22 air-conditioning?
 23 A Not that I'm aware of, no.
 24 Q And do you have any concern about the
 25 temperatures getting too hot in the school?

1 A Yes, there are days when it gets very
 2 warm, but what we've talked about now is heating because
 3 that's what exists. If we could have air-conditioning,
 4 that would always be nice, but there aren't many schools
 5 that have air-conditioning.
 6 Q And you base that just on your --
 7 A Just on my general knowledge, but it'd be
 8 nice.
 9 Q Bathroom conditions. We talked a lot
 10 about bathroom conditions the last time you were here.
 11 A We certainly have.
 12 Q Hmmm?
 13 A Yes, we have.
 14 Q Does Edison have any standards for the
 15 appropriate condition of school bathrooms?
 16 A Well, the bathrooms are to be safe and
 17 clean and maintained.
 18 Q Is that based on something that's set down
 19 somewhere, or is that again part of the general
 20 responsibilities of the principal?
 21 A It's part of the general responsibilities
 22 of the principal. If Edison has it written somewhere,
 23 or they may, I'm not aware of it.
 24 Q Is there any accountability mechanism for
 25 that?

1 A Again, it would be Edison people who
2 walked through the building, and if they felt that
3 wasn't maintained properly, they would certainly let me
4 know that.

5 Q Do Edison people walk through the building
6 in the context, as you understand it, that they're
7 actually looking at facilities issues?

8 A I have not had someone that came that was
9 solely doing that. They might have come in relationship
10 to working with teachers, but if there is something
11 they -- I've even had -- you know, such a thing as, you
12 know, the door in that room needs some paint, something
13 like that.

14 They would make comments. They're not shy
15 about it. If they saw something they thought wasn't
16 right, they'd comment. But I haven't had somebody do
17 so -- specifically come to do facilities, no.

18 Q So let me understand what they do.
19 There's somebody who might come to the school and say
20 that door needs paint?

21 A Um-hmm.

22 Q Who would that be?

23 A It could be any -- any of the people we
24 have. The coordinators who come. Their operations VP
25 has been there. She would comment about anything and

1 MS. HERNANDEZ: Objection; irrelevant,
2 vague, and calls for speculation.

3 THE WITNESS: Yes.

4 BY MR. JACOBS:

5 Q And how about somebody from outside the
6 district, was there any accountability mechanism that
7 you recall for facilities --

8 MS. KOURY: Objection.

9 BY MR. JACOBS:

10 Q -- that consisted of people visiting from
11 outside the school district and commenting?

12 MS. KOURY: Objection; vague, overbroad,
13 calls for speculation.

14 MS. HERNANDEZ: And calls for expert
15 testimony.

16 THE WITNESS: The man that came from the
17 insurance company always checked everything in the
18 building.

19 BY MR. JACOBS:

20 Q Well, that might be a vehicle.

21 A Well, I'll tell you it is very effective,
22 though, if you're trying to keep your costs down outside
23 of the district.

24 There are times when the fellow that was
25 the department head for maintenance might be coming

1 everything. My experience so far, which is very limited
2 with Edison, is the people that come are looking for a
3 well-run school, so they may be coming to look at
4 reading, but if they saw something else, they will
5 comment.

6 Q Can you compare and contrast what you just
7 described with respect to facilities with your
8 experience in Salinas?

9 MS. HERNANDEZ: Objection; irrelevant,
10 overbroad.

11 MS. KOURY: Vague, compound.

12 THE WITNESS: I don't know that it would
13 be significantly different. School people tend to, when
14 they visit a school, whether they're district people or
15 regional people, comment in general about whatever they
16 see, that it's either good or if it needs to be
17 changed. It's just like it would be hard for me to walk
18 through a building and not see quite a variety of things
19 and comment about it probably.

20 BY MR. JACOBS:

21 Q So in the Salinas system, as you reflect
22 back on it, if a district person visited somebody who's
23 not on site all the time and saw something from the --
24 in the facilities area that looked like it needed some
25 fixing up, you would expect them to comment to you?

1 through and checking the building, and he may have other
2 people with him. I don't know necessarily who those
3 people always were.

4 Q This is the district department head for
5 maintenance?

6 A Yes.

7 Q And he may or may not have been
8 accompanied from people outside the district. You don't
9 know.

10 A He sometimes was accompanied by people
11 from outside the district, but I don't know -- you said
12 from the State. I don't know where they were from,
13 necessarily.

14 Q I said from outside the district.

15 A Oh, did you? I thought you said outside
16 the State. Sometimes he was coming through, you know,
17 with an architect or he was coming through with somebody
18 that was checking on some safety piece or something to
19 do with instance. There could have been a variety of
20 people that would have contacted the district or him and
21 not necessarily the principal.

22 Q So if this is a case where -- given the
23 position of the principal in this process, the principal
24 may not know whether there are people from outside the
25 district who are, as part of an accountability

1 mechanism, visiting the school with a view towards
2 checking its facilities?

3 A Not necessarily.

4 MR. JACOBS: Why don't you give me a
5 couple minutes to look at my documents.

6 MS. KOURY: Sure.

7 (Recess taken.)

8 MR. JACOBS: Couple more questions.

9 Q How many teachers left Edison McNair at
10 the end of the 1999-2000 school year?

11 MS. HERNANDEZ: Objection; calls for
12 speculation.

13 THE WITNESS: I don't know the answer to
14 that question.

15 BY MR. JACOBS:

16 Q How many teachers did you have starting
17 the school year that you understood were new to the
18 school?

19 A Approximately -- oh, gosh. I'm going to
20 do my little mental thing again. 14. That's what I
21 thought, 14.

22 Q Fourteen teachers were new to the school,
23 to the best of your information, as of September of
24 2000?

25 A Yes.

1 Q So let me see if I got the right. During
2 the recruitment to the school, this topic was not
3 brought up?

4 A The recruitment of me?

5 Q Correct.

6 A No.

7 Q During your early tenure at the school,
8 Edison said to you, oh, by the way, there was a fair
9 amount of teacher turnover last year. We will give you
10 special assistance in filling those needs.

11 A Yes.

12 Q Did they convey other information to you
13 about the teacher turnover at Edison McNair?

14 A No. Just that the turnover at McNair that
15 year was high.

16 Q Did you ask around about why -- about the
17 teacher turnover from the year before to the year you
18 were starting?

19 MS. HERNANDEZ: Objection; vague.

20 THE WITNESS: Did I ask anyone about why
21 people left?

22 BY MR. JACOBS:

23 Q Yes.

24 A Yes.

25 Q As a result of that process, did you come

1 Q Out of 25?

2 A Out of 24.

3 Q When you took over the school, did you
4 come to a judgment about whether that was an acceptable
5 amount of teacher turnover?

6 MS. KOURY: Objection; assumes facts,
7 calls for speculation.

8 THE WITNESS: I don't know what you
9 consider to be acceptable, but Edison considered it too
10 many.

11 BY MR. JACOBS:

12 Q And was that conveyed to you?

13 A Yes.

14 Q In what fashion?

15 A That that was not the usual.

16 Q What was the mechanism by which this
17 information was imparted to you?

18 A The recruiting people.

19 Q They said?

20 A They came and were helpful and said, you
21 know, we may need additional help because this is more
22 than what we usually have.

23 Q This is after you -- not recruiting of
24 you, but when you took the job to fill the slots?

25 A Yes.

1 to any conclusions about the reasons underlying the
2 teacher turnover?

3 MS. HERNANDEZ: Objection; lacks
4 foundation, calls for speculation.

5 THE WITNESS: I don't know that I reached
6 any conclusion, because there were a variety of reasons
7 that they gave me why people left.

8 BY MR. JACOBS:

9 Q A variety of reasons, meaning variety as
10 among the various people, or a variety of explanations
11 for the phenomenon as a whole?

12 MS. KOURY: Objection; compound.

13 THE WITNESS: People left for different
14 reasons.

15 BY MR. JACOBS:

16 Q Was that the conclusion you came to, that
17 there was no core problem that gave rise to that amount
18 of teacher turnover?

19 A I don't know that there was a core
20 problem. What I'm really relating is hearsay because
21 it's what people who are still there said to me. This
22 person left. One of them went to Ethiopia. Somebody
23 else because they went to the San Francisco school.
24 Somebody else because of the commuting. And some
25 people -- those are the ones I remember. Some people

1 were maybe unhappy with the situation, but that can
2 happen in any -- I mean, you know, that maybe was not
3 the school for them --

4 Q So let me just ask this a little more
5 concretely. You did not come to any conclusions about
6 whether morale at the school in the previous year had
7 been very bad for some reason?

8 MS. KOURY: Objection; vague.

9 MS. HERNANDEZ: Lacks foundation also.

10 THE WITNESS: I don't know that to be
11 true.

12 BY MR. JACOBS:

13 Q You did not come to any conclusion that
14 compensation for teachers in the school had led to a
15 high amount of teacher turnover?

16 A No, not that I would know of.

17 Q You had not come to the conclusion that
18 there were any particular management issues with the
19 school that led to that amount of turnover?

20 MS. KOURY: Objection; vague.

21 THE WITNESS: What do you mean by
22 management issues?

23 BY MR. JACOBS:

24 Q Well, the leadership style of the
25 principal. Take that one.

1 chess, isn't it?

2 MS. KOURY: Vague.

3 THE WITNESS: I'm not -- I'm not sure what
4 you mean. I took steps to do what?

5 BY MR. JACOBS:

6 Q To try to reduce the amount of teacher
7 turnover.

8 A Of course.

9 Q Like what?

10 A Team building kinds of things. And I'm
11 not saying that what I did was any different than was
12 done before because I don't know what was done before,
13 but I did what I would always do coming into a school is
14 give people an opportunity to communicate.

15 We had sessions about, okay, what are the
16 expectations. And if these are expectations, what are
17 we going to do to meet them? What kind of support do
18 you need? What staff development do you need,
19 et cetera, et cetera, so that people felt that they
20 really had input into how the school's going to go.

21 Q Has there been any new information -- have
22 you received any new information about teacher turnover
23 from this year to next September since you were here
24 last for your deposition?

25 A Say that again.

1 MS. HERNANDEZ: Objection; lacks
2 foundation, calls for speculation.

3 THE WITNESS: I don't know that.

4 BY MR. JACOBS:

5 Q So with these --

6 A I mean, he left, but I don't know that
7 that was an issue.

8 Q So with these promptings --

9 A Promptings?

10 Q -- let me ask you again whether you came
11 to any judgments about what accounted for the large
12 amount of teacher turnover, other than individual
13 circumstances?

14 MS. KOURY: Objection; calls for
15 speculation.

16 THE WITNESS: I think that was its
17 inclusion that I reached, that it was most -- as far as
18 I could ascertain, pretty much individual circumstances.

19 BY MR. JACOBS:

20 Q Did you set out to take any measures in
21 your leadership to try to create the conditions such
22 that there would be less teacher turnover?

23 MS. HERNANDEZ: Objection; lacks facts,
24 assumes facts not in evidence.

25 THE WITNESS: It's kind of like playing

1 Q You were asked about how many teachers
2 you're going to lose when you sat here last time, and
3 I'm wondering if you have any new information on that
4 topic.

5 A I don't recall what I knew at that time,
6 but I had seven that are leaving instead of the 14 that
7 left last year.

8 Q I think you said last time that two of the
9 teachers who are leaving are or were world language
10 teachers.

11 A Yes.

12 Q And those were -- if I understand your
13 testimony right, those were two that were hired at the
14 beginning of the 2000-2001 academic year; is that
15 correct?

16 A Yes. In fact, they were hired probably a
17 week or two after school started.

18 Q Where are you now in the process of
19 filling the vacancies for next year?

20 A We have advertisements out. We are
21 receiving resumes, making the preliminary phone calls to
22 see who we wish to interview.

23 Q Have you received the test scores yet for
24 the 2000-2001 academic year?

25 A No. The districts --

1 MS. HERNANDEZ: Can I object?
 2 THE WITNESS: Um-hmm.
 3 MS. HERNANDEZ: Vague.
 4 THE WITNESS: Are you referring to the
 5 SAT-9 scores?
 6 BY MR. JACOBS:
 7 Q Yes. Thank you.
 8 A No, I have not received them.
 9 Q And the district said?
 10 A The district said it would probably be
 11 July.
 12 Q Have you received the survey information
 13 back for this school year? I believe you --
 14 A The survey they talked about from Edison?
 15 Q Yes.
 16 A No.
 17 Q When do you expect to receive that
 18 information?
 19 A You know, I don't know. I would imagine
 20 sometime during the summer in order to review it for the
 21 fall. The intention is to be able to look at it, so if
 22 we need to make some adjustments or include it in our
 23 planning, we can do that, but I really don't know what
 24 day it comes.
 25 Q Did you see the corresponding data from

1 the 1999-2000 year survey?
 2 A Yes, I did.
 3 Q Did you look at that when you joined the
 4 school?
 5 A Yes. I think it was there when I came.
 6 Q And thereafter?
 7 A Yes.
 8 Q What were the take-aways for you from that
 9 survey?
 10 A The take-aways?
 11 Q Yes.
 12 MS. KOURY: Objection; vague.
 13 THE WITNESS: What do you mean? The facts
 14 that I remember, or the impressions, or what is it
 15 you're asking me?
 16 BY MR. JACOBS:
 17 Q Well, I was asking more for you sit down
 18 and you look at the survey and it has a whole bunch of
 19 data on it and you gleaned some things that you said to
 20 yourself these are important. I need to take these into
 21 account.
 22 A Um-hmm. Well, I laugh a little bit about
 23 the first thing that comes to mind is that there were a
 24 number of comments that the heating system didn't work
 25 the year before, so I decided that by gosh it will work

1 this year, and it has.
 2 Q Anything else?
 3 A I think in general there was, you know, a
 4 mix of people who were generally very satisfied to
 5 people who, of course, were looking for additional
 6 student achievement, but I don't remember it being
 7 extremely one way or the other. It was -- there were
 8 comments to both effects.
 9 Q With respect to the second category, the
 10 people who were looking for more achievement, how was
 11 that reflected in the survey results?
 12 A I don't remember specifically. I just
 13 remember that, of course, people would like greater
 14 achievement for their students.
 15 Q Was that how the questions were framed?
 16 Were they framed in achievement terms, or --
 17 A You know --
 18 Q -- some other terms?
 19 A -- I'd have to go back and look. It's
 20 been a long time since I've looked.
 21 Q Do you recall any concerns expressed in
 22 the survey data about aspects of the school environment
 23 other than heating?
 24 MS. HERNANDEZ: Objection; vague.
 25 THE WITNESS: If I recall, there was some

1 comments about maintenance, but I don't specifically
 2 remember what they were. There may have been some
 3 comments related to bathrooms, but that's typical at
 4 schools because that's always an area that takes
 5 maintenance.
 6 I can't remember the comments, though, but
 7 I think there was something to do with, you know,
 8 maintaining. The focus seemed to be on fact -- I guess
 9 they had had a cold winter, because there was comments
 10 about the temperature of the rooms not being adequate.
 11 BY MR. JACOBS:
 12 Q Were there any comments directed toward
 13 the composition of the teaching force at the school?
 14 MS. HERNANDEZ: Objection; vague.
 15 THE WITNESS: I don't remember that as an
 16 issue. I -- quite frankly, it's been so long since I've
 17 read it, I'd have to go back and read it again. My
 18 general sense in any school is that my role is to take
 19 the school from where it is and make it better,
 20 regardless of whether you're talking about student
 21 achievement or facilities, and that's what I've done.
 22 BY MR. JACOBS:
 23 Q And do you recall any comments in the
 24 survey about availability of textbooks or other
 25 instructional materials?

1 A No. I don't remember that -- I really
2 don't remember, period. Now you make me want to go back
3 and read it.

4 Q What -- or at least the one that's coming
5 up.

6 A Oh, well, definitely, that I look forward.

7 Q And how is that used in the Edison -- how
8 are those survey results used in the Edison system?

9 MS. HERNANDEZ: Objection; calls for
10 speculation, broad.

11 THE WITNESS: My understanding is not only
12 would I get it, but New York will get it also.

13 BY MR. JACOBS:

14 Q Are you aware of any action items that
15 came out of the survey for last year that were delivered
16 to you in a sense when you started as principal?

17 A No, I don't remember that.

18 Q Have you ever been told by Edison here's
19 how we use the surveys and here's what you can expect as
20 a result of a survey?

21 A Only that they consider the surveys to be
22 important and that they are to be reviewed by me and by
23 staff, and that we should use that as part of the
24 information for our plan for the year.

25 Q And is there any accountability for that

1 understanding that you forward it to the district?

2 A To the district? No. My school report
3 card goes to Edison.

4 Q Is this the -- so what school report card
5 have you --

6 A I'm talking about the one from Edison.

7 Q What is that mechanism?

8 A There's a form, and it particularly has to
9 do with Edison information. And it's asking the
10 teachers, you know, what percentage of their parents
11 attended conferences, and it delineates each of the
12 conference periods. It asks them about the benchmarks
13 and did they -- they have to attach the benchmarks.

14 Q These are the --

15 A Edison benchmarks.

16 Q SAT-9 based?

17 A They are aligned with the State standards
18 and the SAT-9, and they're math, writing and reading.
19 So what they're attaching to their school report card is
20 the composite of what their class did on those
21 benchmarks.

22 Q So, for example, in SFA, what's the
23 benchmark that will be attached?

24 A The benchmark is -- and I don't know if I
25 talked about those last time, but Edison has established

1 step being taken?

2 MS. KOURY: Objection; vague.

3 THE WITNESS: I don't know what you mean.
4 What do you mean, accountability for that step being
5 taken?

6 BY MR. JACOBS:

7 Q The step of you sitting down with your
8 staff, taking the survey results with some degree of
9 seriousness and reacting to them in terms of what you
10 set up for the year?

11 A That would be a question that would be --
12 would be asked, because I -- since they really seem to
13 take seriously this survey. And I'm sure being done by
14 a private company like that, that's probably very
15 expensive. So somebody thinks it's valuable, and they
16 do review it. If there were particular areas of
17 concern, I'm sure I would get a telephone call in regard
18 to that, in what steps do you plan to take to deal with
19 that.

20 Q Have you prepared a school report card for
21 Edison McNair, you personally, for 2000-2001?

22 A We are in the process. In fact, the
23 teachers are completing that this week from their input,
24 then I will prepare a composite.

25 Q And forward it to the -- is it your

1 what basically is a monthly test. So it's not directly
2 SFA, but it is reading. And those are all on the
3 computer. They go -- class goes in. They take the test
4 on the computer. And when you get the technology
5 working correctly, then those are all corrected by the
6 technology, not by the teacher, and then that
7 information is given to the teacher and to me and to
8 New York. We had some real issues over technology in
9 this area, though, so next year I think it will work
10 really well.

11 Q And that's the -- and it's -- there's some
12 composite output of that process, though, that is the --

13 A They'll get a class list and it shows how
14 many correct the student did on each of the tests.

15 Q Over the course of the year?

16 A Yeah.

17 Q And that becomes that teacher's attachment
18 for that teacher's report card?

19 A That's one of the pieces that's attached
20 there, yes.

21 Q What else is on that report card?

22 A Let's see. Attendance at parent
23 conferences. Those are the two biggies. And then
24 there's a space there that's comments, for the teacher
25 to make any comments they want.

1 Q What is conveyed to the teacher about what
2 kind of comments are called for there?

3 A That they are free to make any comments
4 they wish to. They can make positive comments or
5 negative, whatever it is they choose to do.

6 Q And that could be about local conditions,
7 or could be about Edison's philosophy or whatever.

8 A Could be anything. Anything to do with
9 their role as a teacher and so forth, so it could be.
10 You know, could be curriculum or whatever.

11 Q On the parent attendance at parent/teacher
12 conferences, does Edison have some particular approach
13 that you became aware of when you became an Edison
14 principal to encourage a high degree of participation?

15 A Yes. Our goal is a hundred percent.
16 That's very hard, but that is the expectation that --
17 try to have every parent come. In order to get that
18 report card, somebody needs to come.

19 Q In order to get the student's report card?

20 A Um-hmm. Somebody needs to come and do
21 that. And I -- the teachers are very dedicated to -- we
22 set aside -- we designate on the calendar maybe four
23 days each quarter where they will do that, but they may
24 work at that over the period of a month to get everybody
25 in there, or by phone, or by something.

1 conditions, would you have considered that a complaint?

2 A Yes, if the teacher had told me that, I'd
3 consider that a complaint.

4 Q Let me just go through, then, my checklist
5 on this to see whether we're to focus on this
6 parent/teacher conference what your testimony is.

7 Have you received any complaints through
8 the parent/teacher conference channel about textbooks or
9 instructional materials?

10 A No.

11 Q How about same question for lack of
12 trained teachers?

13 A No.

14 Q And how about same question for the
15 facilities?

16 A No.

17 Q Do the teachers record parent -- are the
18 teachers encouraged to record parent comments made
19 during the parent/teacher conference?

20 MS. KOURY: Objection; vague.

21 THE WITNESS: I'm not sure I understand.

22 You mean if a parent had an objection about something,
23 would they write it down?

24 BY MR. JACOBS:

25 Q Correct.

1 Their intention is to have them actually
2 come in. But some people, you know, it's challenging.
3 Some people have two jobs and you have to wait for a
4 time when they're not working. But the teachers'
5 conference at night or whatever, they really work very
6 hard in trying to -- Edison puts a high value on that
7 communication with the parent.

8 Q The communication with the parent is a
9 vehicle by which the parents could convey to the teacher
10 any concerns they have about the quality of the
11 instruction the student is getting?

12 A Absolutely.

13 Q And is there any mechanism by which that
14 information flows upward from the teacher?

15 MS. KOURY: Objection; vague.

16 THE WITNESS: Are you saying do the
17 teachers tell me if they have a parent that wants
18 something changed?

19 BY MR. JACOBS:

20 Q Yes.

21 A Yes.

22 Q And you were asked last time whether you
23 had gotten complaints about various conditions if --
24 would you have considered a comment through a teacher at
25 a parent/teacher conference about, for example, bathroom

1 A Yes, that would be an expectation.

2 Q And is there a place on the -- is there a
3 form for the parent/teacher conference where that would
4 appear?

5 A On the report that we give to the parents
6 there is not a place where they would write that that
7 I'm aware of.

8 Q So where would the teacher --

9 A It would be --

10 Q -- be expected to write down the parent
11 complaint?

12 A Well, the teacher could record that
13 themselves or a parent could record it. Parents
14 sometimes could -- well, any time they could come into
15 the office and tell people in the office if there's
16 something that's an issue for them.

17 Q Do you have a complaint form at the
18 school?

19 A The district, I believe, has the usual
20 kind of complaint form. I don't -- haven't had anybody
21 ask me for one.

22 Q How about Edison, does Edison have any
23 vehicle, other than the survey, by which parents are
24 particularly encouraged to comment on school
25 conditions?

1 MS. HERNANDEZ: Objection; calls for
2 speculation.

3 THE WITNESS: No, not that I'm aware of.
4 BY MR. JACOBS:

5 Q Does Edison give the -- does Edison
6 provide to parents any kind of a statement of -- along
7 the lines of as a parent of a student in an Edison
8 school, you can expect your child to receive the
9 following?

10 A Yes.

11 Q What -- is there some -- is there a name
12 for that document?

13 A Oh, gosh. It's a brochure. It's bigger
14 than a brochure. It's a folder. I have some on my
15 desk. I can't picture what the title is on it. It's
16 like "Parent Information" or something like that.

17 Q Probably goes beyond what -- the topic I
18 just identified includes other topics, too, like what we
19 expect of you as a parent, right?

20 A It's the -- particularly the explanation
21 of what Edison has to offer.

22 Q And what does it -- what do you recall it
23 conveying?

24 A Well, it talks about the curriculum that's
25 offered and the fact that you have, you know, music and

1 trained in the subject matter that you are -- that
2 corresponds to the class and to be trained by Edison and
3 Edison-featuring methodology, something like that?

4 A I don't believe it says that. It
5 addresses the program and what the child would receive
6 in the way of program.

7 Q From the standpoint of -- when you say
8 "the program," you mean as to whether it's aimed at
9 phonics, or --

10 A Well, what Edison calls the "Edison
11 design." And the Edison design is you go to school
12 eight hours. You go 200 days. You have drama, art and
13 music and so forth.

14 Q Does it say anything about the quality of
15 the facilities that a parent can expect for his child?

16 A Not that I recall. Sorry. Not that I
17 recall.

18 Q You said that whether you will have a
19 library assistant who can open the library to
20 unaccompanied students will depend on budget for next
21 year; is that correct?

22 A Yes, that could depend on budget. Yes.

23 Q And what's the -- when will you know
24 whether the budget will allow for that?

25 A At the point where I have a final budget.

1 art and drama and all those things. It would speak to
2 the technology that's provided. So it's basically an
3 explanation of what the Edison program is.

4 Q Does it have something in it that
5 corresponds to the idea that we were talking about,
6 about full implementation of the curriculum?

7 MS. HERNANDEZ: Objection; vague.
8 BY MR. JACOBS:

9 Q Does it say something like as a parent in
10 an Edison school, you can expect your child to receive a
11 set of the materials for the class that are intended for
12 those materials by the curriculum provider?

13 A I don't believe that there's anything that
14 states that, because I think that there would be to us
15 the assumption -- and, of course, that's going to
16 happen, but I don't believe it states that every
17 child's understanding this is what the program is, but I
18 don't remember anything like that.

19 Q How about an expectation about what the
20 child can receive in terms of the quality of his
21 teachers?

22 MS. KOURY: Objection; vague.

23 BY MR. JACOBS:

24 Q Does it say something like you -- as an
25 Edison parent, you can expect your child's teacher to be

1 What I have now is projected.

2 Q When will you have a final budget?

3 A Being new to Edison, not having been
4 through this whole cycle, I'm not sure, but I would
5 anticipate that that's going to be provided in August.

6 Q How does the library in general fit into
7 your understanding of a principal's accountability for
8 the school?

9 MS. KOURY: Objection; vague.

10 THE WITNESS: I'm not sure I understand
11 what you're -- are you asking me if I'm accountable for
12 a functioning library?

13 BY MR. JACOBS:

14 Q Yes.

15 A Yes.

16 Q And here's a place where you're up against
17 a budget obstacle.

18 A Um-hmm.

19 Q If you don't have the money in the budget,
20 the library will be closed except to students who are
21 accompanied by teachers, right?

22 A Yes.

23 Q How --

24 A Well, that's not exactly right, because we
25 do have a -- part of our -- a lady who is part of our

1 tech team who is in there and can check books in and
2 out. Whether I would choose to do that or not is
3 another matter.

4 Q Is there any other aspect of the school
5 that you believe you're accountable for as to which you
6 face a budget issue in the coming year?

7 MS. KOURY: Objection; vague, misstates
8 her testimony.

9 THE WITNESS: For instance?

10 BY MR. JACOBS:

11 Q Well, I think you said you feel
12 accountable for -- in a general sense for facilities,
13 and the heating system is something you've asked for.

14 A Um-hmm.

15 Q And I don't know whether you've heard yet
16 whether that will be upgraded next year.

17 A No, I haven't heard yet.

18 Q Another thing you mentioned you've put in
19 for is the replacement of the urinals, I think it is.

20 A Yes.

21 Q And that's because you feel accountable
22 for the conditions in the bathroom?

23 A Yes.

24 Q And you don't know whether you'll get
25 those?

1 A No, I don't believe so. I can't think of
2 any. No.

3 Q Now, how about the areas that are within
4 your budget. Other than the library assistants, are
5 there any other areas in which you believe you're
6 accountable for the condition, but you are facing a
7 budget issue that may affect your ability to deliver
8 appropriate -- an appropriate service?

9 A I haven't identified any other area. And
10 the library assistant is not a requirement. It's
11 something I would like to have. But the teachers take
12 their classes into the library so that the children will
13 have full access to the books.

14 And I'd like to have that library
15 assistant because it facilitates the use of the
16 library. But I haven't -- I haven't anything else that
17 I can think of offhand that hasn't been covered with --
18 by the tentative budget.

19 Q By the tentative budget?

20 A Um-hmm. I think we have everything in
21 there. As you know, we receive philanthropy, so if some
22 of those -- but we don't put them in and count them
23 until we have them. So there's certainly great
24 possibilities of that, but I don't count it until I know
25 it's there.

1 A Not yet I don't know that.

2 Q So those are the things that I think
3 you've talked about so far --

4 A Um-hmm.

5 Q -- where you believe you are accountable
6 for the condition, for the -- yeah, for -- you believe
7 you're accountable as the principal for that condition.

8 A Um-hmm.

9 Q And -- but there are issues about whether
10 you'll be able to address it next year because of the
11 budget.

12 A My request to the district was that they
13 do it in and pay for it.

14 Q Are there any other -- so let's break it
15 down then. Are there any other requests to the district
16 that we haven't talked about that relate to areas you
17 believe you're accountable for?

18 MS. HERNANDEZ: Objection; overbroad.

19 THE WITNESS: The two specific requests
20 I've made have been in regard to the bathroom and the
21 heaters, the heater system.

22 BY MR. JACOBS:

23 Q Are there any other aspects of the
24 conditions at Edison McNair that you have in any way
25 conveyed to the districts I'd like you to address this?

1 Q So what I've asked you about so far are
2 things that you've affirmatively asked for, and I take
3 it from your testimony that we've covered all the things
4 you've affirmatively asked for. They are the requests
5 you've put in to the district. And then you've in some
6 sense asked for library assistants and whether that
7 comes -- whether that eventuates or not, you don't know
8 yet.

9 A I don't know whether you'd say I asked for
10 it. In my mind I'm going to add it to the budget if I
11 see that that money comes through, but I couldn't be
12 quite, you know --

13 Q Not quite right --

14 A I was going to say mischaracterization.

15 Q It's not quite right to say that you've
16 asked for it.

17 A No.

18 Q It's something that you have in mind.

19 A Yeah, I have it in mind if I see that the
20 money happens then I will do that, but I haven't really
21 directly put that in there and said, you know --

22 Q And there's nothing else that you would
23 place in a similar category, that is, something you have
24 in mind, whether it happens or not will depend on the
25 budget?

1 A No.

2 Q So now I need to just ask you a couple
3 questions about -- that address the discouraged workers,
4 the worker doesn't apply for -- whose -- the principal
5 who is discouraged to make requests because the
6 principal knows the resources aren't there. So that's
7 the background of the following set of questions.

8 A Okay. Discouraged principal.

9 Q Are you discouraged?

10 A No. I wouldn't be doing this so long if
11 were.

12 Q As you compare the resources available to
13 you at Edison McNair and correspondingly the level of
14 instruction that students get at Edison McNair with
15 other schools that you are aware of, have you identified
16 anything that you would like to have at Edison McNair
17 but have not even put in the category of I'll do it if I
18 get the budget because you know you won't have the
19 budget?

20 MS. HERNANDEZ: Vague, overbroad, lacks
21 foundation, calls for speculation.

22 MS. KOURY: Assumes facts, calls for
23 expert testimony.

24 THE WITNESS: There's no end to what I
25 could dream of, but -- your question to me infers that I

1 my mind that would make a significant difference in any
2 middle or intermediate school would be to have the same
3 class size the primary has. Because, of course, if you
4 have an effective teacher, then they would have that
5 much more time for each student. But that requires not
6 only more teachers, it requires facilities. You have to
7 have more rooms.

8 BY MR. JACOBS:

9 Q And on that issue, because that's exactly
10 where I thought you might go is on class size, does
11 Edison have any desired class size that has been
12 imparted to you?

13 MS. HERNANDEZ: Objection; vague as to
14 grade levels.

15 THE WITNESS: In general and to my
16 knowledge, which is certainly limited, they would intend
17 to be comparable to whatever is provided in the district
18 where they exist, otherwise if -- when you're in
19 California, K-3, you're going to have 20 students.

20 BY MR. JACOBS:

21 Q So is that kind of a -- is that an
22 operating principal, as you understand it, at Edison,
23 that on class size Edison -- Edison's approach is to be
24 roughly equivalent to the class size in the non-Edison
25 schools in the same district?

1 should, you know, take a flight of fancy and all the
2 kinds I'd like -- the kinds of things I'd like to see
3 happen in a school when --

4 BY MR. JACOBS:

5 Q No. No. I'm asking a little more focused
6 than that.

7 A Okay. Refocus me.

8 Q I'm saying that you have a lot of
9 experience in the schools of the State of California.

10 A Um-hmm.

11 Q You've been in schools in Northern
12 California and Southern California.

13 A Um-hmm.

14 Q And you've seen the kind of things in
15 schools that could make a difference in students'
16 lives.

17 A Um-hmm.

18 Q And now you're at Edison McNair. And my
19 question to you is, based on that experience, are there
20 things that you believe your students could benefit from
21 that you haven't put in your category of I'd like to
22 have it because you know the budget won't allow it?

23 MS. HERNANDEZ: Objection; overbroad,
24 assumes facts.

25 THE WITNESS: The one thing that comes to

1 MS. HERNANDEZ: Objection; calls for
2 speculation, lacks foundation.

3 THE WITNESS: And it is probably -- it's
4 partly speculative, but that's my understanding.

5 BY MR. JACOBS:

6 Q Edison McNair is a charter school as well
7 as an Edison school, right?

8 A They refer to it as a charter school and
9 then it's stated to be a partnership with the district.

10 Q So as you understand charter schools, is
11 Edison McNair a charter school?

12 A I don't --

13 MS. HERNANDEZ: Objection; calls for a
14 legal conclusion.

15 THE WITNESS: I don't know anything about
16 the requirements for charter schools.

17 BY MR. JACOBS:

18 Q You think of yourself as an Edison
19 school.

20 A Yes.

21 Q Is there any mechanism -- last time you
22 talked about the committee that involves parents. Maybe
23 there were two committees.

24 A Um-hmm.

25 Q Does Edison introduce any particular

1 vehicle for parental involvement in the schools aside
 2 from parent/teacher conferences?
 3 MS. HERNANDEZ: Objection; vague.
 4 MS. KOURY: Asked and answered.
 5 THE WITNESS: They encourage as much as
 6 possible volunteers, participation by parents on field
 7 trips and all of those kinds of things.
 8 BY MR. JACOBS:
 9 Q But there's no -- I take it there is no
 10 part of the Edison program, that is, you will set up a
 11 particular mechanism?
 12 A For instance, set up another committee?
 13 Q Yes.
 14 A No.
 15 Q Do you have a PTA at Edison McNair?
 16 A No.
 17 Q Is that typical in your experience, for a
 18 middle school not to have a PTA?
 19 A I'm not familiar with middle schools.
 20 I've always had an elementary school.
 21 Q Do you have planned to have a PTA?
 22 A I've had one parent who said that she'd
 23 like to see us have a PTA. When it was discussed at
 24 another -- well, no, I had somebody else mention it,
 25 too, as a matter of fact, at one of the committee

1 meetings, and I told them that's fine if they wanted to
 2 have a PTA.
 3 PTA is a particular group, and then you
 4 have to, you know, apply to the State PTA and so forth,
 5 and then you collect dues, and part of those dues go to
 6 the PTA. They didn't want to do that. But I did
 7 explain to them that there are -- I've had schools where
 8 they didn't want to participate in the actual PTA
 9 because they don't like sending their money away
 10 anywhere.
 11 And don't necessarily understand the
 12 concept of a lobby, which is where they're sending their
 13 money. And they would have like a PTO, and it was
 14 basically a fund-raising group, and they would raise
 15 money for the school.
 16 But ELAC and SSC that I have, they're
 17 interested in parent input and parent communication, but
 18 that idea of that fund-raising group didn't seem to be
 19 of any interest to them.
 20 What we did establish and begin to put
 21 together was more of a communication link, which was
 22 we're asking teachers to have at least two parents that
 23 are what we call room parents, and those people, you
 24 know, would basically be the root of a telephone tree if
 25 you need parents for a field trip, or you want people to

1 come in and help and so forth.
 2 And members of the ELAC committee wanted
 3 to be able to have those parents make phone calls to
 4 encourage parents to come to the district ELAC
 5 committee, that kind of thing, and try to get more
 6 parents out to committee things.
 7 I think they get frustrated because
 8 parents like to do things with kids and for their
 9 children, but they don't -- you know, it's harder for
 10 them to get to a night meeting.
 11 Q So where does that stand now?
 12 A Where it stands now is that we have each
 13 of the teachers make that request and then we will start
 14 again next year and try and formalize it a little bit.
 15 Because it was well into the year, I kind of think, and
 16 there -- it was a couple months ago maybe when they came
 17 up with that's what they would like to do, which I think
 18 is a real good idea, because oftentimes parents calling
 19 parents is a really effective way to get people
 20 involved.
 21 Q Under the Memorandum of Understanding, how
 22 is Edison -- what's your understanding of how Edison is
 23 accountable to the school district?
 24 A I'm not sure I understand accountable to
 25 the school district.

1 Q Does Edison -- well, just that. How is
 2 Edison -- what is Edison accountable for for the school
 3 district?
 4 MS. HERNANDEZ: Objection; asked and
 5 answered, lacks foundation.
 6 MS. KOURY: Same objection.
 7 THE WITNESS: I'm still -- can you clarify
 8 that? I'm not sure what you mean.
 9 BY MR. JACOBS:
 10 Q Well, we've discussed a lot about what you
 11 are accountable to Edison for --
 12 A Um-hmm.
 13 Q -- and the various mechanisms by which
 14 that accountability is ensured.
 15 Now, I'm wondering insofar as the
 16 district's relationship with Edison is concerned, what
 17 is Edison accountable to the district for?
 18 Let me give you a for example. If a
 19 student performance doesn't go up, as Edison's own
 20 performance matrix would call for, is that something
 21 that the -- that Edison has committed to the district to
 22 deliver as well in that MOU.
 23 MS. HERNANDEZ: Objection; calls for
 24 speculation, lacks foundation.
 25 MS. KOURY: And asked and answered.

1 THE WITNESS: You know, I don't remember
2 if it specifically addresses that in the MOU. I'd have
3 to go read it again.
4 BY MR. JACOBS:
5 Q Do you have any understanding of what
6 Edison -- with that explanation about accountability, do
7 you have any understanding of what Edison is accountable
8 to the school district for?
9 MS. HERNANDEZ: Objection; speculation.
10 MS. KOURY: Asked and answered.
11 THE WITNESS: I am going to make the
12 assumption that's what's in the Memo of Understanding.
13 If there's anything outside of that, I don't know that.
14 MR. JACOBS: Your witness.

EXAMINATION

15
16
17
18 BY MS. KOURY:
19 Q A follow-up question.
20 You discussed the math program at Edison
21 McNair, and you stated earlier that Edison McNair
22 implements the Chicago Math --
23 A Yes.
24 Q -- is that correct.
25 Chicago -- would it be correct to

1 purchase books that are on the State matrix, do you mean
2 categorical funds?
3 A No. There's a State -- there's -- the
4 State provides a district with so much money per student
5 for books, for instructional materials.
6 Q Are you referring to the Instructional
7 Materials Fund?
8 A Yes.
9 Q Do you know -- other than the Chicago Math
10 and the SFA, both of which you stated Edison requires
11 that you use these materials, are there any other
12 curriculum -- or other courses at Edison McNair that the
13 Edison company requires that you use as a specific
14 textbook or materials?
15 A You know, it came up earlier, but we use
16 the Houghton Mifflin History-Social Science, which is a
17 State-adopted text. I don't know -- and now that the
18 question's been brought up -- whether that's used in the
19 other states throughout Edison or whether it's just
20 California.
21 Q Do you use these books -- these history
22 textbooks because that was a decision made at the Edison
23 McNair school site, or was that a decision made by the
24 Edison company, or neither?
25 A I don't know. That decision was made

1 characterize Chicago Math as a curriculum framework
2 which consists of certain instructional materials?
3 A Curriculum framework would consists of --
4 what do you mean by curriculum framework?
5 Q Is Chicago Math a program that is obtained
6 from a State-approved list? Is it a published -- it's
7 published, is that correct? Chicago Math is a textbook
8 that's published?
9 A Yes, it is. Do I know if it's of a State
10 matrix? No, I don't know that. I haven't dealt with
11 State matrix for several years.
12 Q And SFA, you do know that that is?
13 A That I believe is, yes, at this time.
14 Q And when you say on the State matrix, what
15 do you mean by that?
16 A The State publishers make their
17 presentations to the State and then the State selects
18 certain textbooks that meet their standards. Those
19 textbooks are put on the State matrix. If districts
20 buy -- my understanding is that districts buy from that
21 State matrix, then you can use the State textbook money
22 that's allocated for that. If you were to buy off the
23 State matrix, then you'd have to use district money for
24 it.
25 Q When you say you can use State funds to

1 before I arrived, and those were the books that are
2 there, and we ordered.
3 Q With respect to the other courses such as
4 the English, social studies, science, are the textbooks
5 that you use in those classes -- or how do you decide
6 what textbooks to use for those classes?
7 A For which ones again?
8 Q The courses other than the SFA and math.
9 So that would include English, social studies, science.
10 How do you determine which textbooks to use for those
11 classes?
12 A They may or may not be textbooks. They
13 are instructional materials. They may not be in the
14 textbook form, but Edison has said what those are, and
15 the coordinators have a list of what is expected to
16 have, and they make their orders from them.
17 For instance, there's specific books that
18 they use for teaching Spanish, and we order those
19 through Edison.
20 Q Are those instructional materials used for
21 the classes that you were just discussing?
22 A They were language classes.
23 Q Other than textbooks used or the
24 instructional materials used for those courses,
25 textbooks or instructional material that are on

1 State-approved matrix?

2 A I don't know that.

3 Q Is it your understanding that -- that

4 Edison can choose instructional materials outside of
5 those on the State-approved matrix?

6 A I don't know that.

7 Q In your capacity as a principal when you
8 worked for the Salinas district, how did you determine
9 what textbooks to use?

10 MS. HERNANDEZ: Irrelevant.

11 THE WITNESS: We only selected what was on
12 the State matrix for the obvious economic reasons, and
13 we established district-wide committees of teachers and
14 administrators, and had the publishers come in and
15 explain their material, to show the materials, give the
16 teachers sets to review and to use in their classrooms,
17 so forth. And then after all of that process was
18 completed, the teachers in each school would be able to
19 vote for which ones.

20 They'd also have instructional materials
21 in the school for those that were not on the committee
22 to see, and then the teachers would vote for which ones
23 they'd prefer, and which other one was preferred would
24 be purchased by the district within the limits of their
25 money allocated.

1 A Whichever.

2 MS. KOURY: Could you read back the
3 question?

4 (Whereupon, the record was read back as
5 follows:

6 "Q. Did these district-wide
7 committees take input from the
8 various principals at the schools
9 when determining what instruction
10 materials to allow the schools to
11 choose from?"

12 THE WITNESS: The issue I had with the
13 question is the last part where you said allow the
14 schools to chose from. The principals have input into
15 the selection process along with the teachers, but they
16 wouldn't be influencing the original ones to review.
17 What's reviewed is what's on the matrix.

18 BY MS. KOURY:

19 Q And the ultimate decision is made by the
20 district-wide committee?

21 MS. HERNANDEZ: Objection; calls for a
22 legal conclusion, calls for speculation.

23 BY MS. KOURY:

24 Q Did you understand that question?

25 A Yes. The district-wide committee doesn't

1 BY MS. KOURY:

2 Q The decision as to what instructional
3 materials to use when you were on the Salinas district
4 therefore was not left entirely to your discretion?

5 A Oh, no. It was my role to establish the
6 district-wide committees and see that they met and that
7 all the materials were reviewed.

8 Q So these district-wide committees worked
9 in order to achieve consistency and uniformity among
10 their schools --

11 A Yes.

12 Q -- in deciding what instructional
13 materials to use?

14 A Yes.

15 Q Did these district-wide committees take
16 input from the various principals at the schools when
17 determining what instruction materials to allow the
18 schools to choose from?

19 MS. HERNANDEZ: Objection; calls for
20 speculation, lacks foundation.

21 THE WITNESS: I'm not sure I understood
22 the question. Want to try that again?

23 BY MS. KOURY:

24 Q Did you want me to reread the question or
25 rephrase it?

1 make the ultimate decision. Each teacher gets to vote.

2 Q As to which textbooks they want to use?

3 A After having, you know, explanation from
4 their committee members and seeing the displays at
5 school and so forth and they each get to vote.

6 Q While working as a principal in this
7 Salinas district, were you ever evaluated as a principal
8 by someone at the district?

9 A Yes.

10 Q How often were you evaluated?

11 A Well, the last three years that I was the
12 principal, I was evaluated, oh, gosh, once that I can
13 remember. It's not every year. And then I received a
14 recommendation from the principal -- the superintendent
15 when I left.

16 Q Was your evaluation written?

17 A It was a form that had a great many
18 statements in various areas, and then a number was given
19 to it, 1, 2, 3, 4, 5. I think 5 was the highest number,
20 and so that he could put the numbers there.

21 Q The district personnel ever visit your
22 school site while you were a principal in the Salinas
23 district?

24 A Yes.

25 Q Who from the district would visit your

1 school site?
 2 MS. HERNANDEZ: Objection.
 3 BY MS. KOURY:
 4 Q When I ask who, I don't mean the names of
 5 persons. I mean the titles.
 6 A You mean the role?
 7 MS. HERNANDEZ: Objection; overbroad.
 8 BY MS. KOURY:
 9 Q Right.
 10 A You're not speaking each year. You're
 11 speaking in general who came?
 12 Q Yes.
 13 A Superintendent, Director of Curricular,
 14 Personnel Director may have come, depending generally
 15 on whether there were issues. Let's see. Who else did
 16 we have. Oh, we had the bilingual -- Director of
 17 Bilingual Education. He came. The Director of People
 18 Personnel.
 19 Q Anyone else?
 20 A Occasionally, the business manager if we
 21 wanted to spend more money.
 22 Q Is that it?
 23 A I can't think of anybody else. I mean,
 24 there are other district personnel. There was, like I
 25 said, the fellow that was the Supervisor of

1 Maintenance. Now, he came fairly regular.
 2 Q How often would the superintendent come to
 3 the campus?
 4 A Depending on who the superintendent was.
 5 Q Do you know why the superintendent would
 6 come?
 7 MS. HERNANDEZ: Objection; vague.
 8 THE WITNESS: Well, my experience with
 9 superintendents come for a couple of different reasons.
 10 One is they want to go into each room and say hello and
 11 shake hands with the teacher and whoever else may be
 12 working in there. They want to walk through the
 13 building, and generally they're looking at conditions.
 14 BY MS. KOURY:
 15 Q Your last year as a principal at
 16 Salinas -- in the Salinas district, do you recall
 17 whether the superintendent came by to visit that campus
 18 more than once that year?
 19 A No, he came once.
 20 Q What about the Director of Curriculum, do
 21 you recall how many times he or she came to the school
 22 site?
 23 A That particular director may not have
 24 come. She may have come once.
 25 Q Why would she come to visit the school

1 site, the Director of Curriculum?
 2 MR. JACOBS: Objection; calls for
 3 speculation.
 4 THE WITNESS: It would have been in regard
 5 to probably, if I recall correctly, testing because
 6 she's responsible for the testing program also.
 7 BY MS. KOURY:
 8 Q Is there any other reason that you're
 9 aware of why the Director of Curriculum would visit a
 10 school site?
 11 MR. JACOBS: Same objection.
 12 THE WITNESS: Well, they could be looking
 13 at the materials distribution, did it happen. If we had
 14 a complaint -- for instance, if we said we were supposed
 15 to be delivered such and such books and we said we
 16 didn't get them and there was an issue about them, then
 17 that person might arrive.
 18 BY MS. KOURY:
 19 Q What about the Personnel Director, do
 20 you recall how many times he or she visited the school
 21 site?
 22 A In the last year that I was there?
 23 Q Yes.
 24 A Once, I think.
 25 Q Do you recall why she was or he was at the

1 school site?
 2 A It was in regard to a teacher.
 3 Q An issue with the teacher?
 4 A A concern with a teacher.
 5 Q Was that in response to a concern that you
 6 had?
 7 A Yes.
 8 Q Do you know generally why the -- did the
 9 Personnel Director generally make visits to a school
 10 site, aside from that one the last year that you were
 11 there?
 12 MS. HERNANDEZ: Objection; vague.
 13 THE WITNESS: No.
 14 BY MS. KOURY:
 15 Q How about the Director of People
 16 Personnel, how many times do you recall the Director of
 17 People Personnel visiting the school site your last year
 18 at Salinas?
 19 A He may have come several times. He had
 20 been in the district a long time and was more prone to
 21 visiting. He's also responsible for the psychologists
 22 and the RSPs, so --
 23 Q What's an RSP?
 24 A Resource Specialist, a Special Education
 25 teacher.

1 Q Do you know why he visited the campus?

2 A It could have been in regard to a
3 conversation with an IEP meeting if it were a
4 particularly special kind of a meeting. There's some
5 special needs there that the psychologists in RSP
6 felt that they needed to have someone else there
7 with them, because he was the one most familiar with the
8 law.

9 Q What about the Supervisor of Maintenance,
10 how often did he or she visit the school site the last
11 year you were there?

12 A Well, you know, I don't specifically
13 remember the last year, but he came fairly regularly.
14 We had a system where we had maintenance crews,
15 otherwise I had two maintenance people. They had
16 three schools. They were responsible for maintaining
17 those. And we put in requests, you know, for
18 maintenance.

19 If it was something beyond the ordinary
20 budget, then he would come to review that, because he'd
21 be the one that would have made the presentation to the
22 superintendent and the business manager as to whether he
23 agreed with us about the need.

24 Q Is that the only reason why he would come
25 to the campus?

1 Q Are there any other regional coordinators
2 that visited the school site this year other than the
3 two that you mentioned, the math coordinator and the SFA
4 coordinator?

5 A Yes. The world language coordinator came
6 several times.

7 Q When you say "several," what do you mean?

8 A More than three.

9 Q Any others?

10 A That visited the site? Not that I
11 recall.

12 Q Do you know what areas the regional
13 coordinator covers? In other words, how many schools
14 aside from Edison McNair does a regional coordinator
15 have under his or her purview?

16 A I don't know the numbers. I know that the
17 math coordinator we have, I believe, does the California
18 schools. I'm not sure he goes to all the California
19 schools, but I believe so. We have eight schools in
20 California.

21 Q Just to be clear, you're not sure how many
22 schools the regional coordinator for SFA would cover
23 aside from Edison McNair?

24 A The region for them can be different. For
25 instance, the SFA coordinator that we have does Colorado

1 MS. HERNANDEZ: Objection; calls for
2 speculation.

3 BY MS. KOURY:

4 Q Is that the only reason he would come to
5 the campus?

6 A Well, he was looking at the maintenance of
7 the school, too, because he supervised those maintenance
8 men and he wanted to see that the work in fact was being
9 done.

10 Q How do you know that?

11 A Because we talked about it.

12 Q The regional coordinators at Edison, how
13 often do they visit the Edison McNair school site in a
14 year?

15 A I don't know what the regular practice
16 is. The math coordinator has been there twice. I think
17 it would have been more, but, in fact, he had a death in
18 his family and then his wife had a baby and so forth, so
19 some of the planned things didn't happen, but he was
20 there twice. The SFA coordinator was there -- I want to
21 say once a quarter -- at least four times.

22 Q Any other regional coordinators? Are
23 those the only two?

24 (Interruption to speak up.)

25 BY MS. KOURY:

1 and California, but the math coordinator, I believe,
2 just does California.

3 Q What about the world language coordinator,
4 do you know how many schools --

5 A She's actually at a higher level. She's
6 one of the -- she has a vice president title, and so I
7 know that she covers a larger area, but she has -- she's
8 the one that came to visit us. She's not really a
9 coordinator. She has many coordinators that work for
10 her, but she chose to come to us herself. So it really
11 wasn't a coordinator. It was a vice president in charge
12 of that area.

13 MS. KOURY: Take a two-minute recess.
14 (Recess taken.)

15 BY MS. KOURY:

16 Q What or who else does your business
17 manager work with, what other schools?

18 A Brentwood and McNair.

19 Q Those are the only two schools that your
20 business manager works with?

21 A Yes.

22 Q Earlier you testified about the
23 trade books for the SFA. What is a trade book
24 exactly?

25 A How can I describe what a trade book is?

1 It's not a textbook. It's a regular book.
 2 Q Like a novel?
 3 A Yes, could be a novel. Could be an
 4 autobiography. Any of those. It's not a textbook.
 5 Q You stated that you are evaluated by your
 6 supervisors?
 7 A I personally?
 8 Q Yes.
 9 A I am evaluated by the operations VP for
 10 the region.
 11 Q Do you know what region this operations VP
 12 covers?
 13 A It's referred to as the western region.
 14 Q How many schools are in this western
 15 region?
 16 A I don't know how many schools exactly.
 17 Q Do you know how many states are covered by
 18 the western region?
 19 A To my knowledge, it's Kansas, Missouri,
 20 Colorado, California, and they've just taken, I
 21 think, six or seven schools in Las Vegas, so
 22 Nevada.
 23 Q Are there any other supervisors that
 24 evaluate you?
 25 A No. One's enough.

1 MS. KOURY: I have nothing further.
 2
 3 FURTHER EXAMINATION
 4
 5 BY MR. JACOBS:
 6 Q Do the regional coordinators also provide
 7 input to you on teacher performance?
 8 A Yes, they can.
 9 Q And does that -- do you figure that into
 10 your overall assessment of teacher performance?
 11 A Their comments would be more than in the
 12 direction of trying to affect my evaluation, but in the
 13 support that they believe that teacher needs.
 14 Otherwise, you know, let's say -- they might say to me
 15 this teacher would benefit from going to the conference
 16 that we're having. So and so, there's a training. You
 17 know, would I facilitate seeing that they're there. Or
 18 this teacher is having some issues around classroom
 19 management. Would you be able to provide some -- not
 20 will you be able, but would you pay some additional
 21 attention to that person's needs there, that kind of
 22 thing. Because, of course, our primary interest is that
 23 they're successful, so they're looking for, you know, if
 24 there's some additional support they think an individual
 25 may need to be more successful.

1 Q In your experience in the Salinas public
 2 schools, is there a -- was there a corresponding
 3 mechanism for providing the principal with that kind of
 4 input about teacher performance?
 5 MS. KOURY: Objection; vague.
 6 THE WITNESS: No.
 7 BY MR. JACOBS:
 8 Q Do you believe that that's a contribution
 9 that the Edison system makes to the improvement of the
 10 delivery of education to students?
 11 A Absolutely.
 12 MS. KOURY: Objection; vague.
 13 THE WITNESS: I think one of the strengths
 14 of Edison is the staff development that they provide.
 15 MR. JACOBS: Thank you. All done?
 16 MS. KOURY: One follow-up question.
 17
 18 FURTHER EXAMINATION
 19
 20 BY MS. KOURY:
 21 Q What do you mean by that, with --
 22 A What do you mean by what?
 23 Q I was going to finish the question.
 24 A Excuse me.
 25 Q With respect to the last question

1 Mr. Jacobs asked, that there is no corresponding program
 2 when you were at Salinas, what did you mean by that?
 3 A There wasn't a person in the curricular
 4 area that would have come in and reviewed what the
 5 teacher was doing and made suggestions for my support.
 6 That -- I took care of that myself.
 7 Q When you say there was no curricular
 8 review, do you mean by the district?
 9 A There wasn't a person in the district that
 10 did that, fulfilled that function in reviewing.
 11 Q Who reviewed the teachers?
 12 A Principals.
 13 Q Did you receive any support from the
 14 district in reviewing teachers while you were at
 15 Salinas?
 16 A Specifically in regard to what?
 17 Q In any respect.
 18 A We received guidelines as to the
 19 evaluation process and the frequency of observations
 20 and, you know, how that process would -- was to go.
 21 Q Who would you receive that from?
 22 A Director of Personnel.
 23 Q How about the Director of Curriculum, was
 24 there anything provided by the Director of Curriculum in
 25 terms of what you should be looking for when you review

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1 teachers?
 2 A The Director of Curriculum wasn't
 3 responsible for the evaluation of teachers, but at the
 4 time when it was curriculum and staff development, the
 5 Director of Curriculum was responsible to see that the
 6 types of staff development requested by teachers and
 7 principals was provided. But it wasn't individual. It
 8 was by district or whole schools, that kind of thing.
 9 MS. KOURY: I have nothing.
 10
 11 FURTHER EXAMINATION
 12
 13 BY MR. JACOBS:
 14 Q Regional coordinators visit classrooms,
 15 right?
 16 A Oh, yes, absolutely. They may go in and
 17 teach lessons or observe lessons or they coach.
 18 MR. JACOBS: Thank you.
 19 THE WITNESS: You're welcome.
 20 (Counsel went off the record.)
 21 MS. KOURY: Counsel will stipulate that
 22 the stipulation with respect to the transcript to the
 23 deposition of Mary Seiersen, Volume 1, applies to Volume
 24 2.
 25 MR. JACOBS: Yes.

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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 2001, at _____, _____.
 (City) (State)
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 18
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 20 _____
 21 MARY SEIERSEN
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1 MS. HERNANDEZ: Yes.
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 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby certify:
 6 That the foregoing proceedings were taken
 7 before me at the time and place herein set forth; that
 8 any witnesses in the foregoing proceedings, prior to
 9 testifying, were placed under oath; that a verbatim
 10 record of the proceedings was made by me using machine
 11 shorthand which was thereafter transcribed under my
 12 direction; further, that the foregoing is an accurate
 13 transcription thereof.
 14 I further certify that I am neither
 15 financially interested in the action nor a relative or
 16 employee of any attorney of any of the parties.
 17 IN WITNESS WHEREOF, I have this date
 18 subscribed my name.
 19
 20 Dated: _____
 21
 22
 23 _____
 24 RICHARD M. RAKER
 CSR No. 3445
 25