

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

ELIEZER WILLIAMS, et al.,) Case No. 312 236
Plaintiffs,) Pages 296 - 516
VS.) VOL. II

STATE OF CALIFORNIA,)
DELAINE EASTIN, State)
Superintendent Of Public)
Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)
Defendants.)

_____)
AND RELATED CROSS-ACTION.)
_____)

CONTINUED DEPOSITION OF ROSA TELLECHEA
TAKEN ON
SATURDAY, JUNE 16, 2001

REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436
CERTIFIED REALTIME REPORTER

1 Deposition of ROSA TELLECHEA, taken on behalf
 2 of the Defendants at 400 South Hope Street,
 3 Los Angeles, California, on SATURDAY, JUNE 16,
 4 2001, at 9:46 A.M., before ASHALA TYLOR,
 5 CSR No. 2436, RPR, pursuant to Notice.
 6
 7 APPEARANCES:
 8
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 11 EDUCATIONAL FUND:
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 25

1 A P P E A R A N C E S (continued)
 2
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I N D E X

3	WITNESS	EXAMINATION	PAGE
4	ROSA TELLECHEA	(By Ms. Strong)	300, 508
5		(By Ms. Godfrey)	438
6		(By Mr. Villagra)	511
7			
8			
9	EXHIBITS		PAGE
10	5 - Handwritten letter to [REDACTED]		
11	dated 6-6-01		303
12	6 - Kindergarten Certificate		307
13	7 - Handwritten letter to Mr. and		
14	Mrs. Tellechea from [REDACTED]		
15	5-16-01		309
16	8 - Meeting Reminder		317
17	9 - Community Meeting Notice		317
18	10 - Declaration of Rosa Tellechea		349
19	11 - Page from Thomas Guide		378
20	12 - Progress Report		441
21	13 - Star Parent Report		465
22	14 - Progress Report		447
23			
24			
25			

1 LOS ANGELES, CALIFORNIA
 2 SATURDAY, JUNE 16, 2001; 9:46 A.M.
 3
 4 ROSA TELLECHEA,
 5 having been first duly
 6 resworn, was examined and testified
 7 as follows:
 8
 9 EXAMINATION
 10
 11 BY MS. STRONG:
 12 Q. Good morning, Mrs. Tellechea.
 13 A. Good morning.
 14 Q. Nice to see you again.
 15 Do you remember the ground rules that we
 16 went over at the beginning the last time you had
 17 your deposition taken in this case?
 18 A. Yes.
 19 Q. I want to briefly review some of those so
 20 that it's absolutely clear as to what is going on
 21 here today.
 22 You understand that all of the questions
 23 that I'm asking and the answers that you are giving
 24 are being taken down by our court reporter and that
 25 you will have an opportunity to review the

1 transcript after this deposition and make any
2 changes that you feel are necessary. However, if
3 you do make changes to the transcript at that time,
4 any lawyer in this action can comment on the
5 changes that you make.

6 Do you understand that?

7 A. Yes.

8 Q. Do you understand that you need to
9 verbalize your answers here today since we do have
10 a court reporter taking down what is being said?
11 So it's important that you say yes and no as
12 opposed to shaking or nodding your head or saying
13 uh-uh and uh-huh.

14 Do you understand that?

15 A. Yes.

16 Q. It's also important that we not speak over
17 one another, that you wait until I finish my
18 question before beginning with your answer, and
19 that I will try and wait for you to finish your
20 answer before I proceed with my next question.

21 Do you understand that?

22 A. Yes.

23 Q. If at any time you do not understand any
24 of my questions, please let me know by telling me
25 that you do not understand.

1 alcohol, or any other substance that clouds your
2 mind and would interfere with your ability to
3 understand or answer my questions?

4 A. No.

5 Q. Just prior to the deposition this morning
6 your counsel, Mr. Villagra, handed me some
7 documents. Are these documents that you found at
8 your house in response to the last deposition where
9 we discussed documents that you may have at home?

10 A. Yes.

11 Q. Okay. I'd like to go through each of
12 these documents now.

13 Can we go off the record.

14 (Discussion off the record.)

15 MS. STRONG: I have here what appears to
16 be a letter dated June 6, 2001. It's handwritten
17 to [REDACTED] from Mr. and Mrs. Rosa Tellechea.
18 I'd like to mark this as Exhibit 5.

19 (Deposition Exhibit 5 was marked by the
20 reporter for identification and is attached
21 hereto.)

22 BY MS. STRONG:

23 Q. Mrs. Tellechea, can you explain this
24 document to me, please?

25 A. It's a letter I wrote to the teacher

1 If you do not do that, I will assume that
2 you do understand the question and that your answer
3 is based on you having understood the question.

4 Do you understand that?

5 A. Yes.

6 Q. Today you are required to answer to the
7 best of your ability. We do not want you to guess
8 as to any of the answers, but we are entitled to
9 your best estimate where you can provide one. Do
10 you understand that?

11 A. Yes.

12 Q. Because your testimony will be given under
13 oath, it will have the same force and effect as if
14 you were testifying in a court of law, therefore,
15 you are subject to all of the penalties for perjury
16 for giving false testimony here today. Do you
17 understand that?

18 A. Yes.

19 Q. If you need a break for any reason, of
20 course let me know and we can take a break.

21 A. Okay.

22 Q. Is there any reason why you may be unable
23 to testify and give your best testimony here today?

24 A. No.

25 Q. Have you recently consumed any medication,

1 asking if they had tested him already -- she had
2 mentioned he was going to be tested -- to see what
3 grade level he would be in.

4 Q. When did you write this letter?

5 A. June 6th.

6 Q. June 6th, 2001?

7 A. Yes.

8 Q. That is after we took your deposition on
9 May 20th; is that correct?

10 A. Correct.

11 Q. And this is in regard to your son Jonathan
12 Tellechea at Rosewood Avenue Elementary, correct?

13 A. Yes.

14 Q. How did you get the letter to a teacher,

15 [REDACTED]
16 A. I gave it to Jonathan in an envelope so he
17 can hand-deliver it to her.

18 Q. The bottom portion of the letter has a
19 note which appears to be written by [REDACTED]
20 is that correct?

21 A. Correct.

22 Q. Can you explain to me what it says?

23 MR. VILLAGRA: I'll object. The document
24 speaks for itself.

25 BY MS. STRONG:

1 Q. Okay. The document at the bottom states:
2 "Next week we're cancelling classes to
3 get testing completed."

4 It appears to be signed by [REDACTED]
5 Is that correct?

6 A. Correct.

7 Q. And what do you understand that to mean?

8 A. That he will be testing -- he will be
9 testing soon.

10 Q. Okay. Do you know if he's been tested
11 yet?

12 A. Yes.

13 Q. How do you know that?

14 A. He brought home a test score which he was
15 just tested Friday.

16 Q. He was tested this past Friday?

17 A. Yes.

18 Q. Did you learn what grade level he's in
19 pursuant to that test?

20 A. There were several tests done. Some were
21 4 point something. There were like several tests
22 done. I can't remember all of them right now.

23 Q. Okay. I think you testified that you
24 believed this testing could be done so you could
25 find out what grade level he was in?

1 is a certificate for Jonathan Tellechea. It's a
2 kindergarten certificate dated June 1997, which
3 states that Jonathan Tellechea has completed the
4 kindergarten course of study at Bellevue Primary
5 school and is therefore entitled to this
6 kindergarten certificate. This is Exhibit 6.

7 (Deposition Exhibit 6 was marked by the
8 reporter for identification and is attached
9 hereto.)

10 BY MS. STRONG:

11 Q. When did you receive this certificate,
12 Mrs. Tellechea?

13 A. This was in '97, June.

14 Q. Did you receive it or did Jonathan receive
15 it?

16 A. It was handed to him at the graduation
17 ceremony.

18 Q. This indicates that he satisfactorily
19 completed kindergarten at Bellevue Primary; is that
20 correct?

21 A. Correct.

22 Q. Were you pleased with his education at
23 Bellevue Primary school?

24 MR. VILLAGRA: Objection to form. Vague.

25 BY MS. STRONG:

1 A. Correct.

2 Q. Were you able to determine what grade
3 level he's in now that the testing has been
4 completed?

5 A. He's close to 4th grade.

6 Q. Okay. That is your understanding based on
7 test scores?

8 A. Yes.

9 MR. VILLAGRA: Just to be clear, do you
10 mean close to what level he's at in a particular
11 subject or all subjects?

12 MS. STRONG: Mrs. Tellechea had a concern
13 as to what grade level her student was in -- her
14 child was in. And I wanted to see if her concern
15 was resolved and that now she understand what grade
16 level he's in. I believe she testified that she
17 does understand what grade level he's in based on
18 the scores that have been received.

19 BY MS. STRONG:

20 Q. Is that accurate, Mrs. Tellechea?

21 A. Yes.

22 MR. VILLAGRA: I wanted the record to be
23 clear as to what grade level it refers to.

24 MS. STRONG: I'd like to mark as Exhibit 6
25 another document provided to me this morning which

1 Q. Go ahead, you can answer the question.

2 A. Not really.

3 Q. Did you ever complain to anyone at the
4 school regarding Jonathan's education at Bellevue
5 Primary?

6 A. I can't recall right now. I might have,
7 but it's been so long.

8 Q. You don't have any specific recollection
9 of complaining to anyone at Bellevue regarding
10 Jonathan's education there?

11 A. No.

12 Q. Is that correct?

13 A. Correct.

14 Q. I also note that you provided a copy of
15 what appears to be Jonathan Tellechea perfect
16 attendance at Bellevue Primary for the years 1996
17 to 1997.

18 You also produced what appears to be
19 Jonathan Tellechea's progress report for grade 4
20 for the year 2000-2001 at Rosewood Elementary. It
21 appears that it's for the second reporting period.
22 Is that correct, Mrs. Tellechea?

23 A. Correct.

24 Q. You also produced Stanford Achievement
25 Test scores on what appears to be a Star Parent

1 Report for Jonathan Tellechea for grade 3.
 2 Is that correct, Mrs. Tellechea?
 3 A. Correct.
 4 Q. The next item that you produced appears to
 5 be a handwritten note dated May 16th, 2001 to you
 6 and your husband from [REDACTED]
 7 (Deposition Exhibit 7 was marked by the
 8 reporter for identification and is attached
 9 hereto.)
 10 BY MS. STRONG:
 11 Q. Do you recognize this document,
 12 Mrs. Tellechea?
 13 A. Yes.
 14 Q. How did you receive this document?
 15 A. Jonathan brought it home.
 16 Q. Do you know why [REDACTED] wrote this
 17 letter to you?
 18 MR. VILLAGRA: Objection. Calls for
 19 speculation. Go ahead.
 20 BY MS. STRONG:
 21 Q. Go ahead.
 22 A. We wanted to see -- we wanted it in
 23 writing that she had received these book reports.
 24 We just wanted to have a record that he had
 25 completed the book reports.

1 Q. Are any book reports mentioned in this
 2 note?
 3 MR. VILLAGRA: Objection. The document
 4 speaks for itself.
 5 BY MS. STRONG:
 6 Q. Go ahead, Mrs. Tellechea.
 7 A. Yes.
 8 Q. Will you point out to me where the book
 9 reports are noted on this document?
 10 A. No.
 11 Q. Why is that?
 12 A. This is regarding a meeting.
 13 Q. This isn't regarding a book report?
 14 A. No. I miss --
 15 Q. You misspoke?
 16 A. Yes.
 17 Q. Can you explain to me what this letter is
 18 about then?
 19 A. It's about a meeting.
 20 Q. What meeting is it about?
 21 A. Regarding his work habits.
 22 Q. Do you know why -- now that you understand
 23 what the letter is about, do you know why the
 24 teacher sent this to you?
 25 MR. VILLAGRA: Objection. Calls for

1 speculation.
 2 MS. GODFREY: Join.
 3 BY MS. STRONG:
 4 Q. Go ahead.
 5 A. Because he [REDACTED]
 6 Q. I believe that the first part of the
 7 letter says:
 8 "Thank you for your help and cooperation
 9 in helping your child develop better work
 10 habits in school."
 11 A. She probably means that because we -- we
 12 were going to attend the meeting because we were
 13 interested in seeing [REDACTED]
 14 [REDACTED]
 15 Q. Okay. What meeting is it that you are
 16 referring to? Is it some scheduled meeting?
 17 A. Yes. On the document it says: "Friday,
 18 May the 18th there will be a meeting at 8:00 in
 19 room 18."
 20 Q. Did you ask to meet with [REDACTED] And
 21 this is in response to your request to meet with
 22 her?
 23 A. No. She sent home a notice that she
 24 wanted a conference.
 25 Q. Okay. And what did you do in response to

1 that notice?
 2 A. I checked off where it says "parent
 3 requesting conference," and then I gave her
 4 available dates, and then that's why.
 5 Q. So on the notice that was initially sent
 6 home to you, did it ask you if you wanted to have a
 7 parent/teacher conference; is that correct?
 8 A. She was requesting it, and then on the
 9 bottom it said to sign it and then to check off if
 10 the parent wanted to have a conference with the
 11 teacher.
 12 Q. So she requested it, and it was -- this
 13 notice was asking if you would agree to meet with
 14 her for a parent/teacher conference; is that
 15 correct?
 16 A. Correct.
 17 Q. Do you receive those notices for each of
 18 the parent/teacher conferences that you have had at
 19 Rosewood Avenue Elementary School with Jonathan
 20 Tellechea's teachers?
 21 THE WITNESS: No.
 22 MR. VILLAGRA: Objection, assumes facts.
 23 BY MS. STRONG:
 24 Q. Have you met with Jonathan's teachers
 25 before at Rosewood Avenue Elementary?

1 A. Yes.

2 Q. But did you ever receive a notice like
3 this one that you're referring to with regard to
4 any of your prior meetings with Jonathan's
5 teachers?

6 A. Yes.

7 Q. So that wasn't the first notice you
8 received of that nature?

9 A. No.

10 Q. Did you attend the meeting with
11 [REDACTED] on May 18th, 2001, that is noticed in
12 Exhibit 7?

13 A. Yes.

14 Q. I also notice here that you produced a
15 Shakey's Outstanding Achievement award, dated March
16 22, 2001, presented to Jonathan Tellechea by the
17 staff of Rosewood for 100 percent on his spelling
18 test; is that correct?

19 A. Correct.

20 Q. You've also produced a Rosewood Avenue
21 school meeting reminder that appears to be directed
22 to all parents regarding a meeting dated May 30th,
23 2001 at 2:45 in the library. Is that correct,
24 Mrs. Tellechea?

25 A. Correct.

1 and doing paperwork.

2 Q. Were you going to the bank at 2:45 on
3 Wednesday, May 30th --

4 A. Yes.

5 Q. -- to deposit these checks?

6 A. Yes.

7 Q. When did you receive this notice? Do you
8 remember?

9 A. It could have been two or three days prior
10 to the meeting.

11 MR. VILLAGRA: Just to warn the witness
12 not to guess if you don't have a specific
13 recollection.

14 THE WITNESS: I don't exactly have it
15 specifically. But they usually give them -- they
16 hand them out like two or three days before they --
17 they hand them out in enough time so you can attend
18 the meetings.

19 BY MS. STRONG:

20 Q. Your best estimate is you received this
21 approximately 2 or 3 days before the meeting; is
22 that correct?

23 A. Correct.

24 Q. Did Jonathan bring it home?

25 A. Yes.

1 Q. The notice appears to indicate that there
2 are meetings regarding compensatory education
3 advisory council, the bilingual advisory council
4 and the school site council; is that correct?

5 A. Correct.

6 Q. Did you attend this meeting on May 30th,
7 2001 at 2:45 in the library?

8 A. No.

9 Q. Do you know why you did not attend the
10 meeting?

11 A. I wasn't able to get there.

12 Q. Why is that?

13 A. I was doing errands for the building.

14 Q. You remember that you were doing errands
15 for the building on May 30th at 2:45?

16 MR. VILLAGRA: Objection. Asked and
17 answered. Argumentative.

18 THE WITNESS: Around that time.

19 BY MS. STRONG:

20 Q. What errands were you doing for the
21 building?

22 A. I was banking deposits.

23 Q. What do you mean -- what do you mean by
24 banking deposits?

25 A. Depositing rent checks for the building

1 Q. What bank do you go to to make deposits
2 for the rent for the building?

3 A. It's CitiBank.

4 Q. How far is that from your home?

5 A. About 15 minutes.

6 Q. Do you know the hours of that bank?

7 A. Not really, no.

8 Q. Is there any other reason, other than what
9 you've already testified to, as to why you didn't
10 go to the meeting that day?

11 A. No.

12 Q. Was there anything special about that trip
13 to the bank that day that you remember that you
14 were doing it and you were unable to attend the
15 meeting?

16 A. I was doing the other errands, grocery
17 shopping and other -- went to the post office. I
18 was doing several errands besides going to the
19 bank.

20 Q. Was there something unique that happened
21 that day that you remember it so clearly today?

22 A. No.

23 MR. VILLAGRA: Objection. Asked and
24 answered.

25 BY MS. STRONG:

1 Q. No?

2 A. No.

3 Q. I'd like to mark as Exhibit 8 --

4 MS. GODFREY: Excuse me. I need some
5 clarification. Did you mark the meeting reminder
6 from Rosewood Avenue Elementary School?

7 MS. STRONG: I didn't. But why don't we
8 go ahead and do that.

9 The meeting reminder from Rosewood Avenue
10 Elementary school for May 30th, 2001 is marked as
11 Exhibit 8.

12 (Deposition Exhibit 8 was marked by the
13 reporter for identification and is attached
14 hereto.)

15 MS. GODFREY: The record should reflect
16 the document is a two-sided document and the
17 Spanish is on the other side of it.

18 MS. STRONG: I'd like to mark as Exhibit 9
19 a notice -- what appears to be a notice regarding a
20 community meeting Saturday, May 19th, 2001 from
21 9 A.M. until noon at Cahuenga Elementary School.

22 (Deposition Exhibit 9 was marked by the
23 reporter for identification and is attached
24 hereto.)

25 BY MS. STRONG:

1 Q. Why did you not attend the meeting on May
2 19th, 2001?

3 A. I forgot about the date.

4 Q. Is there any other reason why you did not
5 attend the meeting on May 19th, 2001?

6 A. No.

7 Q. Do you want Jonathan to attend Cahuenga
8 Elementary?

9 MR. VILLAGRA: Objection. Vague.

10 BY MS. STRONG:

11 Q. You can answer.

12 A. I would if it would be on a traditional
13 schedule.

14 Q. So because Cahuenga is not on a
15 traditional schedule, and by that you mean Cahuenga
16 is a year-round school, is that correct?

17 A. I don't really understand your question.

18 Q. Okay. What do you mean it's not -- if it
19 were on a traditional schedule, what do you mean by
20 that?

21 A. Because that would get him off the bus. I
22 mean, he would be going to -- if Cahuenga was a
23 traditional school, then I would like him to go
24 there so he could be with Sammy, they could be in
25 the same school.

1 Q. Do you recognize this document,
2 Mrs. Tellechea?

3 A. Yes.

4 Q. When did you receive this document?

5 A. A couple of days prior to the meeting.

6 Q. So a couple of days prior to May 19th,
7 2001; is that correct?

8 A. Correct.

9 Q. How did you receive this notice?

10 A. It was handed to Jonathan when he got off
11 the bus.

12 Q. Is it accurate that the meeting appears to
13 be about six new neighborhood schools for the
14 Wilshire Center and Korea Town areas; is that
15 correct?

16 A. Correct.

17 MR. VILLAGRA: Just to clarify, the
18 meeting as described in the notice?

19 MS. STRONG: Correct.

20 Q. Is that what you understood it to be,
21 Mrs. Tellechea?

22 A. Yes.

23 Q. Did you attend this meeting on May 19th,
24 2001, Mrs. Tellechea?

25 A. No.

1 Q. Okay. Now, what do you mean when you say
2 if Cahuenga were a traditional school, what do you
3 mean by that?

4 A. That it was all year-round.

5 Q. You want Cahuenga to be year-round?

6 A. Yes.

7 Q. What do you mean you want Cahuenga to be
8 year-round?

9 A. They start in September and off in June,
10 meaning they are in school almost 10 months instead
11 of eight months and off four.

12 Q. Does it matter to you what months of
13 school they are off? You said they are on for nine
14 months you said, and off for three, is that what
15 you'd like?

16 MR. VILLAGRA: Objection.

17 Mischaracterizes the testimony and vague.

18 BY MS. STRONG:

19 Q. Go ahead. You can answer.

20 A. No. In Cahuenga they are in school eight
21 months and they are out four. So they are out
22 less -- I mean more time than in school.

23 Q. And you would like it if the school had
24 the students attending from nine months and off
25 three; is that correct?

1 A. No.

2 Q. Okay. How is it that you'd like the
3 schedule to be?

4 A. They start -- like they start in
5 September, so there's 10 months with the
6 traditional schedule and they are out two in the
7 summer.

8 Q. Okay. Is it important to you that the two
9 months off are during the summer months on this
10 traditional calendar school that you would like
11 your child to attend?

12 A. Yes.

13 Q. And why is that?

14 A. Because we have the time to do summer
15 activities and be more time in school.

16 Q. Would it be acceptable if your child went
17 to a school that had two months off in March and
18 April and was in school the rest of the time?

19 A. That wouldn't be a problem.

20 Q. That would be acceptable to you?

21 A. Yes.

22 Q. But that wouldn't fit your idea of a
23 traditional calendar, correct?

24 A. Meaning they would be off March and April?

25 Q. Correct.

1 child is in school for 10 months and out of school
2 for 2 months; is that correct?

3 A. Correct.

4 Q. Why is it that you believe that is what is
5 necessary to be adequate in your mind?

6 MR. VILLAGRA: Objection. Vague.

7 BY MS. STRONG:

8 Q. Go ahead.

9 A. Because there would be more on their grade
10 level. They wouldn't be that behind. They would
11 have a better education.

12 Q. Is there any other reason why you believe
13 that 10 months in school and 2 months out of
14 school, the calendar that you described is
15 acceptable, is a more appropriate calendar for your
16 children?

17 A. There might be other reasons but I can't
18 think of them right now. What I mentioned is what
19 I think is -- what I can remember right now.

20 Q. Is Samuel on grade level, do you know?

21 A. Yes.

22 Q. Do you think he's behind in any way? In
23 reference to his --

24 MR. VILLAGRA: Objection. Vague.

25 BY MS. STRONG:

1 A. Well, it would be almost like a
2 traditional schedule because they would be in
3 school 10 months and off two.

4 Q. Would it also be acceptable then to have
5 your child off during January and February and then
6 in school the remaining months, is that correct?

7 A. I don't understand the question.

8 Q. Would it be acceptable to you if your
9 child was in school from March through until
10 December and was out of school for January and
11 February? Would that be an acceptable calendar to
12 you?

13 MR. VILLAGRA: Objection. Incomplete
14 hypothetical. When else during the year would they
15 be in school and off on vacation?

16 BY MS. STRONG:

17 Q. Do you understand the question?

18 A. Yes.

19 Q. You can answer.

20 A. Yes.

21 Q. That would be acceptable to you?

22 A. Yes.

23 Q. So is it accurate to say that the only
24 aspect of the traditional calendar that you feel is
25 necessary to be satisfactory to you is that the

1 Q. -- classmates or do you have any reason to
2 believe he's behind in school?

3 A. No.

4 MR. VILLAGRA: Objection, compound
5 question.

6 BY MS. STRONG:

7 Q. So it's accurate to say that Samuel is not
8 behind in school, correct?

9 MR. VILLAGRA: Objection. Vague.

10 THE WITNESS: Correct.

11 BY MS. STRONG:

12 Q. Why is it that you believe that a calendar
13 other than what you've described as the traditional
14 calendar would cause a student to be off of grade
15 level?

16 A. Because they are out of school four
17 months. And during those four months they can get
18 behind, and it does affect them when they go back
19 to school.

20 Q. So students on a Concept 6 calendar, for
21 example, you believe that those students can be
22 behind? Is that what you are referencing right
23 now, students that are on a Concept 6 calendar?

24 A. Correct.

25 Q. Why is it that you believe that?

1 MR. VILLAGRA: Objection. Asked and
2 answered.

3 THE WITNESS: Because that's what happened
4 to Jonathan when he was going to Bellevue. He was
5 on Concept 6, and he was behind.

6 BY MS. STRONG:

7 Q. Jonathan currently attends a traditional
8 calendar school, correct?

9 A. Correct.

10 Q. Do you believe that Jonathan is still
11 behind today at the traditional school calendar
12 school?

13 MR. VILLAGRA: Objection. Asked and
14 answered.

15 BY MS. STRONG:

16 Q. Go ahead.

17 A. Yes.

18 Q. I think you testified that the reason why
19 the students get behind on the Concept 6 calendar
20 is because they are out of school for four months,
21 they are out of school for a longer period of time,
22 is that correct?

23 A. Correct.

24 MR. VILLAGRA: Objection to the
25 mischaracterization of the testimony.

1 the homework, it's not the same as when he's in
2 school.

3 Q. Are you talking about Sammy?

4 A. Yes.

5 Q. Do you think that Jonathan forgets some of
6 his work during his summer vacation on a
7 traditional calendar school at Rosewood?

8 A. No.

9 Q. Why is that?

10 A. He's constantly in school. He attends
11 summer school. So he's in school practically all
12 year.

13 Q. He attends summer school at Rosewood?

14 A. Yes.

15 Q. When did he first attend summer school at
16 Rosewood?

17 A. When he was in third grade.

18 Q. Do you know if Bellevue had any inner
19 session programs?

20 MR. VILLAGRA: Objection. Vague.

21 THE WITNESS: Yes.

22 BY MS. STRONG:

23 Q. Do you know what that means, inner session
24 programs?

25 A. Not really, no.

1 BY MS. STRONG:

2 Q. Why is it that you think periodic
3 vacations that allow a student to be out of school
4 for four months during the year results in a child
5 forgetting more information than a student who is
6 out of school for a singular vacation on a
7 traditional schedule?

8 MR. VILLAGRA: Objection. Asked and
9 answered and vague.

10 THE WITNESS: Because during those two
11 months that they are off, they don't want to do
12 their homework and they -- they tend to -- they
13 forget what they learned during the time that they
14 were in class.

15 BY MS. STRONG:

16 Q. What two months are you referring to right
17 now?

18 A. I mean the -- they are in -- in the
19 Concept 6 where Sammy is, he goes to school four
20 months, he's off two, he goes back four months and
21 he's off another two. During that time, those two
22 months that they are off, when they go back they
23 forget. It's a lot of time that they are off.

24 Q. How do you know that?

25 A. Because I see it. I mean as far as doing

1 Q. So why did you answer yes?

2 MR. VILLAGRA: Objection. Argumentative.

3 THE WITNESS: I was -- I didn't understand
4 your question, that's why.

5 BY MS. STRONG:

6 Q. Just so that we're clear, if you don't
7 understand my question, please let me know you
8 don't understand and then I can try and rephrase it
9 for you. Okay?

10 A. Okay.

11 Q. Do you know if any classes were offered to
12 students at Bellevue while they were off track?

13 A. Yes.

14 MR. VILLAGRA: Objection. Vague.

15 BY MS. STRONG:

16 Q. Do you understand what my question means?

17 A. Yes.

18 Q. Do you know whether classes were offered
19 off track for each of the periods that Jonathan was
20 out of school at Bellevue?

21 MR. VILLAGRA: Objection. Just to
22 clarify, classes offered to whom? When one
23 session -- when one track is off the other two
24 transaction are still on.

25 MS. STRONG: Talking about with respect to

1 her child. And I believe she understood the
 2 question.
 3 Q. Is that correct?
 4 MR. VILLAGRA: Just wanted to be clear for
 5 the record.
 6 THE WITNESS: Correct.
 7 BY MS. STRONG:
 8 Q. Did Jonathan have an opportunity to take
 9 classes while he was off track at Bellevue
 10 Elementary?
 11 A. Yes.
 12 Q. Did Jonathan take any of those classes
 13 while he was off track?
 14 A. Yes.
 15 Q. When did Jonathan first take a class off
 16 track at Bellevue?
 17 A. In 1st grade.
 18 Q. Are any classes offered to kindergarteners
 19 when they are off track?
 20 A. I don't know.
 21 Q. Did you ask if any classes were offered to
 22 kindergarteners at Bellevue?
 23 A. No.
 24 Q. So once Jonathan started 1st grade at
 25 Bellevue, you somehow became aware that there were

1 "Q. Is that correct?
 2 "A. Correct."
 3 BY MS. STRONG:
 4 Q. How did you become aware of classes that
 5 were offered off track at Bellevue, if you recall?
 6 A. I don't recall.
 7 Q. So each time Jonathan was off track at
 8 Bellevue, did he participate in some inner session
 9 program?
 10 A. Yes.
 11 Q. Essentially Jonathan was in school all
 12 year round; is that correct?
 13 A. No. He was on a Concept 6.
 14 Q. I understand that. But essentially
 15 Jonathan was taking classes every month of the year
 16 because he was also enrolled in the inner session
 17 programs; is that correct?
 18 A. Yes, to some point. These classes were
 19 only for about six weeks when he was off track.
 20 Q. I believe you stated you understand the
 21 off track period in the Concept 6 calendar to be
 22 two months; is that correct?
 23 A. Correct.
 24 Q. So for each of the two months periods that
 25 he was off track, if in fact that was the case, he

1 classes offered to students off track; is that
 2 correct?
 3 MR. VILLAGRA: Objection. Misleads,
 4 mischaracterizes the testimony.
 5 BY MS. STRONG:
 6 Q. Is that correct?
 7 A. Correct.
 8 Q. Just for the record, the witness can
 9 clarify her testimony as I'm asking the question.
 10 I'm asking the question to make sure that the
 11 record is clear as to what it is that she's
 12 stating. I believe she stated that that was a
 13 correct characterization of what she said.
 14 MR. VILLAGRA: The record can speak for
 15 itself, but counsel is entitled to make objections
 16 when appropriate.
 17 MS. STRONG: Absolutely.
 18 Can you read back my last question to the
 19 witness.
 20 (The following question was read by the
 21 reporter):
 22 "Q. So once Jonathan started 1st grade
 23 at Bellevue, you somehow became aware
 24 that there were classes offered to
 25 students off track, is that correct?"

1 was in an inner session program for at least six
 2 weeks of those periods; is that correct?
 3 A. Correct.
 4 Q. Were some of the inner session programs
 5 with classes offered off track ever longer than a
 6 six-week period?
 7 A. I don't recall.
 8 Q. They could have been longer than a
 9 six-week period; is that correct?
 10 A. They could have, yes. But I -- I don't
 11 remember right now.
 12 Q. Okay.
 13 A. I'm not sure.
 14 Q. But they were at least six weeks from your
 15 recollection; is that correct?
 16 A. Correct.
 17 Q. Do you know what track Jonathan was on at
 18 Bellevue?
 19 A. It was track C.
 20 Q. I think where we started this all was if
 21 Cahuenga were a traditional calendar school,
 22 meaning if Jonathan could be in school there for 10
 23 months and be off for only two months, then you
 24 would like Jonathan to attend Cahuenga; is that
 25 correct?

1 A. Correct.
 2 Q. Now, if given the choice between having
 3 Jonathan attend Cahuenga as opposed to Rosewood,
 4 which would you prefer he attend?
 5 A. Okay. Meaning -- you mean on the
 6 schedules that they both have or the distance from
 7 the house?
 8 Q. You understand the circumstances that
 9 exist at both Rosewood and at Cahuenga. I want to
 10 know, given that understanding, which would you
 11 prefer Jonathan attend: Either Cahuenga or
 12 Rosewood?
 13 A. Cahuenga.
 14 Q. Why is that?
 15 A. Because it's closer to the house.
 16 Q. Is there any other reason you would prefer
 17 that Jonathan attend Cahuenga instead of Rosewood?
 18 A. That's just basically because it's at a
 19 walking distance and it's close to the house. And
 20 if it was traditional it would be even much better.
 21 Q. So the most important factor to you when
 22 considering where your child goes to school is the
 23 distance it is from your house; is that correct?
 24 A. Correct.
 25 MR. VILLAGRA: Objection. She answered

1 Q. Is it accurate to say that the most
 2 important factor in determining where your child
 3 goes to school is the closeness of that school to
 4 your home? I believe you already testified to that
 5 so you don't need to answer that question.
 6 However, the second most important factor then,
 7 would that be that the school is on a traditional
 8 calendar, is that correct?
 9 A. Correct.
 10 Q. And can you think of any other factors
 11 that would fit in with respect to what is the most
 12 important quality of a school in determining
 13 whether or not your child should attend?
 14 MR. VILLAGRA: Objection. Vague.
 15 BY MS. STRONG:
 16 Q. Go ahead.
 17 A. No.
 18 MR. VILLAGRA: Can we have a couple
 19 minutes to take a restroom break?
 20 MS. STRONG: Sure. Let's go off the
 21 record.
 22 (Recess.)
 23 BY MS. STRONG:
 24 Q. Other than the fact that Cahuenga is close
 25 to your home, can you think of any other reason as

1 the specific question about circumstances that
 2 currently exist.
 3 MS. STRONG: Can you read back my
 4 question.
 5 (The following text was read by the
 6 reporter):
 7 "Q. So the most important factor to you
 8 when considering where your child goes to
 9 school is the distance it is from your
 10 house; is that correct?
 11 "A. Correct."
 12 BY MS. STRONG:
 13 Q. So if Cahuenga were on a traditional
 14 school calendar, and given that it's close to your
 15 house, as you testified, is there any reason that
 16 you can think of that you wouldn't -- as to why --
 17 let me rephrase.
 18 If Cahuenga were on a traditional
 19 calendar, could any set of circumstances present
 20 themselves that would cause you to not want your
 21 children to go to that school?
 22 MR. VILLAGRA: Objection. Vague.
 23 THE WITNESS: I don't really understand
 24 the question.
 25 BY MS. STRONG:

1 to Cahuenga as opposed to Rosewood is a better
 2 choice for Jonathan?
 3 MR. VILLAGRA: Objection. Vague.
 4 THE WITNESS: Can you repeat the question?
 5 (The following question was read by the
 6 reporter):
 7 "Q. Other than the fact that Cahuenga is
 8 close the to your home, can you think of
 9 any other reason as to Cahuenga as
 10 opposed to Rosewood is a better choice
 11 for Jonathan."
 12 MR. VILLAGRA: Same objection.
 13 THE WITNESS: Because he would be off the
 14 bus.
 15 BY MS. STRONG:
 16 Q. That relates to the location of the
 17 school. Is there anything else you can think of?
 18 A. Not at this moment.
 19 Q. Do you think the quality of the education
 20 as Cahuenga is better than that at Rosewood?
 21 MR. VILLAGRA: Objection. Vague.
 22 THE WITNESS: I'm not sure.
 23 BY MS. STRONG:
 24 Q. Do you understand question?
 25 A. Yes.

1 Q. But you don't know if the quality of the
2 educational program at Cahuenga is any better than
3 that at Rosewood?

4 A. No.

5 Q. So that's not a factor that you considered
6 when you were determining which school is better
7 for Jonathan, correct?

8 MR. VILLAGRA: Objection. That
9 mischaracterizes his testimony.

10 THE WITNESS: Correct.

11 BY MS. STRONG:

12 Q. Do you believe that Cahuenga Elementary is
13 overcrowded?

14 A. Yes.

15 Q. Why do you think that?

16 A. Because in order to save a place for a
17 child to attend Cahuenga, parents must camp out the
18 night before enrollment to guarantee a spot for
19 your child to attend Cahuenga. Other than that,
20 they will be bused out to other schools.

21 Q. Is there any reason why you believe that
22 Cahuenga is an overcrowded school?

23 A. Other than that with the tracks, they have
24 different tracks where kids come out and other kids
25 are in, and the busing. That's basically all.

1 have more students than the ones that attend, the
2 ones that are bused out.

3 BY MS. STRONG:

4 Q. I'm referring to the students that are
5 actually going to school at Cahuenga. Do you know
6 one way or the other whether there are more
7 students attending Cahuenga than the school itself
8 has a capacity to handle?

9 MR. VILLAGRA: Objection. Vague.

10 THE WITNESS: I don't know.

11 BY MS. STRONG:

12 Q. You don't know?

13 A. No.

14 BY MS. STRONG:

15 Q. Do you know if every child in Samuel's
16 class has a seat to sit in when he's in that class?

17 A. Yes.

18 Q. How do you know that?

19 A. When I've gone to pick him up when he's
20 had dentist appointments, I've seen the kids all
21 sitting in their tables, their desks.

22 Q. And so from what you observed there has
23 been sufficient --

24 MR. VILLAGRA: I'm sorry. Were you able
25 to finish?

1 Q. Do you know how many students attend the
2 school?

3 A. I believe it's somewhere around 1,200,
4 1,300.

5 Q. Do you know what the capacity of the
6 school is?

7 MR. VILLAGRA: Objection. Vague.

8 THE WITNESS: No.

9 BY MS. STRONG:

10 Q. You don't know whether Cahuenga has more
11 students than the school can actually hold, is that
12 correct?

13 MR. VILLAGRA: Objection. Other than the
14 busing and the different tracks that she's
15 testified to already?

16 MS. STRONG: I think you misunderstood the
17 question.

18 Can you repeat it, please.

19 (The following question was read by the
20 reporter):

21 "Q. You don't know whether Cahuenga has
22 more students than the school can
23 actually hold, is that correct?"

24 MR. VILLAGRA: Objection. Vague.

25 THE WITNESS: It's obvious that they do

1 THE WITNESS: Yes.

2 BY MS. STRONG:

3 Q. And so from what you've observed, you
4 believe that there's sufficient seats and desks for
5 the students in Samuel's class, correct?

6 A. Correct.

7 Q. You just began to describe the process of
8 registering a student at Cahuenga. You explained
9 that you need to camp out; is that correct?

10 A. Correct.

11 Q. How did you first learn about registering
12 at Cahuenga Avenue?

13 A. You mean regarding the camping out or just
14 the registration itself?

15 Q. I believe you testified that camping out
16 was part of the registration process.

17 A. Yes.

18 Q. Okay. So how did you first learn about
19 the registration process?

20 A. A neighbor in my building.

21 MS. GODFREY: I have to object. I don't
22 think that the school requires the parents to camp
23 out as part of the registration process.

24 MR. VILLAGRA: I think that's what the
25 witness was alluding to is you can register at the

1 school and have your child bused out. If you want
2 to register and attend Cahuenga, you camp out.

3 MS. STRONG: Thank you for the
4 clarification.

5 Q. How did you first learn about how to
6 register at Cahuenga Avenue Elementary?

7 A. By my neighbor.

8 Q. Who is this? What's her name?

9 A. Her name is [REDACTED]

10 Q. Why did you and [REDACTED] talk about this?

11 A. Because she knows that Jonathan is bused
12 to Rosewood. She said in order for Samuel to
13 attend Cahuenga without being bused, she gave me a
14 tip on how to be able to secure a spot for him at
15 Cahuenga, by doing this.

16 Q. What did she tell you?

17 A. She told me that when she had camped out
18 for her daughter, she was there at 4:00 in the
19 morning and she was like number 20. And when I
20 camped out for -- with my husband for Samuel, we
21 were there at 10:00 at night. And we were
22 number -- I believe 98 or 99. And now this May --
23 this past May my other neighbor was going to
24 register her daughter at Cahuenga and she camped
25 out that same time at 10:00, and she was number

1 Q. How do you know that?

2 A. Because Jonathan attends a traditional
3 schedule and Sammy attends the Concept 6.

4 Q. But do you know if there are any other
5 schools in the Los Angeles school district that
6 have a multitrack schedule that is not Concept 6?

7 A. No.

8 Q. You don't know one way or the other; is
9 that correct?

10 A. Correct.

11 Q. Do you know if within the state of
12 California there are any public schools that are
13 multitrack schools that are on some calendar other
14 than a Concept 6 calendar?

15 A. No.

16 Q. You don't know one way or the other; is
17 that correct?

18 A. Correct.

19 Q. Do you know how many minutes of
20 instruction Samuel Tellechea receives at Cahuenga
21 Avenue Elementary school?

22 A. Minutes?

23 MR. VILLAGRA: Objection. Per day? Per
24 year?

25 BY MS. STRONG:

1 150. So it has increased a lot.

2 Q. Did you receive a notice from the school
3 as to when registration would take place?

4 A. They gave flyers to the students to bring
5 home. And also they had signs around the gates and
6 a line like on the -- on the sidewalk where it
7 would follow and where it would start until where
8 it would end. They have a sticker that follows a
9 line as to where the line starts to camp out.

10 Q. Do you know if Concepts -- let me
11 rephrase.

12 Do you know if there any other types of
13 multitrack calendars other than Concept 6?

14 A. Just in Cahuenga or in all L.A. Unified
15 School District or in all the schools?

16 Q. Let's start with L.A. Unified School
17 District. Do you know if there were any other
18 types of multitrack calendars other than Concept 6
19 in Los Angeles Unified School District?

20 MR. VILLAGRA: Objection. Vague.

21 THE WITNESS: Just the traditional and
22 Concept 6. Other than that, no.

23 BY MS. STRONG:

24 Q. You know that for a fact?

25 A. Yeah.

1 Q. Per year.

2 A. No.

3 Q. Do you know how many minutes of
4 instruction Jonathan receives at Rosewood School
5 per year?

6 A. No.

7 Q. Do you think that students on a Concept 6
8 calendar receive fewer instructional minutes than
9 those on a traditional calendar?

10 MR. VILLAGRA: Objection. Per day? Per
11 year?

12 BY MS. STRONG:

13 Q. Per year.

14 A. No, I don't.

15 Q. So you believe that the students on a
16 Concept 6 calendar and on a traditional calendar
17 receive the same number of minutes of instruction
18 or do you know one way or the other?

19 A. I don't know one way or the other.

20 Q. Okay.

21 MR. VILLAGRA: Object to the compound
22 question.

23 BY MS. STRONG:

24 Q. You've testified a bit about why you
25 prefer a traditional calendar as opposed to a

1 multi -- or a Concept 6 calendar, correct?
 2 A. Correct.
 3 Q. Do you believe that Samuel's education has
 4 been affected because he is on a Concept 6
 5 calendar?
 6 MR. VILLAGRA: Objection. Vague.
 7 MS. GODFREY: Join.
 8 THE WITNESS: Somewhat, yes. Because he
 9 would have a better education if he was in school
 10 longer. He would probably be even above grade
 11 level possibly, and learn much more.
 12 BY MS. STRONG:
 13 Q. Why do you believe he would have a better
 14 education if he were on a traditional calendar as
 15 opposed to a Concept 6 calendar?
 16 A. Because he would be in school more time
 17 than a Concept 6.
 18 Q. Is that the only reason why you believe
 19 that he would have a better education if he were on
 20 a traditional calendar?
 21 A. That I can think of, yes. Right now
 22 that's all I can think of.
 23 Q. Have you read any studies that suggest
 24 that students who are on a Concept 6 calendar are
 25 somehow disadvantaged as compared to students on a

1 MR. VILLAGRA: If you can put a number on
 2 it.
 3 THE WITNESS: I can't really put a number
 4 on it. Just several.
 5 BY MS. STRONG:
 6 Q. Do you remember any particular article you
 7 read regarding the issue?
 8 A. No, not right now.
 9 Q. You can't remember a single article that
 10 you read on the issue, any particular article,
 11 correct?
 12 A. No.
 13 MR. VILLAGRA: Objection to the question
 14 as vague.
 15 BY MS. STRONG:
 16 Q. Just to make sure the record is clear, can
 17 you remember one specific article you read
 18 regarding the issue?
 19 MR. VILLAGRA: Objection. Vague.
 20 THE WITNESS: No.
 21 BY MS. STRONG:
 22 Q. So is it accurate to say then you don't
 23 remember what the article said about the issue?
 24 MR. VILLAGRA: Objection. Vague.
 25 THE WITNESS: The articles were about --

1 traditional calendar?
 2 MR. VILLAGRA: Objection. Vague.
 3 BY MS. STRONG:
 4 Q. Go ahead.
 5 A. I've seen articles.
 6 Q. What articles have you seen?
 7 A. Newspaper articles.
 8 Q. What newspaper articles?
 9 A. I can't remember the names right now, but
 10 I have seen several.
 11 Q. Do you know from what newspaper?
 12 A. L.A. Times.
 13 Q. Any other newspapers?
 14 A. I can't remember right now.
 15 Q. And do you know how many newspaper
 16 articles you've read of this nature regarding this
 17 issue?
 18 A. The exact number, no. But there have been
 19 several.
 20 Q. What does several mean?
 21 A. Some. I can't exactly give you a number.
 22 I mean there have been several, but I can't --
 23 Q. I mean is several three or is several 10,
 24 you know? What is -- what would be your best
 25 estimate?

1 about kids attending Concept 6, and doing much less
 2 improving than the traditional.
 3 BY MS. STRONG:
 4 Q. So even though you can't remember any of
 5 the particular articles, you believe that you've
 6 seen some articles that suggest that students on a
 7 Concept 6 calendar achieve less than those on a
 8 traditional calendar; is that correct?
 9 A. Correct.
 10 Q. Have you read any studies -- other than
 11 the articles that you've mentioned, have you read
 12 any other studies regarding the issue?
 13 MR. VILLAGRA: Objection. Vague.
 14 THE WITNESS: No.
 15 BY MS. STRONG:
 16 Q. Have you discussed this issue with anyone?
 17 MR. VILLAGRA: Objection. I'm going to
 18 instruct the witness not to answer to the extent
 19 that the question calls for communications that she
 20 has had with her attorneys on the case.
 21 So you can answer if you've discussions
 22 with folks other than me or any of the other
 23 attorneys.
 24 THE WITNESS: No.
 25 MS. STRONG: I'd like to mark as

1 Exhibit 10 a Declaration of Rosa Tellechea.
 2 (Deposition Exhibit 10 was marked by the
 3 reporter for identification and is attached
 4 hereto.)
 5 BY MS. STRONG:
 6 Q. I'd like to direct your attention to
 7 paragraph 4 of Exhibit 10 which is declaration of
 8 Rosa Tellechea.
 9 First of all, do you recognize this
 10 declaration, Mrs. Tellechea?
 11 A. Yes.
 12 MR. VILLAGRA: Would you like the witness
 13 to go through the declaration?
 14 MS. STRONG: No. It won't be necessary.
 15 Q. Have you seen it before, Mrs. Tellechea,
 16 this declaration?
 17 A. Yes.
 18 Q. When did you see it?
 19 MR. VILLAGRA: Objection. Vague. Any
 20 occasion she's ever seen it?
 21 BY MS. STRONG:
 22 Q. When did you first see this declaration,
 23 Mrs. Tellechea?
 24 A. It's been months ago.
 25 Q. Months ago was the last time or months ago

1 was the first time you saw it?
 2 A. The last time.
 3 Q. When did you first see this declaration?
 4 A. When I signed it.
 5 Q. Okay. When was that?
 6 A. About a year ago.
 7 MR. VILLAGRA: I'm going to object to the
 8 extent the document speaks for itself.
 9 BY MS. STRONG:
 10 Q. Can you turn to page 3 of the declaration,
 11 Mrs. Tellechea. Is that your signature?
 12 A. Yes.
 13 Q. And is there a date on the document?
 14 A. Yes.
 15 Q. Do you believe that the date on the
 16 document reflects the actual date that you signed
 17 the document?
 18 MR. VILLAGRA: Objection. The document
 19 speaks for itself.
 20 BY MS. STRONG:
 21 Q. Go ahead.
 22 A. Yes.
 23 Q. When is it you believe you signed this
 24 document?
 25 A. January 30th, 2001.

1 Q. That's because that's what the document
 2 says?
 3 A. Correct.
 4 Q. You have no specific recollection of
 5 signing it January 30, 2001 since you signed it a
 6 year ago, is that correct?
 7 MR. VILLAGRA: Objection. I'm going to
 8 object to the tone of the question and it's
 9 argumentative.
 10 BY MS. STRONG:
 11 Q. You can answer.
 12 A. It was a year ago but -- yeah, about a
 13 year ago.
 14 Q. What was about a year ago?
 15 A. The declaration.
 16 Q. What about the declaration?
 17 MR. VILLAGRA: Objection, vague.
 18 MS. GODFREY: Join.
 19 BY MS. STRONG:
 20 Q. I'm trying to understand what you are
 21 referring to.
 22 A. It was about a year ago that I signed it.
 23 I don't have an exact time or date.
 24 MR. VILLAGRA: For the record, I asked
 25 whether you wanted the witness to go through the

1 document. And she answered her best guess as to
 2 when it was signed without looking at it.
 3 MS. STRONG: That's fine.
 4 Q. Do you know how you received this
 5 document?
 6 A. It was -- it was brought to me by
 7 Mr. Villagra.
 8 Q. Did you read the document before you
 9 signed it?
 10 A. Yes.
 11 Q. Did you make sure that everything in it
 12 was accurate?
 13 A. Yes.
 14 Q. So at that time when you signed the
 15 document, you believed everything in it to be
 16 accurate, correct?
 17 MR. VILLAGRA: Object. The document
 18 speaks for itself.
 19 THE WITNESS: Correct.
 20 BY MS. STRONG:
 21 Q. What did you understand the purpose of the
 22 document to be?
 23 MR. VILLAGRA: I'm going to object to the
 24 extent that that answer calls for communications
 25 between herself and her attorney.

1 MS. STRONG: Go ahead. You can answer.
 2 MR. VILLAGRA: Let's stop for a second. I
 3 want to make sure there's isn't going to be
 4 exclusionary information.
 5 MS. STRONG: I'm just asking what she
 6 understands the document to be. I'm not asking her
 7 to explain what her attorneys told her the document
 8 to be. I'm asking what she understands the
 9 document to be at the time she signed it.
 10 MR. VILLAGRA: Her understanding is
 11 probably largely dependent on what her attorneys
 12 communicated to her. That's what I want to clarify
 13 with her, if she has any understanding outside of
 14 her communications with her attorney.
 15 MS. STRONG: Her independent understanding
 16 of the document I'm entitled to.
 17 Q. Please answer the question.
 18 MR. VILLAGRA: Let's go talk about it for
 19 a second.
 20 MS. STRONG: There's a question pending.
 21 It's improper to remove the witness when a question
 22 is pending.
 23 MR. VILLAGRA: When there is a threat of
 24 the disclosure of privileged information, I can.
 25 MS. STRONG: There's no threat of

1 disclosure. I'm asking her what her understanding
 2 is.
 3 MR. VILLAGRA: You don't believe there is.
 4 What I would like to verify is whether that is well
 5 founded or not.
 6 MS. STRONG: I'd like the record to
 7 reflect that counsel is taking his witness out of
 8 the room.
 9 (Witness and his counsel leave the room
 10 and return.)
 11 (Recess.)
 12 (The following question was read by the
 13 reporter):
 14 "Q. What did you understand the purpose
 15 of the document to be?"
 16 MR. VILLAGRA: I'll allow the witness to
 17 answer to the extent she has an understanding that
 18 is not based on conversations she has had with her
 19 attorney.
 20 You can answer.
 21 THE WITNESS: It's just my declaration of
 22 my testimony.
 23 BY MS. STRONG:
 24 Q. What did you understand the purpose of the
 25 declaration to be?

1 MR. VILLAGRA: Objection. Asked and
 2 answered.
 3 THE WITNESS: The purpose is the problem
 4 that I'm having with my -- with my son's Concept 6
 5 and the bussing problem.
 6 BY MS. STRONG:
 7 Q. You understood that you were to write down
 8 all of the concerns that you had regarding your
 9 children who attend Rosewood and Cahuenga? Is that
 10 what you understood it to be?
 11 MR. VILLAGRA: Objection. That
 12 mischaracterizes the testimony. The witness has
 13 already answered what her understanding of the
 14 purpose of it was.
 15 BY MS. STRONG:
 16 Q. Go on.
 17 A. This is -- this is just -- my
 18 declaration -- the declaration of my testimony of
 19 what I feel is not right.
 20 Q. Okay. What you feel is not right?
 21 A. And it's not fair.
 22 Q. And is that you feel is not right and not
 23 fair with respect to your child or your children
 24 attending Rosewood and Cahuenga?
 25 MR. VILLAGRA: Objection. The document

1 speaks for itself.
 2 THE WITNESS: Yes.
 3 BY MS. STRONG:
 4 Q. So at that time you had no other concerns
 5 other than what's written here as to what is unfair
 6 for your children at Rosewood and Cahuenga, is that
 7 correct?
 8 MR. VILLAGRA: Objection. That's vague
 9 and mischaracterizes the witness' testimony.
 10 BY MS. STRONG:
 11 Q. Go ahead.
 12 A. No.
 13 Q. That's not correct?
 14 A. Can you repeat the question?
 15 MS. STRONG: Can you read it back?
 16 (The following question was read by the
 17 reporter):
 18 "Q. So at that time you had no other
 19 concerns other than what's written here
 20 as to what is unfair for your children at
 21 Rosewood and Cahuenga, is that correct?"
 22 MR. VILLAGRA: Objection. That's a
 23 compound question.
 24 BY MS. STRONG:
 25 Q. Go ahead. You can answer the question.

1 A. Correct.
 2 Q. I'd like to turn your attention to
 3 paragraph 4 of your declaration. You state in
 4 part:
 5 "I fear what will happen to my son's
 6 education if, as it appears most likely,
 7 he continues to attend schools on the
 8 Concept 6 calendar or has to be bussed to
 9 school like his brother."
 10 BY MS. STRONG:
 11 Q. Has anyone ever suggested to you that
 12 Samuel will not be able to attend Cahuenga through
 13 grades 1 through 5?
 14 MR. VILLAGRA: Objection, vague.
 15 THE WITNESS: I have heard stories that if
 16 in a maximum of ten days if they miss school and
 17 it's not something, an illness or something, they
 18 are automatically out of Cahuenga and bused out to
 19 other schools. The attendance there is very
 20 strict.
 21 BY MS. STRONG:
 22 Q. Who has told you these stories?
 23 A. I have heard it from parents telling other
 24 parents.
 25 Q. Can you identify a parent who has told

1 Q. And do you remember what the parents said?
 2 A. That that was awful, that --
 3 Q. What was awful?
 4 A. They --
 5 MR. VILLAGRA: Objection. Were you able
 6 to finish your answer?
 7 THE WITNESS: Yes.
 8 BY MS. STRONG:
 9 Q. What was awful?
 10 A. That they would be taken out of Cahuenga
 11 and being bused to other schools if it wasn't other
 12 than a medical reason or not notifying the school.
 13 Q. So based on that conversation, you
 14 understood that you either had to have a medical
 15 reason or had to notify the school; otherwise,
 16 there was a possibility of your child being removed
 17 from the school if they missed for more than ten
 18 days; is that correct?
 19 A. Correct.
 20 MR. VILLAGRA: Objection. Misstates the
 21 testimony.
 22 MS. GODFREY: Join.
 23 BY MS. STRONG:
 24 Q. Go ahead.
 25 A. Correct.

1 that story?
 2 A. I don't know. I don't know the parent.
 3 Q. How many stories have you heard?
 4 A. Two.
 5 Q. When did you hear the first story?
 6 A. I don't have an exact date, but it was
 7 during the time that Sammy started Cahuenga.
 8 Q. Do you know if it was a mother or father?
 9 A. It was a mother.
 10 Q. Who was the mother talking to?
 11 A. Another mother.
 12 Q. Was the mother talking to you?
 13 A. No.
 14 Q. How did you hear the conversation?
 15 A. Because they were right by me. They were
 16 talking among each other.
 17 Q. Where were you located when you heard the
 18 conversation?
 19 A. Right there by the gate, by the entrance
 20 gate. I mean the entrance to the school.
 21 Q. What time of day was this?
 22 A. It was around 11:00. At the time they go
 23 into school, kindergarteners.
 24 Q. Approximately 11:00?
 25 A. Yes.

1 Q. Was there anything else that parent said?
 2 A. Excuse me?
 3 Q. Was there anything else that that parent
 4 said, that you can remember?
 5 A. I can't remember.
 6 Q. Okay. The second conversation, or the
 7 second story, when was that?
 8 A. That was -- the date, I don't remember the
 9 date. But the conversation was about a parent had
 10 to go out of the country for I don't know what
 11 reason, and stayed for longer than a month. And
 12 she had to go talk to the principal to see if her
 13 child was able to -- his or her child was able to
 14 stay at Cahuenga. And she was agreed that they
 15 might be bused to another school.
 16 Q. Okay. And the person that you're talking
 17 about, it was a mother that was speaking?
 18 A. Yes.
 19 Q. Did you know the mother?
 20 A. No.
 21 Q. Was the mother speaking to you?
 22 A. No.
 23 Q. How did you hear that conversation?
 24 A. Because they were right by me.
 25 Q. And where were you located?

1 A. Right by the gate.
 2 Q. And what gate are you referring to?
 3 A. That's the gate that -- that -- it's on
 4 the outside of the lunch area where the
 5 kindergarteners eat their lunch.
 6 Q. Do you know what time of day it was?
 7 A. It was around -- the kids were already
 8 having lunch. I'd say about maybe close to 11:30.
 9 They were almost finishing lunch and into the
 10 classrooms.
 11 Q. Would you recognize that individual today?
 12 A. I don't know. I'm not sure.
 13 Q. Do you know whether that individual's
 14 child was removed from school?
 15 A. No.
 16 Q. You don't know one way or the other?
 17 A. No.
 18 Q. Has anyone ever suggested that Samuel may
 19 not be able to stay at Cahuenga for grades 1
 20 through 5?
 21 MR. VILLAGRA: Objection. Vague.
 22 THE WITNESS: No.
 23 BY MS. STRONG:
 24 Q. So other than the two conversations that
 25 you've identified -- never mind. Let me rephrase.

1 So with respect to your declaration at
 2 paragraph 4 where you say you fear what will happen
 3 to your son's education, what do you mean by that?
 4 A. Meaning if he continues on the Concept 6,
 5 he will eventually, since he's off school so long,
 6 he will -- I fear that he will not be able to catch
 7 up and that he might fall below grade level.
 8 Q. You're referring to Samuel?
 9 A. Yes.
 10 Q. Samuel doesn't need to catch up right now,
 11 correct?
 12 A. Correct.
 13 MR. VILLAGRA: I object to the tone of the
 14 question.
 15 THE WITNESS: Can I -- I'm sorry.
 16 BY MS. STRONG:
 17 Q. Go ahead.
 18 A. Can I --
 19 Q. Sure, of course.
 20 A. Being that there's good teachers and much
 21 better teachers, then that's another thing. If
 22 there's good teachers then, you know, sometimes
 23 they are able to catch up. But being that they are
 24 out of school so many months, that's my fear, that
 25 they won't be able to catch up. I don't know if

1 you understand that, me saying this.
 2 Q. I'm trying to understand.
 3 Do you believe that Samuel needs to -- you
 4 said Samuel doesn't need to catch up right now,
 5 correct?
 6 A. No.
 7 MR. VILLAGRA: Objection. Asked and
 8 answered.
 9 MS. STRONG: I understand that. We're
 10 trying to work through this.
 11 MR. VILLAGRA: Yes.
 12 BY MS. STRONG:
 13 Q. So why is it that you have a fear that
 14 Samuel will need to catch up even though he doesn't
 15 need to catch up right now? That's what I'd like
 16 to know.
 17 MR. VILLAGRA: Objection. Asked and
 18 answered.
 19 BY MS. STRONG:
 20 Q. Go ahead.
 21 A. Because he's, like I said, he's in school
 22 so many months out of school, and that's why I fear
 23 that -- that his education -- that he's not getting
 24 the education, the fair education that he is
 25 entitled to. And that's why I fear this.

1 Q. Right now he's not getting the education,
 2 the fair education he's entitled to? Is that what
 3 you are saying?
 4 A. Yes.
 5 Q. Why is that?
 6 A. Because he's out for four months instead
 7 of being out for only two like traditional calendar
 8 schools are, meaning that he could be learning
 9 more.
 10 Q. Is that the only reason why you believe
 11 he's not getting a fair education right now?
 12 A. Yes.
 13 Q. What do you think should be done to avoid
 14 multitrack schedules in the future?
 15 MR. VILLAGRA: Objection. Asked and
 16 answered at the prior deposition.
 17 BY MS. STRONG:
 18 Q. I don't believe that question was ever
 19 asked or answered, so please respond.
 20 MR. VILLAGRA: Objection. Vague.
 21 THE WITNESS: I didn't quite clearly
 22 understand your question.
 23 MS. STRONG: Can you repeat it, please.
 24 (The following question was read by the
 25 reporter):

1 "Q. What do you think should be done to
2 avoid multitrack schedules in the
3 future?"
4 MR. VILLAGRA: Objection. Vague.
5 THE WITNESS: That they change them to
6 traditional calendar.
7 BY MS. STRONG:
8 Q. Who do you think needs to make a change?
9 MR. VILLAGRA: Objection. Vague.
10 THE WITNESS: The state.
11 BY MS. STRONG:
12 Q. So I'm trying to understand what you're
13 telling me. Are you saying that you believe the
14 state needs to change schools from multitrack to
15 traditional calendar schools? Is that what you
16 were stating?
17 A. Yes.
18 Q. How do you expect the state to do that?
19 A. By making more schools so they won't be
20 overcrowded and they are able to stay longer in
21 school on a traditional schedule.
22 Q. What if there's no space in your
23 neighborhood to make another school, what do you
24 think the state should do?
25 MR. VILLAGRA: Objection. Vague.

1 BY MS. STRONG:
2 Q. If anything.
3 A. Well, there was a meeting at Cahuenga, and
4 they said that there was space around Cahuenga,
5 around the area to make schools. We had voted for
6 a school near Cahuenga. There were like -- I don't
7 remember exactly how many, but I believe there were
8 several places they had at -- they brought pictures
9 and locations of where, you know, to vote among the
10 parents that were at the meeting. And we had voted
11 for one that's right on the corner of 3rd Street
12 and Harvard. It's a medical center and a 7-11
13 right there. Everybody had voted for that one. So
14 I believe there is space around -- around the
15 neighborhood to make schools, to make more schools.
16 Q. Okay. If there were not space to make
17 schools, what would you want the state to do?
18 Do you think the state should take homes
19 to make more schools? Is that what you think
20 should be done?
21 MR. VILLAGRA: Objection. Compound
22 question.
23 MS. GODFREY: Join.
24 THE WITNESS: Either homes or buildings
25 because in that meeting there were apartment

1 buildings that were -- that were on that list to
2 vote for. There were apartment buildings that they
3 were going to consider demolishing to make schools.
4 BY MS. STRONG:
5 Q. What meeting is this that you are
6 referring to?
7 A. This meeting was the one that I had
8 mentioned prior in my other deposition. I don't
9 remember the date. But I had mentioned it in my
10 other deposition.
11 Q. Is it a meeting that you attended?
12 A. Yes.
13 Q. Where was the meeting held?
14 A. At Cahuenga.
15 MR. VILLAGRA: Object. Asked and answered
16 in a prior deposition.
17 BY MS. STRONG:
18 Q. When was this meeting held?
19 MR. VILLAGRA: Objection. Asked and
20 answered.
21 THE WITNESS: I don't remember the date.
22 MS. STRONG: I don't believe she testified
23 to a meeting where she attended where this was
24 discussed. She described some meetings she did not
25 attend. I don't recall her describing a meeting

1 she did attend.
2 MR. VILLAGRA: I do. And that's why I'm
3 objecting asked and answered. The witness can
4 answer now. I'm going to preserve my objection.
5 THE WITNESS: It was during the school --
6 when Samuel attended kindergarten. It was around
7 that time. That's how I had attended the meeting
8 because I had gotten a flyer from Cahuenga.
9 BY MS. STRONG:
10 Q. It was at Cahuenga. Where was it held at
11 the school?
12 A. It was in the lunch area of the cafeteria.
13 MR. VILLAGRA: I'm going to object to that
14 question as asked and answered.
15 BY MS. STRONG:
16 Q. Who was present -- I'm sorry. Who
17 presented the meeting?
18 MR. VILLAGRA: I'm sorry, Sabrina, would
19 you mind if I just had a running objection?
20 MS. STRONG: No, I don't mind. If in
21 fact -- can we go off the record?
22 (Discussion off the record.)
23 (The following question was read by the
24 reporter):
25 "Q. Who presented the meeting?"

1 MR. VILLAGRA: Objection. Vague.
 2 THE WITNESS: Mr. Houske, H-o-w-s-k-e,
 3 (sic).
 4 BY MS. STRONG:
 5 Q. What day was the meeting held on, do you
 6 remember?
 7 A. It was on a weekday but I can't remember
 8 the exact date.
 9 Q. Do you remember what topics were covered
 10 during the meeting?
 11 A. It was basically about voting for building
 12 a school near Cahuenga neighborhood.
 13 Q. Was anything else discussed other than
 14 building a new school in the area at that meeting?
 15 A. He mentioned in the meeting if there
 16 weren't any schools built by 2005, kids will not be
 17 able to attend schools. There wouldn't be seats
 18 for them. And it was very important to vote.
 19 Q. Were there any other topics covered other
 20 than building of new schools at that meeting?
 21 MR. VILLAGRA: Objection. Asked and
 22 answered.
 23 THE WITNESS: I can't remember. But the
 24 most important thing was that, voting for the
 25 schools to make schools around Cahuenga.

1 BY MS. STRONG:
 2 Q. Do you know whether any school areas
 3 have -- let me rephrase.
 4 Do you know whether any sites have been
 5 selected to build schools in your area?
 6 MR. VILLAGRA: Objection. Vague.
 7 THE WITNESS: Not personally. But someone
 8 told me that the -- that they are making one by
 9 Alexandria Avenue. There was another meeting prior
 10 to the one I attended where they had revoted again
 11 and they voted for Alexandria Avenue instead of the
 12 one that I had just mentioned.
 13 BY MS. STRONG:
 14 Q. Did you mean to say subsequent to the
 15 meeting that you attended?
 16 A. Yes.
 17 Q. There was a second meeting after the first
 18 meeting you attended where there was another vote?
 19 A. No. I'm sorry. There was a second
 20 meeting that I wasn't able to attend because it was
 21 on a rainy day and not a lot of people attended.
 22 MR. VILLAGRA: I'm sorry, just to be
 23 clear. The one about Alexandria, was that before
 24 or after the one that you attended?
 25 THE WITNESS: After. But I didn't attend

1 the one at Alexandria. I wasn't able to.
 2 BY MS. STRONG:
 3 Q. Why were you unable to attend the meeting
 4 where they voted regarding Alexandria?
 5 A. They had scheduled it. It was during the
 6 winter and it was raining. I don't believe a lot
 7 of people attended it. And being that a lot of
 8 people did not attend it, then they made another
 9 payment -- another -- they made another meeting.
 10 And I didn't get a flyer for that one so I wasn't
 11 able to attend as well.
 12 Q. So why did you not go to the Alexandria
 13 meeting?
 14 MR. VILLAGRA: Objection. Asked and
 15 answered.
 16 THE WITNESS: Because it was raining.
 17 BY MS. STRONG:
 18 Q. Okay. How did you learn about what
 19 happened at the meeting where they voted regarding
 20 the Alexandria school?
 21 A. A lady that supervises the buses when they
 22 come -- I don't know what school it is, but she's
 23 right there by the school, she told me they were
 24 making a school by Alexandria Avenue, that they had
 25 revoted; that it wasn't going to be built by 3rd

1 Street and Harvard.
 2 Q. Do you know this woman's name?
 3 A. Just her first name.
 4 Q. What's that?
 5 A. Maria.
 6 Q. She supervises the bus?
 7 A. When the kids get off the bus, she
 8 supervises the kids.
 9 Q. Is she still doing that?
 10 A. Yes.
 11 Q. What time of day does she do that?
 12 A. I usually see her when I go pick up
 13 Jonathan. So around 2 -- 2:50.
 14 Q. That's when you pick up Jonathan from
 15 getting off the bus, is that correct?
 16 A. That's when I'm walking past her when I'm
 17 going to go wait for Jonathan to come.
 18 Q. So she's at Cahuenga at approximately 2:50
 19 on a regular basis, from your perspective?
 20 A. From the times that I've seen her, yes.
 21 Q. So all you know about that second meeting
 22 was what you heard from Maria; is that correct?
 23 A. Correct.
 24 Q. Did you speak with anyone else about that
 25 second meeting?

1 A. No.
 2 Q. You said there was a third meeting?
 3 A. Yes. Like I said, the second meeting they
 4 were going to -- they were going to revote for the
 5 school. And since a lot of people didn't attend
 6 it, they sort of cancelled it, and then they made
 7 this third one, which is where they voted for
 8 Alexandria.
 9 Q. Do you know when the third meeting was
 10 held?
 11 A. No.
 12 Q. Was it during this past school year?
 13 A. I believe so.
 14 Q. How did you learn about the third meeting?
 15 A. Because she had told me that there was a
 16 meeting. I heard it by her.
 17 Q. By Maria?
 18 A. Yeah. I mean, like I said, I didn't get a
 19 flyer or anything. I wasn't aware.
 20 Q. How many conversations did you have with
 21 Maria about this?
 22 A. Just one.
 23 Q. So was it one where you learned about the
 24 second meeting and the third meeting; is that
 25 correct?

1 A. The conversation with her was just that
 2 they were going to make the school from that
 3 meeting, the third meeting.
 4 Q. Did you discuss the second meeting with
 5 Maria?
 6 A. I don't remember. I mean I just know
 7 about it because I had a flyer sent. I don't
 8 remember if they gave it to Sammy or they sent it
 9 home to me. But I believe they probably sent it
 10 home because Sammy was off track during that time.
 11 Q. Did you discuss the third meeting with
 12 Maria then?
 13 A. No. I mean she just told me that they
 14 were -- that they were making the -- that they had
 15 voted for Alexandria Avenue for a new school,
 16 neighborhood school.
 17 Q. How do you know about a third meeting?
 18 MR. VILLAGRA: Objection. Asked and
 19 answered.
 20 THE WITNESS: I can't remember right now.
 21 It might have been from a parent or something, but
 22 I can't remember.
 23 BY MS. STRONG:
 24 Q. Maria didn't tell you that they voted at
 25 the third meeting? You don't know where they

1 voted? You just knew that a site had been voted
 2 for?
 3 A. Yes.
 4 MR. VILLAGRA: Objection. Compound.
 5 BY MS. STRONG:
 6 Q. Is that correct?
 7 A. Correct.
 8 Q. You testified during your prior day of
 9 deposition that Jonathan's classes at Rosewood
 10 school ended each day at 2:30, correct?
 11 A. Correct.
 12 MR. VILLAGRA: Objection. Asked and
 13 answered.
 14 BY MS. STRONG:
 15 Q. You also stated that Jonathan takes the
 16 bus back to Cahuenga and is at Cahuenga by 3 P.M.,
 17 correct?
 18 MR. VILLAGRA: Objection. Asked and
 19 answered.
 20 THE WITNESS: Correct.
 21 BY MS. STRONG:
 22 Q. You stated that you believe that the bus
 23 that takes Jonathan to Rosewood in the morning is
 24 scheduled to leave from Cahuenga at approximately
 25 7:30, is that correct?

1 MR. VILLAGRA: Objection. Asked and
 2 answered.
 3 THE WITNESS: Correct.
 4 BY MS. STRONG:
 5 Q. And you stated that the Rosewood classes
 6 start at 8:00, correct?
 7 MR. VILLAGRA: Objection. Asked and
 8 answered.
 9 MS. GODFREY: Join.
 10 BY MS. STRONG:
 11 Q. I believe you also stated that you believe
 12 it takes approximately 30 to 40 minutes to drive to
 13 Cahuenga, correct?
 14 MR. VILLAGRA: Objection. Asked and
 15 answered.
 16 MS. GODFREY: Join.
 17 THE WITNESS: Correct.
 18 BY MS. STRONG:
 19 Q. Okay. And you said that you know that it
 20 takes 30 to 40 minutes because you have driven
 21 Jonathan to school on a few occasions, is that
 22 correct?
 23 MR. VILLAGRA: Objection. Asked and
 24 answered. And I'd like to note for the record
 25 that, you know, this is the second line of

1 questioning now about things that happened at the
2 prior deposition. I can assure you that that other
3 meeting was delved into. She talked about 4
4 meetings, I believe, that she attended in the
5 auditorium. This was the second of them. We're
6 now going into a whole line of questioning and it's
7 about 7 lines of questions in a row that we've gone
8 into.

9 MS. STRONG: It took 30 seconds and your
10 objection took longer. I want to make sure it's
11 clear because on the record it was a bit unclear
12 previously. Now we have it clear and concise.
13 That's the only purpose of this so we have a clear
14 record of the witness.

15 MR. VILLAGRA: Absolutely. I want to make
16 sure the witness is not made to stay here any
17 longer than she absolutely has to.

18 MS. STRONG: Your objections will see that
19 that's going to happen.

20 Q. Have you ever taken the bus to school with
21 Jonathan?

22 MR. VILLAGRA: Objection. Vague.

23 THE WITNESS: No.

24 BY MS. STRONG:

25 Q. Do you know what route the school bus

1 A. Okay. It's right here.

2 Q. Can you please mark it with a circle with
3 the pen.

4 (Witness complies.)

5 Q. Can you tell us the cross streets?

6 A. Hobart and 2nd. It's where it says 04 and
7 L.A.

8 MR. VILLAGRA: Looks like, to be clear,
9 it's the page marked 43, there's an arrow pointing
10 up that says 34. And I believe that the area that
11 she's referring to is E-1.

12 MS. STRONG: I believe it's on page 34 of
13 The Thomas Guide map.

14 MR. VILLAGRA: I think it's actually page
15 43.

16 BY MS. STRONG:

17 Q. You marked it on 43?

18 A. Yes.

19 Q. Sorry.

20 Can you please locate for me on the map
21 Rosewood Avenue Elementary School?

22 A. It's on -- it's on Croft. I know it's on
23 Croft and close to Melrose. As you go -- as you
24 Drive Melrose you have to make a left turn. And
25 the school is right on Croft.

1 follows to get to Rosewood?

2 A. They take 3rd Street.

3 Q. Do you know the entire route?

4 A. No. I just know they take 3rd Street.

5 Q. How do you know that?

6 A. Because Jonathan told me. And, excuse me,
7 because when the bus passes -- when I'm -- when I'm
8 crossing the street I see the bus taking 3rd Street
9 because I've seen the bus go down 3rd Street also.

10 BY MS. STRONG:

11 Q. Do you know if the bus makes any stops
12 between Cahuenga and Rosewood?

13 A. No.

14 Q. Do you know one way or the other?

15 A. No.

16 Q. I'd like to mark as Exhibit 11 -- I
17 photocopied some pages of the Thomas Guide. And
18 I'd like to present them to you as Exhibit 11.

19 (Deposition Exhibit 11 was marked by the
20 reporter for identification and is attached
21 hereto.)

22 BY MS. STRONG:

23 Q. Mrs. Tellechea, I'd like you to locate
24 Cahuenga Avenue Elementary school on this map, if
25 you can.

1 Q. Okay. I believe Croft and Melrose appear
2 to be close to one another in the upper left-hand
3 corner of this document.

4 A. Uh-huh.

5 Q. Which is in section E-5 of the map there.
6 Do you see it there?

7 A. Yes. Yes.

8 Q. Is that where you believe the school to be
9 located, approximately?

10 A. It was right here where it says Croft.
11 Right here (indicating).

12 Q. Okay. Can you circle that location for
13 me, please?

14 A. Croft.

15 (The witness complies.)

16 Q. On the time you've driven your son,
17 Jonathan, to school at Rosewood, did you take the
18 same route each time?

19 A. Sometimes to avoid traffic I take another
20 street that's a little bit faster, quicker to get
21 there.

22 Q. Okay. Whether you describe it takes you
23 approximately 30 to 40 minutes, were you thinking
24 of a particular route that you were driving that
25 would take that long?

1 A. Melrose Avenue.
 2 Q. Can you draw that route from -- I'm sorry.
 3 You're driving from your house at this point,
 4 correct?
 5 A. From Cahuenga, you know -- the times that
 6 I've taken him to school is because he missed the
 7 bus or the bus left a little earlier. So like from
 8 Cahuenga I would drive to Rosewood.
 9 Q. Okay. Can you draw for me the route that
 10 you would take on this map going from Cahuenga to
 11 Rosewood?
 12 MR. VILLAGRA: I'd like to state for the
 13 record, she has stated there's more than one route.
 14 BY MS. STRONG:
 15 Q. Okay. So this is the route that you would
 16 thinking of when you said it takes 30 to 40 minutes
 17 to get to Cahuenga?
 18 MR. VILLAGRA: Objection. Assumes facts,
 19 mischaracterizes the testimony.
 20 THE WITNESS: Okay. I would take -- I
 21 would take 3rd Street, and then on Western make a
 22 right, and go up to Melrose and make a left on
 23 Melrose and go straight, all the way to Croft. And
 24 then on Croft make a left turn. And then I would
 25 get right there to Rosewood.

1 BY MS. STRONG:
 2 Q. Can you draw that on the map just to make
 3 sure it's clear?
 4 A. Okay.
 5 (The witness complies.)
 6 Q. I want to clarify. You don't know how the
 7 bus driver takes the children to school other than
 8 you know he's on 3rd at some point in time, is that
 9 correct?
 10 MR. VILLAGRA: Objection. Asked and
 11 answered.
 12 THE WITNESS: That's correct.
 13 BY MS. STRONG:
 14 Q. And when Jonathan took the bus to
 15 Bellevue, how long did it take him to get to
 16 Bellevue on the bus?
 17 MR. VILLAGRA: Objection. Asked and
 18 answered.
 19 THE WITNESS: I'd say about 15 minutes, 20
 20 at the most.
 21 BY MS. STRONG:
 22 Q. Do you know what time classes started at
 23 Bellevue?
 24 A. I think around the same time, around 8:00.
 25 But I'm not sure. I'm just assuming.

1 Q. Okay. Do you believe that Jonathan is
 2 bused an excessive distance from Cahuenga to
 3 Rosewood?
 4 A. Yes.
 5 MR. VILLAGRA: Objection. Vague.
 6 THE WITNESS: Yes.
 7 BY MS. STRONG:
 8 Q. Why is that?
 9 A. Because of the 30, 40 minute drive time it
 10 takes to get there. And then to come back. So
 11 it's like -- it's a little over an hour if you add
 12 it going and coming back. That's a long time.
 13 Q. Let's treat these two issues separately.
 14 My question is: Do you believe he was bused an
 15 excessive distance in terms of miles from Cahuenga
 16 to Rosewood? Do you believe that that is true?
 17 A. Yes.
 18 Q. Why is that?
 19 MR. VILLAGRA: Objection. Asked and
 20 answered.
 21 THE WITNESS: Like I said, because of the
 22 time, the time, you know --
 23 BY MS. STRONG:
 24 Q. Okay.
 25 A. The minutes.

1 MR. VILLAGRA: Were you finished?
 2 THE WITNESS: Yes.
 3 MR. VILLAGRA: I didn't mean to interrupt
 4 you. I wanted to make sure she didn't cut you off.
 5 BY MS. STRONG:
 6 Q. Did I cut you off?
 7 A. I don't think so.
 8 Q. Thanks. How far could Jonathan be bused
 9 without it being excessive in your mind?
 10 MR. VILLAGRA: Objection. Vague.
 11 THE WITNESS: I mean I would not want him
 12 to be bused at all. I mean I don't think so.
 13 BY MS. STRONG:
 14 Q. And so --
 15 A. No time.
 16 Q. Any amount of travel on a bus is excessive
 17 for Jonathan, correct?
 18 A. Correct.
 19 Q. Do you believe that Jonathan's education
 20 has been affected by being bused to school?
 21 MR. VILLAGRA: Objection. Vague.
 22 THE WITNESS: Yes.
 23 MS. GODFREY: Join that last objection.
 24 BY MS. STRONG:
 25 Q. And how do you think that it's been

1 affected?

2 MR. VILLAGRA: Objection. Vague.

3 THE WITNESS: How? He's too much time on
4 the bus when he could be at school participating in
5 before school reading program or math or an after
6 school program that would help him improve him or
7 give him extra education. By the time he's up in
8 the morning, he has to be up earlier.

9 He has to -- he has to get breakfast real
10 early in the morning because he won't be able to
11 take it at school. He'll miss it and it's very
12 important for his education. He won't be able to
13 focus in class like he should. So it does affect
14 him a lot.

15 BY MS. STRONG:

16 Q. Is there anything else you can think of
17 as -- that you noticed that Jonathan's education
18 has been affected by him being bused to school?

19 A. There are some other ones. But the most
20 important ones I can think at this moment are those
21 that concern me the most.

22 Q. The first one, I believe, you identified
23 is the before school reading program; is that
24 correct?

25 A. Yes.

1 and make sure he's on top. If not, he misses the
2 bus and that creates stress for him.

3 Q. Does he eat breakfast in the morning?

4 A. Like I said, I have to get him up earlier,
5 6:00 in the morning. For a kid to get up, eat
6 breakfast, be ready, and they have to be at the bus
7 stop or he's going to be late. It's hard. I'm
8 always enforcing he has breakfast before he gets to
9 schooling. At school by the time they get there
10 they will miss it. So it is important for him and
11 for the rest of the other kids, you know, for
12 anybody else.

13 Q. But there's no other way other than what
14 you've already mentioned that Jonathan's education
15 has been affected by busing, correct?

16 MR. VILLAGRA: Objection. Asked and
17 answered.

18 THE WITNESS: There are other ones but,
19 like I said, those are the ones I can just come up
20 with right now.

21 BY MS. STRONG:

22 Q. You can't think of any others right now,
23 correct.

24 A. Correct.

25 Q. Can I give you anything that would help

1 Q. Is there a before school reading program
2 at Rosewood?

3 A. Not that I know of.

4 Q. Do you know of any before school reading
5 programs?

6 A. No.

7 Q. Do you have any -- do you know of any
8 before school programs?

9 A. No.

10 Q. You testified about a Star program after
11 school at your prior day of your deposition
12 testimony. Are there any other after school
13 programs that you can think of other than the Star
14 program?

15 A. That I know of? I can't think of any
16 other ones.

17 Q. I'm not sure that I caught the rest of
18 your answer with respect to that last question.
19 But you said getting up earlier and having to eat
20 breakfast at home? Were those the other two items
21 you mentioned?

22 A. Yes.

23 Q. Was there anything else?

24 A. Getting up earlier and the long trip to
25 school. And dragging him to the bus. He has to go

1 refresh your recollection as to what those other
2 things might be?

3 MR. VILLAGRA: Objection, vague.

4 THE WITNESS: Yes.

5 BY MS. STRONG:

6 Q. What would that be?

7 A. Since he has to get up earlier and then
8 when he comes home from school, the homework and he
9 has to go to bed earlier to get up earlier. So he
10 is more tired.

11 Q. Okay. I wanted to know if there was
12 anything that you think would help refresh your
13 recollection as to what it is.

14 A. I can't think of anything.

15 MR. VILLAGRA: Objection. Vague.

16 BY MS. STRONG:

17 Q. No, you can't think of anything?

18 A. Not right now.

19 Q. Okay. What do you know about the schools
20 your sons are likely to attend in the future?

21 MR. VILLAGRA: Objection. Compound,
22 vague.

23 MS. GODFREY: Join.

24 THE WITNESS: I know the neighborhood
25 junior high that's around the area that Sammy will

1 probably be assigned to. It's on the Concept 6 as
2 well. Jonathan, he would have to be bused to -- I
3 believe the school's name is Lawrence Place. And
4 it's about an hour drive to get there. They would
5 have to be there at 6:30 in the morning to catch
6 the bus and they are back around 4:30. And that's
7 both. An hour to get there and an hour to come
8 back.

9 BY MS. STRONG:

10 Q. Okay. With respect to the first school
11 that you identified that you believe Sammy would
12 attend, what school is that?

13 A. Virgil Junior High.

14 Q. Why do you believe that Samuel will attend
15 Virgil Junior High School?

16 A. Because that's the school assigned for the
17 area.

18 Q. How do you know that?

19 A. My neighbor, her son goes there. He
20 graduated there already and he's off of to
21 high school but he attended Virgil.

22 Q. Who is this?

23 A. A neighbor that lives in the building
24 where I live.

25 Q. What's her name?

1 vague.

2 THE WITNESS: I'm sorry. It's not in our
3 area. It doesn't belong to our area.

4 BY MS. STRONG:

5 Q. What school are you talking about?

6 A. It's John Burroughs Junior High. And they
7 are on the traditional schedule.

8 B-U-R-R-O-U-G-H-S.

9 Q. How do you know about John Burroughs
10 High School or Junior High School?

11 A. I've passed by there.

12 Q. Any other reason why you know about John
13 Burroughs High School?

14 A. A neighbor had her son go there.

15 Q. Who is that?

16 A. Her name is [REDACTED]
17 [REDACTED]

18 Q. How do you know that John Burroughs is not
19 your area junior high school then?

20 A. A friend of mine told me that. Actually,
21 Rosalinda told me that her friend wanted to put her
22 daughter there. But being that she went to
23 Rosewood she would be bused to that school there
24 that I was telling you was an hour away. She had
25 to move out of her area. And she went into the

1 A. [REDACTED]

2 Q. She lives in your building?

3 A. Yes.

4 Q. Other than what [REDACTED] has told you,
5 do you have any other reason to believe that Samuel
6 will attend Virgil?

7 A. That he will attend Virgil? Being that
8 it's an overcrowded school, her son is going to be
9 bused to another school because there's not enough
10 space at Virgil to, I believe she told me, to East
11 Los Angeles. He's going to be bused all the way
12 over there.

13 Q. Why is it that you believe Sammy will
14 attend or Samuel will attend Virgil?

15 MR. VILLAGRA: Objection. Asked and
16 answered.

17 THE WITNESS: I'm just assuming because
18 it's in the area and they automatically get sent
19 there.

20 BY MS. STRONG:

21 Q. Do you know if there are any other schools
22 that are in the area that Samuel may be sent to for
23 junior high school?

24 A. There is one in particular that --

25 MR. VILLAGRA: Object to the question as

1 school. They gave her a map of the certain -- the
2 certain area you have to live in to go to that
3 school. So she had to move out from her area to go
4 to put her daughter at John Burroughs.

5 Q. This is a friend of Rosalinda?

6 A. Yes.

7 Q. Do you know who the friend of [REDACTED]
8 is?

9 A. No.

10 Q. Do you know where the friend of [REDACTED]
11 lives?

12 A. No.

13 Q. Other than what you testified to, is there
14 any other reason to believe why John Burroughs is
15 not in your neighborhood for a neighborhood school?

16 MR. VILLAGRA: Objection. Vague.

17 THE WITNESS: No.

18 BY MS. STRONG:

19 Q. What do you think neighborhood school
20 means?

21 A. Neighborhood school means it's at a
22 walking distance and it's close to the house,
23 certain number of blocks.

24 Q. How many blocks?

25 A. I'm assuming maybe 2 to 4 blocks from

1 where you live.

2 Q. Okay. Is that the definition of
3 neighborhood school that you were using when you
4 wrote paragraph 2 of your declaration which states
5 "I wish they both could attend a neighborhood
6 school"? Is that correct?

7 A. Correct.

8 Q. I believe you testified that you only
9 believed that Virgil is the neighborhood school for
10 junior high school; is that correct?

11 A. Correct.

12 MR. VILLAGRA: Objection. Vague.

13 BY MS. STRONG:

14 Q. Have you asked anybody about what the
15 neighborhood schools are for individuals who live
16 in your area?

17 MR. VILLAGRA: Objection. Vague.

18 THE WITNESS: No.

19 BY MS. STRONG:

20 Q. You've never asked anybody at Cahuenga,
21 for example?

22 A. No.

23 Q. No, you haven't?

24 A. No, I haven't.

25 Q. Do you know anything about Virgil other

1 busing program?

2 A. Yes.

3 MR. VILLAGRA: Objection as vague.

4 BY MS. STRONG:

5 Q. Why is that?

6 A. Because I've heard it from parents.

7 Q. Who have you heard this from?

8 A. Parents talking to other parents about it.

9 Q. How many conversations have you heard
10 about this?

11 A. Once or twice.

12 Q. Do you remember either of the
13 conversations?

14 A. No. Just itself that once -- once they
15 are bused, that they will be bused until
16 high school. Depending on the school that they are
17 bused to, they'll be bussed to a school in that
18 same area. Like, I don't know, it goes by -- I
19 don't know if it goes by district. I don't know
20 how it goes. But they have like a certain -- they
21 have like a map. And then depending on the school
22 they go to, then that would be the next school that
23 they'll attend for junior high.

24 They have like designated schools. And
25 then for junior high then you choosing, I think, I

1 than what [REDACTED] told you?

2 MR. VILLAGRA: Objection. Vague.
3 Mischaracterizes testimony.

4 THE WITNESS: No.

5 BY MS. STRONG:

6 Q. Have you ever gone to see Virgil Junior
7 High School?

8 A. When Jonathan had soccer games they used
9 to play at Virgil on weekends and I was in the
10 yard. That's where they were playing. Just, you
11 know, the -- what is it? The playground area where
12 they play.

13 Q. The field?

14 A. The field.

15 Q. Did you ever talk to anyone at the
16 administration there?

17 A. No.

18 Q. Have you discussed the academic program at
19 Virgil with anybody?

20 A. No.

21 Q. Have you discussed the facilities at
22 Virgil with anybody?

23 A. No.

24 Q. Do you believe that once a child is in the
25 busing program it's difficult to get out of the

1 believe it's 2 or 3 schools among those schools
2 that's where they would attend because they are
3 bused, they wouldn't be able to -- like, Jonathan
4 would not be able to go to Virgil.

5 Q. First, where were you when you heard this
6 conversation?

7 A. It was in -- I was waiting for Jonathan to
8 come home from school.

9 Q. And what year was this?

10 A. This was when he was in Bellevue.

11 Q. Okay.

12 A. It was a while, a long time ago.

13 Q. Do you know what grade he was in at
14 Bellevue?

15 A. I believe it was the beginning of school,
16 kindergarten. But I'm not completely, completely
17 sure. But I know it was when he was at Bellevue,
18 during that time.

19 Q. Was this morning or afternoon?

20 A. This was morning.

21 Q. So you were taking him to the bus to go
22 to school; is that correct?

23 A. Yes.

24 Q. And do you know who it was that was
25 speaking?

1 A. It was -- there were parents. There was
 2 several parents. But I can't remember right now.
 3 I don't think I -- if I see them, I don't think I
 4 can remember them any more.
 5 Q. And the parent wasn't talking to you?
 6 A. No.
 7 Q. Do you know the name of the parent?
 8 A. No. Usually when I here the conversations
 9 I'm standing here and they are talking among each
 10 other, and you can hear them because they are
 11 pretty much loud and you are able to hear things.
 12 Q. A second conversation? Can you identify a
 13 second conversation on this issue or not?
 14 A. No.
 15 Q. Do you base your understanding of how the
 16 busing system works on anything other than this
 17 conversation with the parent?
 18 MR. VILLAGRA: Objection. Vague.
 19 THE WITNESS: I don't understand the
 20 question.
 21 BY MS. STRONG:
 22 Q. You've explained to me how you believe the
 23 busing schedule system works, correct?
 24 A. Correct.
 25 Q. Do you base that on anything other than

1 Cahuenga at all. It's very hard. If they are not
 2 in the kindergarten then it's hard to get them in.
 3 I also asked if there was a waiting list
 4 if there was a possibility that maybe a student at
 5 Cahuenga might move out and he would be able to be
 6 considered to enroll in Cahuenga. But they said
 7 they didn't have a waiting list.
 8 Also, I went to Hobart Elementary School,
 9 which is from the area we are in it's about maybe 2
 10 blocks out of my area. I went and I asked. And
 11 they said no, they didn't have anything available;
 12 that if they were able to take him, he would be
 13 bused to another school but he wouldn't be able to
 14 be at Hobart.
 15 I went there several times. Then I went
 16 to Wilton place, which is a little bit further,
 17 maybe four blocks from where we live. And I spoke
 18 with the principal because I had called before
 19 going, and I asked if they had enrollment and they
 20 had told me yes. Then I went in.
 21 They gave me an application. And I
 22 thought that by that I would have a -- I would, you
 23 know, I would be -- it would be a sure thing
 24 that -- it would be like a guarantee that Jonathan
 25 would be able to attend Wilton. But then they told

1 what you heard from the parents?
 2 MR. VILLAGRA: Objection. Vague. I don't
 3 think there's been testimony about the busing
 4 system.
 5 BY MS. STRONG:
 6 Q. Go ahead.
 7 A. No.
 8 Q. No, you don't? So you base it solely on
 9 what you heard from the parents, correct?
 10 A. Correct.
 11 Q. Have you ever asked anyone at any of the
 12 schools your children have attended regarding
 13 removing Jonathan from the bus program?
 14 A. You mean like complaining. You mean
 15 complain?
 16 Q. Have you talked with anybody at the
 17 schools regarding this?
 18 A. Yes.
 19 Q. Who?
 20 A. I've gone to Bellevue when he started -- I
 21 mean, sorry, Cahuenga, when he started
 22 kindergarten. And I asked was there a possibility
 23 for him to assist Cahuenga. And they said no. And
 24 then they said that -- that if they don't get in
 25 through kindergarten they won't be able to enroll

1 me I had to speak to the principal and she said
 2 that, no.
 3 I said when I called they told me that --
 4 they asked my address, and I gave my address. And
 5 I also said that they said that to come in, you
 6 know, and pick up the application. She said she
 7 was sorry, there was a misunderstanding.
 8 And she gathered all the secretaries there
 9 and she asked them who had given me that
 10 information. And I said this wasn't fair, why they
 11 promised me something. I really thought I was able
 12 to get Jonathan there. They said sorry.
 13 I said: I don't think that's fair, it's
 14 not right that you tell me one thing and then, you
 15 know, you say that he can't come here."
 16 So then I went again and -- and I just --
 17 I went several times thinking that maybe they might
 18 have a waiting list or something, they might
 19 consider him, you know, giving me a chance to have
 20 him attend there. But then they said that once
 21 they are full they bus them out, too.
 22 So I did go. I got emotional because the,
 23 you know, they said that he was able to get
 24 enrolled there and then they said no. And I told
 25 Jonathan. Jonathan was so happy because he wasn't

1 going to be bused anymore. And then I told him,
2 "You know what, Jonathan, I'm sorry but we're not
3 going to be able to have you go to Wilton."

4 So I did get very emotional of trying my
5 best to get him in a school around the
6 neighborhood. I have tried so much, you won't
7 believe it, thinking that maybe if I go every day,
8 you know, they might say yes. But, no.

9 BY MS. STRONG:

10 Q. When was the last time you went to a
11 school to ask about placement for Jonathan?

12 A. He was in 3rd grade.

13 Q. Okay. Was that Wilton at that time?

14 A. Yes.

15 Q. Can you think of any other times where you
16 had discussions with anyone about Jonathan taking
17 the bus to school?

18 A. With Mr. Houske, when I have gone there so
19 many times. And he just told me, "This is it.
20 Keep checking back. Come and check as often as you
21 can and there might be a chance that maybe somebody
22 moves out and that's the chance that Jonathan might
23 be able to attend Cahuenga. But the school is
24 overcrowded and there's nothing I can really do for
25 you."

1 Q. Has anyone ever told you at any of these
2 schools that Jonathan cannot get out of the busing
3 program once he's already started in it?

4 A. Have the schools ever told me that?

5 Q. Correct.

6 A. I don't think so.

7 Q. Has anyone ever said that to you?

8 A. Other than that conversation that I heard
9 from those parents.

10 Q. But that wasn't said to you, correct?

11 A. No.

12 Q. Has anyone ever said that to you?

13 A. No.

14 MS. STRONG: It's lunchtime. Do you want
15 to take a break, lunch break? It's 12:30.

16 (At the hour of 12:30 P.M., a luncheon
17 recess was taken. The deposition resumed at
18 1:24 P.M., the same persons being present.)
19
20
21
22
23
24
25

1 LOS ANGELES, CALIFORNIA; SATURDAY, JUNE 16, 2001
2 1:24 P.M.

3
4 MS. STRONG: Where were we?
5 (The following text was read by the
6 reporter):

7 "Q. Has anyone ever said that to you?"

8 "A. Other than that conversation that I
9 heard from those parents.

10 "Q. But that wasn't said to you,
11 correct?"

12 "A. No.

13 "Q. Has anyone ever said that to you?"

14 "A. No."
15

16 EXAMINATION (resumed)
17

18 BY MS. STRONG:

19 Q. Good afternoon, Mrs. Tellechea.

20 A. Good afternoon.

21 Q. You understand that you are still under
22 oath?

23 A. Yes.

24 Q. Did you have any alcohol or medication or
25 other substance that would cloud your mind and

1 affect your ability to testify here today?

2 A. No.

3 Q. You discussed two schools you believe are
4 close to your home, both Burroughs and Virgil
5 High Schools, correct?

6 A. Correct.

7 Q. And which of the schools would you prefer
8 your children to go to, Samuel and Jonathan?

9 A. John Burroughs.

10 Q. Why would you like your children to go to
11 John Burroughs?

12 A. Because it's on traditional schedule.

13 Q. Okay. Which is closer to your home,
14 Virgil or John Burroughs?

15 A. I believe Virgil.

16 Q. Is it on a multitrack Concept 6 calendar;
17 is that correct?

18 A. Correct.

19 Q. How do you know that about Virgil?

20 A. Because my neighbor's son, I would see him
21 when he was off track and he was going there so I
22 knew he was off track.

23 Q. That's the same neighbor you referred to
24 before?

25 A. Yes.

1 Q. Have you asked anybody at Cahuenga or any
2 other school about the calendar at Virgil?

3 MR. VILLAGRA: Objection. Compound.

4 THE WITNESS: No.

5 BY MS. STRONG:

6 Q. How do you know that John Burroughs is a
7 traditional scheduled school?

8 A. My neighbor had told me.

9 Q. Is this a different neighbor?

10 A. I think I mentioned her already, [REDACTED]

11 [REDACTED]
12 Q. Have you talked with anybody at any school
13 regarding the calendar at John Burroughs?

14 A. No.

15 Q. Do you know if your children would have to
16 take a bus to get to John Burroughs or how would
17 they get to school?

18 A. Yes, one bus.

19 Q. And where would they get the bus from?

20 A. Wilshire Boulevard and Serrano Avenue.

21 Q. What kind of bus is that?

22 A. MTA.

23 Q. So that's not a school bus?

24 A. No. Can I clarify?

25 Q. Yes.

1 Q. And the same for John Burroughs, do you
2 know how far that is from your house?

3 A. That -- how far? It's -- it's on
4 Wilshire. Wilshire -- between Wilshire and 6th and
5 McCadden.

6 Q. But again you don't know what the actual
7 distance is; is that correct?

8 A. No, I don't.

9 Q. In terms of driving from your home to
10 Virgil, how long do you think that would take,
11 approximately?

12 A. I would say maybe ten minutes.

13 Q. Okay. If your children were to take the
14 bus, the two buses that you've mentioned to get to
15 Virgil, do you know how long that would take?

16 A. It depends how long they have to wait for
17 the bus there. I don't know how much, if they miss
18 a bus and -- I couldn't tell unless I would
19 actually go there and, you know, take them and then
20 take the time to see how long. Usually in the
21 morning they get crowded because there's a lot of
22 kids riding the bus.

23 Q. Okay. How do you know they would take two
24 buses to get to Virgil?

25 A. Because it's -- you would take the --

1 A. Virgil and John Burroughs -- actually, to
2 go to Burroughs you would take two buses. But it
3 seems John Burroughs would be closer because it's
4 just one block up from where I live and he would
5 just take one bus. To go to John Burroughs they
6 would have to take two buses, so it's kind of
7 like -- they are kind of like in the -- they have
8 like the same distance from the house.

9 Q. I think you misspoke. I think now you
10 just said for John Burroughs it would take two
11 buses. Did you mean to say John Burroughs it would
12 take one bus?

13 A. One bus.

14 Q. And you think two buses to go to Virgil?

15 A. Correct.

16 Q. Neither of these schools could your
17 children walk to; is that correct?

18 A. They could walk but if -- if they wanted
19 to they could take the bus. I mean but they could
20 walk.

21 Q. Do you know how far Virgil is from your
22 home?

23 A. It's on 1st and Vermont.

24 Q. Do you know in distance how far that is?

25 A. No.

1 the -- on 6th street you would take the bus. On
2 6th and Serrano you would take the bus and go to
3 Vermont. And then from Vermont go down to 1st.

4 Q. Do you know if there's any other way, if
5 there's one bus that goes to Virgil?

6 A. It's impossible. You have to take
7 either -- or walk up to 3rd street and then take
8 the bus to Vermont and then from Vermont walk to
9 1st. But it's impossible to take just one bus.

10 Q. How do you know the bus schedules?

11 A. Because I -- sometimes I ride them, I take
12 the bus when I don't want to drive.

13 Q. Have you looked into the bus schedules
14 specifically in terms of getting to Virgil or is it
15 just based on your knowledge of the bus schedule in
16 general that you are making this response?

17 A. Exactly.

18 Q. Which?

19 A. Just of my knowledge of riding the buses.

20 Q. So you've not actually looked to see the
21 best way to get to Virgil on a bus schedule, for
22 example?

23 A. No.

24 Q. And with respect to John Burroughs how
25 long would it take to drive from your house to go

1 to John Burroughs?
 2 A. I'd say maybe 5 or 7 minutes.
 3 Q. Do you know how long it would take to walk
 4 to John Burroughs? If you know.
 5 A. I don't know.
 6 Q. And if the children were to take the one
 7 bus to John Burroughs that you had mentioned
 8 earlier, do you know how long that would take?
 9 A. I don't think it would take that long
 10 because there's express buses on Wilshire
 11 Boulevard. They might be able to get on the
 12 express bus and get there. Maybe, I'd say, maybe 5
 13 or ten minutes.
 14 Q. Other than the conversations with your
 15 neighbors, have you ever asked anybody at a school,
 16 either Cahuenga or any other school, what schools,
 17 either Jonathan or Samuel will go to for junior
 18 high school?
 19 A. No.
 20 Q. So there could be some other schools that
 21 the district provides for individuals in your
 22 neighborhood for junior high school, but you're not
 23 aware of that one way or the other; is that
 24 correct?
 25 A. Correct.

1 MR. VILLAGRA: Objection. Lack of
 2 foundation.
 3 BY MS. STRONG:
 4 Q. I'm a bit confused by something you said
 5 earlier. I believe you testified earlier that you
 6 think that Virgil is your neighborhood school and
 7 that John Burroughs is not, correct?
 8 A. Correct.
 9 Q. Okay. I'd like to direct your attention
 10 to your declaration at paragraph 8 which states:
 11 "I'm hoping that there will be room for
 12 him at Burroughs Middle School, the
 13 neighborhood middle school that is less
 14 than 2 miles away from our home."
 15 Did you understand Burroughs to be your
 16 neighborhood school at the time you wrote this?
 17 A. Yes.
 18 Q. And did something happen that now changed
 19 your opinion about that?
 20 A. Okay. Because when Jonathan first started
 21 Rosewood, a parent told me that they were sending
 22 kids to John Burroughs and to Lawrence Place, those
 23 two schools, after they finished Rosewood. So I
 24 had in mind that Jonathan would then be able to go
 25 to John Burroughs and not be bused to Lawrence

1 Place at that time.
 2 Q. Did something happen that changed your
 3 understanding of the situation?
 4 A. Yes. There was a parent that was saying
 5 that they are not sending them to John Burroughs,
 6 they are sending them to that school, Lawrence
 7 Place.
 8 Q. Okay. But is it still your understanding
 9 that Burroughs Middle School is a neighborhood
 10 school for you?
 11 A. Being that it's close to the area to where
 12 I live, yes.
 13 Q. Okay. And you've also identified Virgil
 14 as a neighborhood middle school for you; is that
 15 correct?
 16 A. Correct.
 17 Q. With respect to Lawrence Middle School,
 18 how did you learn about Lawrence Middle School?
 19 A. You mean do I know anybody that goes there
 20 or --
 21 Q. You've referenced Lawrence Middle School
 22 in your declaration as a place where you think
 23 Jonathan may have to be bused to.
 24 How did you learn about Lawrence Middle
 25 School?

1 A. Because he has a classmate that his
 2 brother goes there. He was going to Rosewood and
 3 he was sent to Lawrence Place.
 4 Q. Who is that classmate?
 5 A. His name is Tristin.
 6 Q. What's Tristin's last name?
 7 A. I don't remember.
 8 Q. Do you know the name of Tristin's brother?
 9 A. It starts with a T also. Trevor.
 10 Q. Do you know Tristin and Trevor's parents?
 11 A. Not -- I've seen the lady but I haven't
 12 really talked to her.
 13 Q. So you've heard about Lawrence from
 14 Jonathan, and Jonathan's learned about it from his
 15 friend Tristin; is that correct?
 16 A. Correct.
 17 Q. Is that all that you know about Lawrence
 18 Middle School is from your son Jonathan?
 19 MR. VILLAGRA: Objection. Vague. Are you
 20 referring to what she knows about Lawrence in
 21 relation to Jonathan possibly being bused there or
 22 other things about Lawrence?
 23 MS. STRONG: Her knowledge about Lawrence.
 24 MR. VILLAGRA: Everything you know about
 25 Lawrence.

1 THE WITNESS: There's a tenant that lives
 2 in the building where I live and she goes to
 3 Lawrence, too.
 4 BY MS. STRONG:
 5 Q. Do you know who that is?
 6 A. Her name is [REDACTED]
 7 Q. That's a student, a child?
 8 A. Yes.
 9 Q. Have you talked with [REDACTED] about Lawrence?
 10 A. Yes.
 11 Q. When did you last talk with [REDACTED] about
 12 Lawrence?
 13 A. It's been a while.
 14 Q. How many conversations have you had with
 15 [REDACTED] about Lawrence?
 16 A. Just one.
 17 Q. Okay. What was said during that
 18 conversation?
 19 A. I just asked her does she like the school
 20 and how was the school.
 21 Q. When was this conversation?
 22 A. It was when Jonathan was in 3rd grade.
 23 Q. What were [REDACTED]'s responses to your
 24 questions?
 25 A. She said that the school was nice, but she

1 A. It's about an hour.
 2 Q. And how do you know that?
 3 A. Because I've seen it in the -- in maps on
 4 the Internet.
 5 Q. Did you look it up on the Internet?
 6 A. Yes.
 7 Q. When did you do that?
 8 A. Its been a while. Maybe -- I mean I can't
 9 exactly remember when exactly it was, but it's been
 10 a while.
 11 Q. Was it in the past year?
 12 A. Yes.
 13 Q. Was it past month, for example?
 14 A. No, it was last year.
 15 Q. It was in the year 2000?
 16 A. Yes.
 17 Q. Do you know why you looked it up on the
 18 Internet?
 19 A. I was just curious to see how much
 20 distance it was being that Jonathan was going to be
 21 probably be sent there. I was just looking to see
 22 how far it was. And I was surprised when I saw how
 23 many miles it was.
 24 Q. Have you ever gone to the school?
 25 A. No.

1 had problems with the students there.
 2 Q. Anything else she said to you?
 3 A. And that it was far.
 4 Q. Anything else that she said to you?
 5 A. No.
 6 Q. Did she tell you what the problems were
 7 with the students?
 8 A. There were problems, conflicts because she
 9 was a new student there, and she had fights. It
 10 was regarding fights.
 11 Q. Do you know anything more about the
 12 problems that she was having?
 13 A. No. That's all.
 14 Q. So then other than what you've learned
 15 from Jonathan and other than what you've learned
 16 from [REDACTED] have you learned about Lawrence Middle
 17 School from anybody else?
 18 A. I think I mentioned before that my
 19 neighbor, [REDACTED] her friend's
 20 daughter was going to go -- was -- she was going to
 21 be sent to Lawrence Place and she had to move
 22 nearby, John Burroughs, to attend John Burroughs.
 23 And other than that, that's all I know.
 24 Q. Do you know how far Lawrence Middle School
 25 is from your home?

1 Q. If Jonathan isn't able to get into either
 2 John Burroughs or Virgil, do you know one way or
 3 the other if there are any other schools that he
 4 may attend other than Lawrence?
 5 A. Yes. Like I told you, when the lady was
 6 talking, she was saying that there -- besides
 7 Lawrence I think they give you a choice of two
 8 other schools. I don't know where they are --
 9 where they are located. But they give you a
 10 choice, I think, a choice of 3 or 4 schools,
 11 including -- including Lawrence Place.
 12 Q. And this is the lady that you are
 13 referring to which a parent who you overheard
 14 talking while waiting to take -- waiting for the
 15 bus to go to Bellevue, is that correct?
 16 A. No.
 17 Q. When was this conversation?
 18 A. This was while waiting for Jonathan to
 19 leave the bus in the morning.
 20 Q. To go to Bellevue?
 21 A. Rosewood.
 22 Q. When was this?
 23 A. This was -- it was recently. It was about
 24 maybe, I'd say, two weeks ago.
 25 Q. But there was only one -- I want to make

1 sure we have the right conversation.
 2 There was only one conversation that you
 3 remember hearing a parent talk about being bused to
 4 Lawrence; is that correct?
 5 A. I told you there was one or more, but I
 6 couldn't remember. And now I do.
 7 Q. You remember one?
 8 A. I mean this one -- this other one that I'm
 9 mentioning to you right now.
 10 Q. Is this a second conversation or is this
 11 what you referred to earlier?
 12 A. When you had asked me earlier, you asked
 13 me how many times, and I had said one, and there
 14 could have been other ones and I couldn't remember.
 15 And now I'm remembering this other one. It was
 16 just recent.
 17 Q. Have there been two conversations. I
 18 don't know if this is the conversation that you
 19 said, "As I told you earlier when I talked to the
 20 lady." So it sounded like you already told me
 21 about this conversation. Or is this a new
 22 conversation you have never discussed with me
 23 before?
 24 MR. VILLAGRA: Objection. Compound.
 25 THE WITNESS: Correct.

1 BY MS. STRONG:
 2 Q. This is just or you mentioned it before?
 3 A. No, I didn't mention it to you.
 4 Q. Okay. Can you tell me about this new
 5 conversation?
 6 A. She was -- she was telling another lady
 7 that -- that she wasn't able to -- that she don't
 8 want her daughter to be bused to Lawrence Place.
 9 And that since she works at Virgil she was able to
 10 save her daughter a spot at Virgil because she
 11 works there.
 12 Q. Okay. Who was it that was speaking?
 13 A. I don't know her name.
 14 Q. Was she talking to you?
 15 A. No.
 16 Q. And you said this happened sometime this
 17 year. Do you have any idea what semester it
 18 happened, what month you were in when this
 19 conversation took place?
 20 MR. VILLAGRA: Objection, compound.
 21 THE WITNESS: Like I had said, it's
 22 recently. It could have been like two weeks ago or
 23 something like that.
 24 BY MS. STRONG:
 25 Q. Would you remember the woman if you saw

1 her again today?
 2 A. It's possible.
 3 Q. Did you ask the woman any questions?
 4 A. No.
 5 Q. So you've not asked anybody at Rosewood,
 6 Cahuenga or any other school, or at the Los Angeles
 7 Unified School District, where Jonathan may go to
 8 junior high school; is that correct?
 9 MR. VILLAGRA: Objection. Compound.
 10 THE WITNESS: Correct.
 11 BY MS. STRONG:
 12 Q. Other than the conversations that you've
 13 overheard from parents, you have no reason to
 14 believe that Jonathan is going to be bused to
 15 Lawrence specifically, is that correct?
 16 A. Correct.
 17 Q. Do you know if any new schools are being
 18 built in your area where you live?
 19 MR. VILLAGRA: Objection. Vague.
 20 THE WITNESS: No.
 21 BY MS. STRONG:
 22 Q. That one school that you identified
 23 earlier, there was an Alexandria site vote, do you
 24 recall that?
 25 A. Yes.

1 Q. Do you know if anyone has decided to build
 2 a new school at that site?
 3 MR. VILLAGRA: Objection. Vague.
 4 THE WITNESS: No, other than that one that
 5 I had mentioned that that lady Maria told me about
 6 building that school there.
 7 BY MS. STRONG:
 8 Q. She said -- what did she tell you as far
 9 as what plans had been made, if any, regarding
 10 building that school?
 11 A. That they had voted on that site to build
 12 the school.
 13 Q. There was a vote taken at Cahuenga Avenue
 14 Elementary, is that what you understood?
 15 A. Yes.
 16 Q. You don't know if any vote had taken place
 17 at the district level or by the state, for example?
 18 A. No.
 19 MR. VILLAGRA: Objection. Compound.
 20 BY MS. STRONG:
 21 Q. Do you know whether the district has taken
 22 any action with respect to that site?
 23 A. No.
 24 Q. You don't know one way or the other?
 25 MR. VILLAGRA: Objection. Vague.

1 THE WITNESS: No.
 2 BY MS. STRONG:
 3 Q. Have you ever asked anybody employed by
 4 the school district if there are any new schools
 5 being built in your area?
 6 MR. VILLAGRA: Objection. Vague.
 7 THE WITNESS: No.
 8 BY MS. STRONG:
 9 Q. Are you aware of any maintenance or repair
 10 projects that have taken place at Cahuenga Avenue
 11 Elementary while Samuel has been a student there?
 12 MR. VILLAGRA: Objection. Compound.
 13 THE WITNESS: No.
 14 BY MS. STRONG:
 15 Q. You're not aware of any?
 16 A. No.
 17 Q. That's correct?
 18 A. Correct.
 19 Q. Are you aware of any construction, repair
 20 or maintenance projects that have taken place at
 21 Rosewood Avenue Elementary while Jonathan has been
 22 a student there?
 23 A. Yes.
 24 Q. What projects are you aware of?
 25 A. They are going to be fixing the

1 air conditioning, and, I believe the playground
 2 because when he goes to summer school he's not
 3 going to be able to attend it at Rosewood because
 4 of that project. He's going to be going to Melrose
 5 Elementary to do his summer school session.
 6 Q. Well, are you aware of any project that
 7 has taken place while Jonathan has been in school
 8 at Rosewood?
 9 A. No.
 10 Q. Okay. Because the project you mentioned
 11 is something that's going to take place this
 12 summer; is that correct?
 13 A. Correct.
 14 Q. And you don't know of any repairs, for
 15 example, that were conducted while he was in
 16 school; is that correct?
 17 A. Correct.
 18 Q. Where is Jonathan going to go to summer
 19 school that you said? Melrose?
 20 A. Melrose Elementary school.
 21 Q. What is Jonathan going to take during
 22 summer school?
 23 A. Reading.
 24 Q. Anything else?
 25 A. No.

1 (Discussion off the record.)
 2 BY MS. STRONG:
 3 Q. Do you know how long his classes are going
 4 to be during the summer school session?
 5 A. It's half a day.
 6 Q. Do you know what the hours are?
 7 A. From 8:00 to 12:00 or 12:20, something
 8 like that.
 9 Q. Do you know how long this session of
 10 summer school will be?
 11 A. No.
 12 Q. You don't know when it starts or when it
 13 ends?
 14 A. I think -- yeah, I think I had -- I do
 15 have a schedule but I can't remember. I think it's
 16 July the 9th through August 17th.
 17 Q. How many days a week will Jonathan be
 18 attending summer school?
 19 A. Five.
 20 Q. Are other classes offered during the
 21 summer school than reading?
 22 A. I don't know.
 23 Q. He'll be focusing on reading the entire
 24 time he's in school; is that correct?
 25 A. Correct.

1 Q. Do you know who has the option of taking
 2 summer school? Is Jonathan selected for it or can
 3 any student at Rosewood take this summer school
 4 classes if you know?
 5 MR. VILLAGRA: Objection. Compound.
 6 THE WITNESS: He's being selected by his
 7 teacher.
 8 BY MS. STRONG:
 9 Q. Do you know why?
 10 A. I guess because he's not at grade level.
 11 Q. Do you know if any students can
 12 participate in summer school even though they may
 13 be participating at grade level?
 14 MR. VILLAGRA: Objection. Vague as to
 15 time.
 16 THE WITNESS: I don't know.
 17 BY MS. STRONG:
 18 Q. Jonathan went to summer school last year
 19 for the 2000 summer; is that correct?
 20 A. Correct.
 21 Q. What did Jonathan take during summer
 22 school of 2000?
 23 A. Reading.
 24 Q. Do you know how long Jonathan was in the
 25 summer school for the year 2000?

1 A. Same schedule.
 2 Q. Approximately July 9 through August 17th?
 3 A. Probably. It was -- it was somewhere
 4 around that time.
 5 Q. Do you know how long he was in class each
 6 day for summer school?
 7 A. It was the same, the same schedule.
 8 Q. Approximately 8:00 A.M. to 12:20 P.M.
 9 A. Correct.
 10 Q. Do you know if any other subjects were
 11 offered during that summer school?
 12 A. No.
 13 Q. Do you know if that summer school was
 14 available to all students or only to certain
 15 students?
 16 A. I don't know.
 17 Q. Why did Jonathan participate in that
 18 summer school?
 19 A. He was recommended by the teacher.
 20 Q. And the summer school of 1999?
 21 A. It was third grade.
 22 Q. You stated that he did participate in
 23 summer school from 3rd grade on at Rosewood. Do
 24 you remember what he took in summer school?
 25 A. The same thing, reading.

1 MS. STRONG: Let's go off the record a
 2 minute.
 3 (Discussion off the record.)
 4 MS. STRONG: We have had a brief
 5 discussion off the record. And just for clarity of
 6 the record, when I was referring to summer school
 7 of 2000, that was the summer school following the
 8 1999-2000 school year.
 9 Q. Is that how you understood the question,
 10 Mrs. Tellechea?
 11 A. Yes.
 12 Q. Now, with respect to summer school in
 13 1999, that would have followed Jonathan's second
 14 grade year at Bellevue, which was the 1998-1999
 15 school year. Do you understand that?
 16 A. Yes.
 17 MR. VILLAGRA: I'm going to object that it
 18 assumes facts.
 19 BY MS. STRONG:
 20 Q. Did Jonathan attend summer school during
 21 the 1999 summer after Bellevue?
 22 MR. VILLAGRA: Objection. Still assumes
 23 facts.
 24 THE WITNESS: I'm confused here.
 25 BY MS. STRONG:

1 Q. Let me rephrase. Jonathan at that time
 2 for 2nd grade he was in a year-round school,
 3 multitrack school, correct?
 4 A. Correct.
 5 Q. You explained earlier he had taken inner
 6 session courses while off track at Bellevue; is
 7 that correct?
 8 A. Correct.
 9 Q. So during Jonathan's -- during Jonathan's
 10 2nd grade year, how many times was he off track
 11 during his 2nd grade year?
 12 A. Two.
 13 Q. Was Jonathan taking courses while off
 14 track during his 2nd grade year?
 15 A. Yes.
 16 Q. During his first time that he was off
 17 track for his 2nd grade year, what course was he
 18 taking?
 19 A. Reading.
 20 Q. Was it also reading for his second set of
 21 inner session that year?
 22 A. Yes.
 23 Q. Hopefully, we can address these together.
 24 If there's any problems in addressing these two
 25 inner sessions together, please let me know.

1 With respect to the inner session courses
 2 he attended during his 2nd grade year, do you
 3 remember how long the inner class session was?
 4 MR. VILLAGRA: Objection. Vague.
 5 THE WITNESS: It could have been six or
 6 eight weeks.
 7 BY MS. STRONG:
 8 Q. Do you know -- was he attending the
 9 classes every day during those periods?
 10 A. Yes.
 11 Q. And do you remember what time of day the
 12 classes were held?
 13 A. They were half a day also.
 14 Q. Okay. Approximately 8:00 to 12:30 then
 15 again?
 16 A. Yes.
 17 Q. Do you know if anything else was offered
 18 other than reading during those inner session
 19 periods?
 20 A. No.
 21 Q. Do you know if any students could
 22 participate or if you had to be selected for the
 23 program?
 24 MR. VILLAGRA: Objection. Compound.
 25 THE WITNESS: I think they have to be

1 selected by the teachers.

2 BY MS. STRONG:

3 Q. Why do you think that?

4 A. Because Jonathan was selected by his
5 teacher.

6 Q. Okay. But you don't know one way or the
7 other whether students were not selected could
8 participate if they wanted to; is that correct?

9 A. Correct.

10 Q. And during Jonathan's 1st grade year at
11 Bellevue, I believe you testified that he did
12 participate in an inner session program that was
13 offered; is that correct?

14 A. Correct.

15 Q. And similar to his second year, were there
16 also two inner session breaks during his 1st grade
17 year?

18 A. Yes.

19 Q. And did he participate in the inner
20 session courses offered on each of those breaks?

21 A. I do remember him participating when he
22 was at Bellevue. He was going for weekends,
23 Saturdays, but I don't remember if it was -- it
24 might have been during that time but I can't
25 remember.

1 or summer school, was he recommended for it by his
2 teacher?

3 A. Yes.

4 Q. And that applies to grades 1 through 4; is
5 that correct?

6 A. Yes.

7 Q. How is Jonathan going to get to summer
8 school this year at Melrose?

9 A. They said -- the teacher told me,

10 [REDACTED] that they might make arrangements for
11 him to be picked up from my house or probably from
12 the neighborhood school. But they will let me know
13 in writing two weeks before the summer school
14 starts.

15 Q. Who is going to let you know?

16 MR. VILLAGRA: Assumes facts.

17 BY MS. STRONG:

18 Q. If you know.

19 A. I don't know.

20 Q. Do you know who is providing the busing?

21 A. I'm not sure. Might be from Rosewood but
22 I'm not sure.

23 Q. When Jonathan attended summer school after
24 his third grade year at Rosewood, how did Jonathan
25 get to summer school?

1 Q. So you know that he participated in some
2 inner session courses, but you don't know exactly
3 when they were held; is that correct?

4 A. Correct.

5 Q. They could have been during the week but
6 they could have also been on Saturdays, is that
7 what you are testifying to?

8 A. Yes.

9 Q. Do you know how long during the period
10 of -- how long the classes were each day?

11 A. They were probably the same, half a day.

12 Q. Okay.

13 A. But they were shorter. They weren't that
14 long. They weren't like six or eight weeks. They
15 were just like four, four weekends or something
16 like that.

17 Q. They --

18 A. They weren't that long.

19 Q. Was Jonathan also selected for that
20 program?

21 A. Yes.

22 Q. By whom?

23 A. By the teacher.

24 Q. And in each of these circumstances where
25 Jonathan would participate in either inner session

1 A. The bus, school bus.

2 Q. Where did Jonathan take the school bus
3 from?

4 A. Where he gets picked up normally when he
5 goes to Rosewood.

6 Q. Which is at Cahuenga, correct?

7 A. Yes.

8 Q. And he was returned by the bus to
9 Cahuenga; is that correct?

10 A. Correct.

11 Q. Was there also a bus provided for Jonathan
12 during his inner session periods of 1st and 2nd
13 grade?

14 A. Yes.

15 Q. Where would he catch that bus from?

16 A. At Cahuenga.

17 Q. Do you know if students wear uniforms at
18 Cahuenga Avenue Elementary?

19 A. Yes.

20 Q. Does Samuel wear a uniform there?

21 A. Yes.

22 Q. What's the color of the uniforms?

23 A. It's a white shirt and navy blue pants.

24 Q. Does he wear something special on Fridays?

25 A. Red T-shirts.

1 Q. Why is that?
 2 A. That kind of like identifies Cahuenga
 3 students from other students that ride the bus.
 4 It's like a tradition that the school has. They
 5 always wear red T-shirts on Fridays, the principal,
 6 the teachers, everybody wears.
 7 Q. Is it a spirit motivated activity that
 8 you --
 9 A. I think so.
 10 Q. Okay. Do you have to wear a T-shirt --
 11 does Samuel have to wear a red T-shirt on Fridays?
 12 A. I mean I guess he doesn't have to but
 13 everybody in his class was wearing it so I would
 14 just send him with a red T-shirt.
 15 Q. Does Samuel say he wants to wear a red
 16 T-shirt on Fridays?
 17 A. Yes.
 18 Q. (Discussion off the record.)
 19 BY MS. STRONG:
 20 Q. Do you know if Samuel has to wear the blue
 21 and white uniform that you described on Mondays
 22 through Thursdays at Cahuenga?
 23 A. Yes.
 24 Q. And does he have to?
 25 A. Well, it's a requirement from the school

1 from the principal. When he started kindergarten
 2 there was a meeting in his classroom, and the
 3 principal said that it's -- it's not something
 4 that's mandatory, but it would be nice if everybody
 5 would put the uniform on. I notice that in
 6 kindergarten they -- almost all the kids wear the
 7 uniforms up until maybe 2nd grade. Now the older
 8 ones, you know, they just wear whatever they want.
 9 But you see a lot of students wearing their
 10 uniforms.
 11 Q. Okay. But you understand that it's not a
 12 mandatory program? You can choose not to have your
 13 child wear a uniform if you'd like to; is that
 14 correct?
 15 A. Correct.
 16 Q. Have you ever heard anyone describe the
 17 program as a mandatory uniform program?
 18 A. No.
 19 Q. Have you ever been treated badly by any
 20 teacher at Cahuenga Avenue Elementary?
 21 MR. VILLAGRA: Objection. Vague.
 22 MS. GODFREY: Join.
 23 THE WITNESS: No.
 24 MR. VILLAGRA: Sabrina, would you mind if
 25 we took a quick restroom break?

1 MS. STRONG: No, I wouldn't mind at all.
 2 (Recess.)
 3 (The following question was read by the
 4 reporter):
 5 "Q. Have you ever been treated badly by
 6 any teacher at Cahuenga Avenue
 7 Elementary?"
 8 "A. No."
 9 BY MS. STRONG:
 10 Q. Do you know how long Mr. Houske has been
 11 principal at Cahuenga?
 12 A. No.
 13 Q. Do you think he is a good principal?
 14 MR. VILLAGRA: Objection. Vague.
 15 MS. GODFREY: Join.
 16 THE WITNESS: Yes.
 17 BY MS. STRONG:
 18 Q. Why do you think that?
 19 A. Because the times I've talked to him he's
 20 very friendly and he listens to you. He's not
 21 rude.
 22 Q. Have you ever had any problems talking to
 23 him whenever you wanted to speak with him?
 24 A. No.
 25 Q. You've been able to do that whenever

1 you've wanted to talk to him; is that correct?
 2 A. Yes.
 3 Q. I believe you testified that there were
 4 computers at Cahuenga during your prior deposition;
 5 is that correct?
 6 A. Correct.
 7 Q. Do you know if there's a computer lab at
 8 Cahuenga Avenue Elementary?
 9 A. Yes.
 10 Q. How do you know that?
 11 A. My son Samuel told me. He would go to the
 12 computer lab.
 13 Q. Okay. Do you know how often Samuel goes
 14 to the computer lab, if you know?
 15 A. I don't know.
 16 Q. Do you know if there are computers in the
 17 classrooms as well?
 18 A. Yes.
 19 Q. And how do you know that?
 20 A. Because I've seen them in the classroom
 21 when I've gone in.
 22 Q. In Samuel's classroom?
 23 A. Yes.
 24 Q. Do you know how many are in Samuel's
 25 classroom?

1 A. I believe there's only one.
 2 Q. Do you know if the students use that
 3 computer? Have you seen them use the computer?
 4 A. No.
 5 Q. So you don't know one way or the other if
 6 it's used, correct?
 7 A. Correct.
 8 Q. Do you know about any of the awards that
 9 have been given to Cahuenga Avenue Elementary?
 10 MR. VILLAGRA: Objection. Assumes facts.
 11 THE WITNESS: No. I don't.
 12 BY MS. STRONG:
 13 Q. Do you know if any extracurricular
 14 activities are offered by Cahuenga Avenue
 15 Elementary school?
 16 MR. VILLAGRA: Objection. Vague.
 17 THE WITNESS: No.
 18 BY MS. STRONG:
 19 Q. You don't know one way or the other?
 20 A. No.
 21 Q. Actually I think I've come to a stopping
 22 point in my questions. I'd like to review. I
 23 think I might have a few more, but at this point it
 24 might make sense to let district counsel proceed
 25 with her questions since I know she's prepared, and

1 now.
 2 Q. And would that be the same for the other
 3 three summers before?
 4 A. Yes.
 5 Q. Okay. I'd like to direct your attention
 6 to Exhibit 5. It's the June 6, 2001 letter that
 7 you wrote to [REDACTED]
 8 A. Yes.
 9 Q. I believe you testified earlier that
 10 Jonathan had been tested, as you requested in this
 11 letter; is that correct?
 12 A. Correct.
 13 Q. You did not recall any of the specific
 14 tests, correct?
 15 A. Correct.
 16 Q. But you did testify that the results of
 17 the test were that Jonathan was performing almost
 18 at the fourth grade level in his academic subjects?
 19 A. Correct.
 20 Q. Is anything being done to help Jonathan
 21 now that he has been tested to get up to the 5th
 22 grade academic level?
 23 A. By [REDACTED] and his regular teacher,
 24 they recommended him to have summer school session.
 25 Q. Is that the only thing you're aware of

1 I'll look through and see if there's anything else
 2 I have and continue after she asks her question.
 3 Okay?
 4 EXAMINATION
 5
 6 BY MS. GODFREY:
 7 Q. Good afternoon. My name is Denise
 8 Godfrey, and I am counsel for the Los Angeles
 9 Unified School District in this action.
 10 Earlier today, just a few moments ago, you
 11 testified that Jonathan was selected for summer
 12 school and inner session for reading. Do you
 13 recall that testimony?
 14 A. Yes.
 15 Q. You explained that he was selected for
 16 that by his teachers?
 17 A. Yes.
 18 Q. And do you know why he was selected for
 19 the summer and inner session programs?
 20 A. Because he's not at grade level.
 21 Q. Did the teacher who selected Jonathan for
 22 the summer session last summer, the summer between
 23 his 3rd and 4th grade school year, explain to you
 24 what the summer session was designed to do?
 25 A. She might have, but I can't remember right

1 that's being done to help Jonathan, quote, catch
 2 up, if you will, to the 5th grade academic level?
 3 A. Yes.
 4 MR. VILLAGRA: Let me clarify. Being done
 5 by the school?
 6 MS. GODFREY: Correct.
 7 THE WITNESS: Yes.
 8 BY MS. GODFREY:
 9 Q. Are you and your husband doing anything
 10 privately to help Jonathan catch up -- again, I'm
 11 using that term in quotes -- to the 5th grade
 12 academic level?
 13 A. Yes.
 14 Q. What are you doing?
 15 A. I regularly take him to the library and
 16 make him read out loud to his little brother and to
 17 myself.
 18 Q. When you say you regularly take him to the
 19 library, how many times a week?
 20 A. Every two weeks he checks out -- they let
 21 them check out 10 books. So once he finishes those
 22 books, I take him back and then he checks more
 23 books out.
 24 Q. Are you taking him to the public library
 25 or the school library?

1 A. He checks out a book -- he was checking
2 out books from the school library every week and
3 also I was taking him to the public library.

4 Q. When you say the school library, are you
5 referring to Rosewood or Cahuenga?

6 A. Rosewood.

7 Q. Do you know if Jonathan has been
8 identified as a student who is eligible to receive
9 special education by the Los Angeles Unified School
10 District?

11 A. Yes.

12 Q. He has been identified as a student who is
13 eligible to receive special education?

14 A. Yes.

15 MS. GODFREY: I'd like to mark as
16 Exhibit 12 a document that's entitled "Progress
17 Report, grades 4, 5 and 6, Form Number 34-E-45,
18 Los Angeles Unified School District, Los Angeles,
19 California."

20 (Deposition Exhibit 12 was marked by the
21 reporter for identification and is attached
22 hereto.)

23 BY MS. GODFREY:

24 Q. Do you recognize this document?

25 A. Yes.

1 exhibit comes out that way in the deposition
2 transcript. That's the state of the copy.

3 Jonathan's teacher is [REDACTED] at
4 Rosewood Elementary for this past 4th grade year,
5 correct?

6 A. Correct.

7 Q. And I want to identify it
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 Q. And can you identify it for the record?

2 A. This is Jonathan's police -- I'm sorry.

3 Q. That's okay.

4 A. Report card for Jonathan Tellechea.

5 Q. For what time period, do you know?

6 A. It has 12-4-2000 to March 16, 2001.

7 Q. Where are you reading that date?

8 A. Right here (indicating)

9 Q. Oh, okay. Because right above that
10 there's also reporting period from 9-5-2000 to
11 12-1-2000. Do you see that?

12 A. Yes.

13 Q. And you brought this document to the
14 deposition today, correct?

15 A. Correct.

16 MR. VILLAGRA: Actually, just to be clear.
17 She gave it to me and I brought it today.

18 BY MS. GODFREY:

19 Q. Okay. You gave this document to your
20 counsel to bring to the deposition.

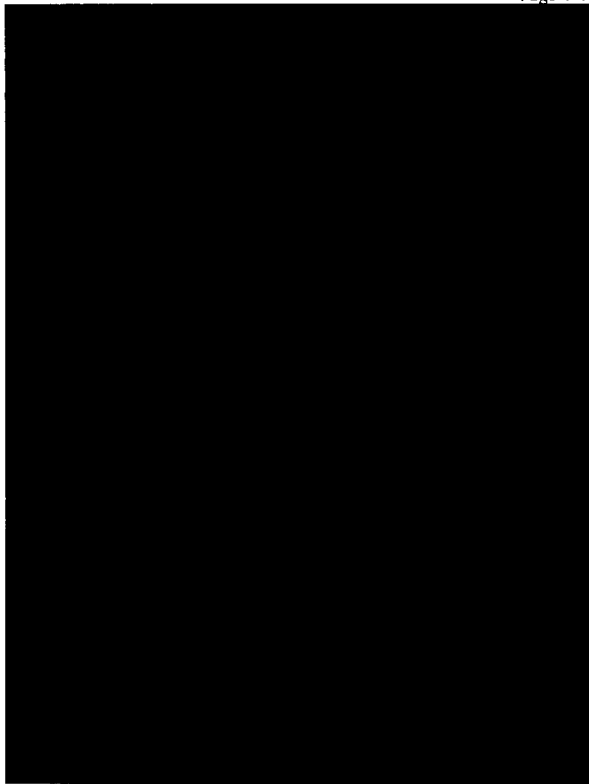
21 MR. VILLAGRA: To copy and bring.

22 MS. GODFREY: Thank you.

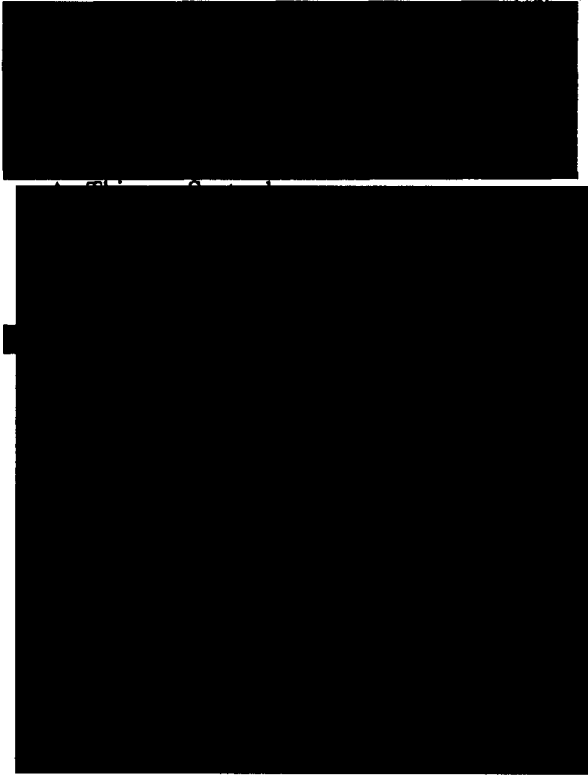
23 Q. The record should reflect the document is
24 larger than 8 and a half by 11 in its current form,
25 and it's copied rather darkly, so the copy of the

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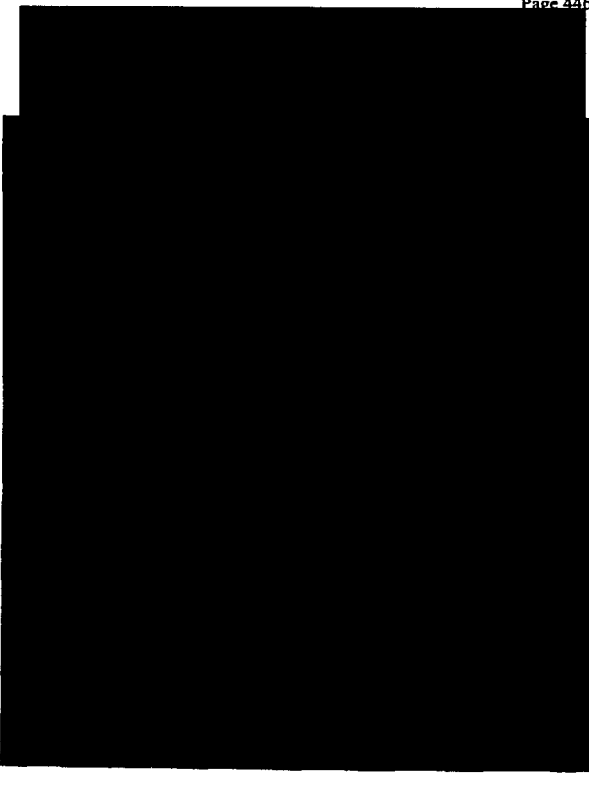
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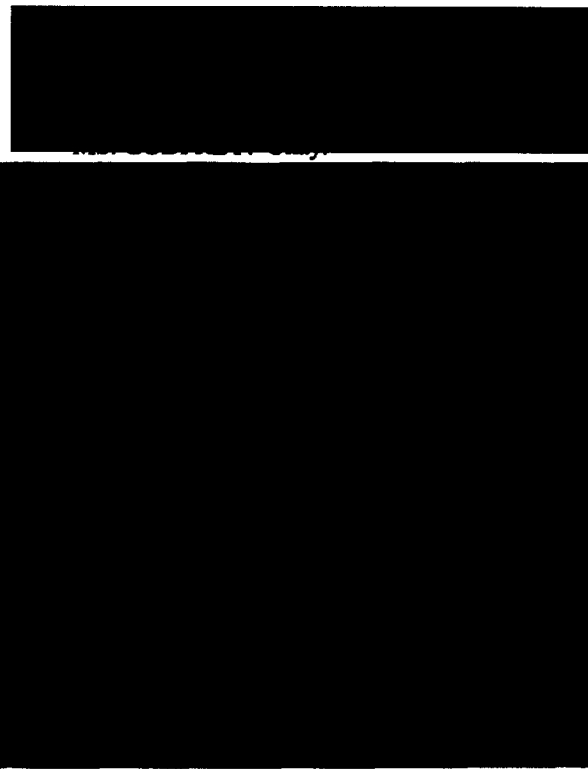
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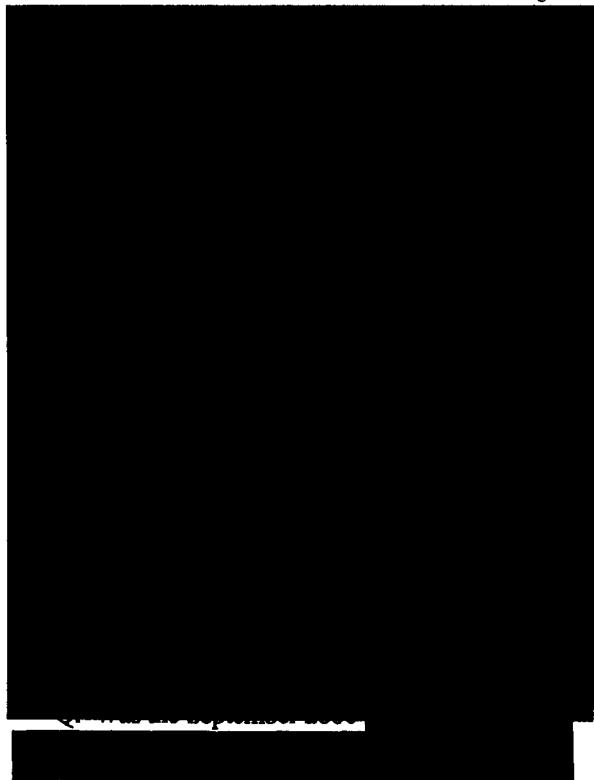
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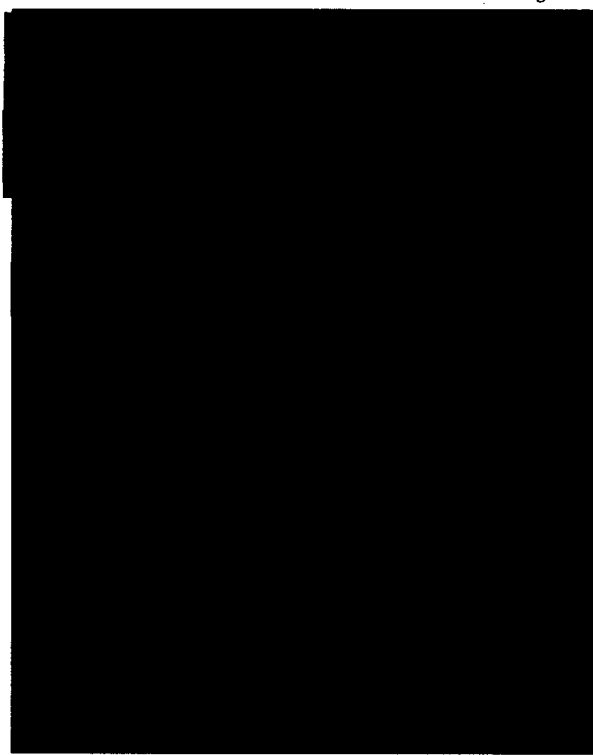
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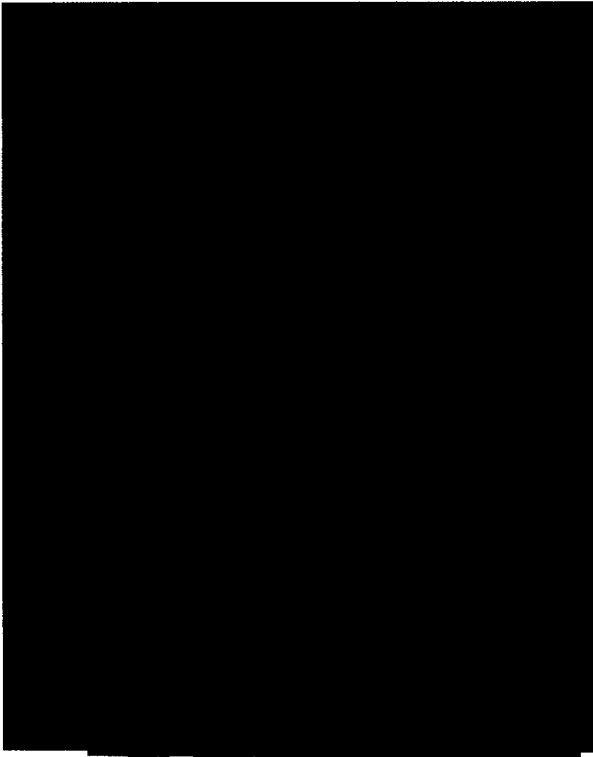
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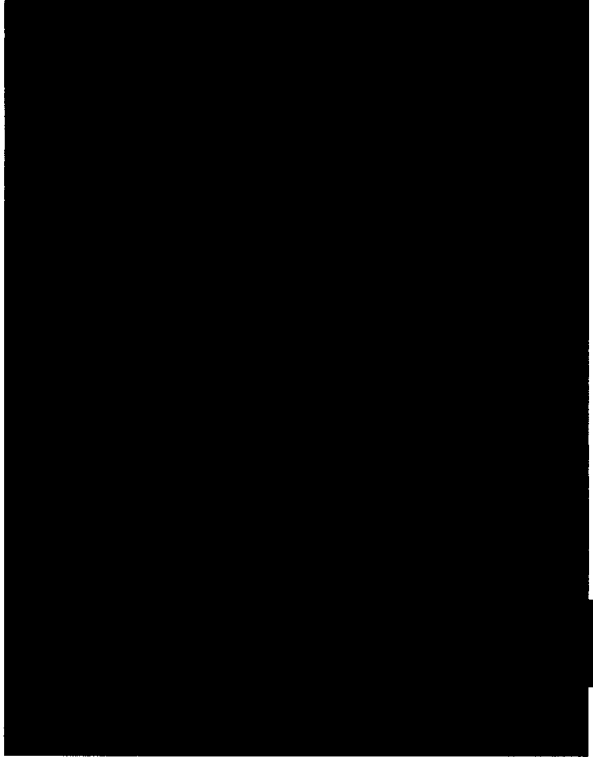
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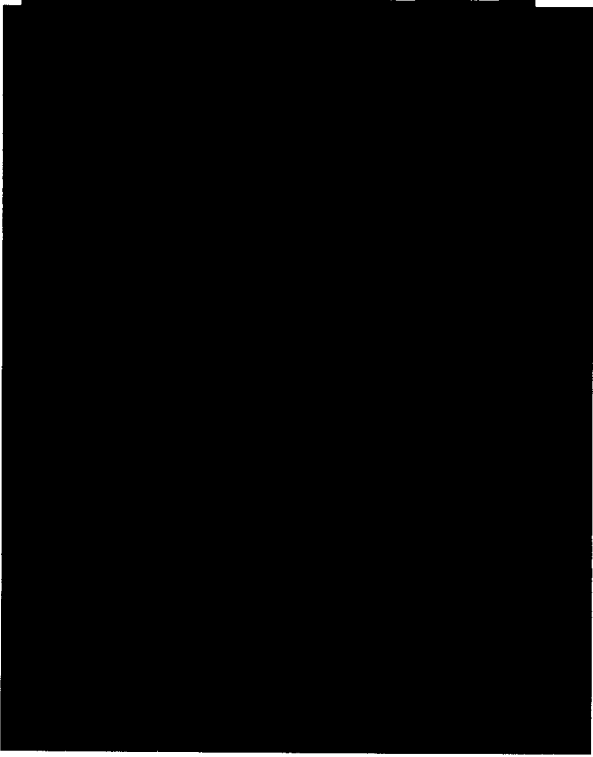
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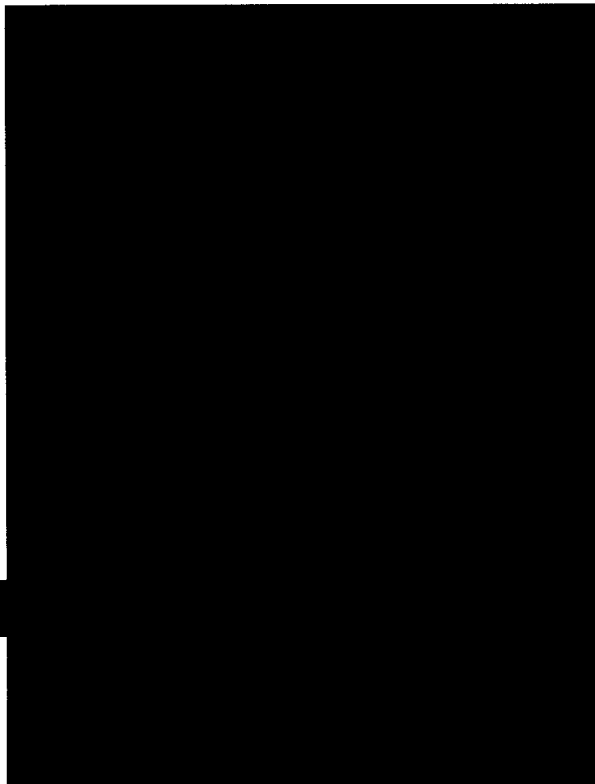
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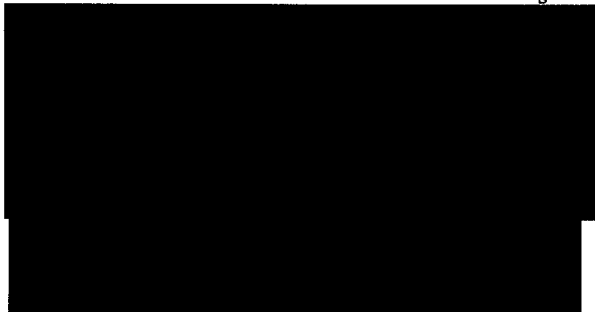


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1 school, I mean I don't feel that he got the
2 education he should have gotten from Bellevue.
3 Q. That doesn't have anything to do with the
4 busing, does it?
5 MR. VILLAGRA: Objection. The arguments
6 can be saved for later. She is answering a
7 question. She has answered a question as to what
8 she thinks busing has done. If you want to ask her
9 another question, that's fine.
10 MS. GODFREY: Okay. But, Counsel, I think
11 she described some problems that were contributing
12 to Jonathan's - [redacted]
13 [redacted] but his academic performance.
14 I'm just trying to clarify if in her opinion she
15 believed that those have to do with busing or
16 whether there are other contributing factors. I
17 think that's where my question was going.
18 MR. VILLAGRA: Okay.
19 BY MS. GODFREY:
20 Q. So you believe that those factors, the --
21 that you described that he wasn't receiving
22 homework, is that what you said?
23 A. Proper homework for his grade level and
24 being he had to get up earlier because he had to be
25 at the bus stop at 7:00 and the bus would leave at

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11 A. Correct.
12 Can I just point something, mention
13 something to you?
14 Q. Of course.
15 A. When he started going to Bellevue I can
16 tell the difference in homework that he got
17 comparing to Samuel. And another thing is when he
18 was going to -- when he was off track going to
19 these, like, summer school that he was taking, he
20 would be given homework and he would return it and
21 then they wouldn't collect it. They would just
22 give it back to him. And just the education he got
23 at Bellevue I feel that has to do with this, with
24 his problem, because, you know, just by -- just by
25 seeing the kind of work that he got home from

1 7:15. So I have to get him up earlier. So I think
2 it does affect him, the busing does affect his
3 school.
4 Q. Right. But my question was, though, other
5 than getting up earlier, are there other factors
6 that could contribute to Jonathan's academic
7 performance.
8 MR. VILLAGRA: You mean other than busing?
9 MS. GODFREY: Correct.
10 THE WITNESS: No.
11 BY MS. GODFREY:
12 Q. I thought you testified to other factors
13 that affected his academic performance?
14 A. Other than the ones I mentioned, I can't
15 think of any other ones.
16 Q. I don't think she testified to this so I
17 could be wrong so I'm anticipating an objection.
18 Who were Jonathan's teachers at Bellevue?
19 MR. VILLAGRA: Object, asked and answered.
20 THE WITNESS: Kindergarten, [redacted]
21 1st grade, [redacted] and 3rd grade [redacted]
22 BY MS. GODFREY:
23 Q. I thought he went to Rosewood for 3rd
24 grade?
25 A. You are asking Bellevue?

1 Q. Yes.

2 A. In Bellevue he went kindergarten through
3 second. Rosewood he started last year 3rd grade,
4 and he'll be there until 5th grade.

5 Q. Which were the teachers at Bellevue that
6 you thought were not giving proper homework?

7 A. That was in 1st grade.

8 Q. That was at Bellevue, right?

9 A. Yes.

10 Q. Which teacher?

11 A. [REDACTED]

12 Q. And when you say "not proper homework,"
13 can you be more specific about what was wrong with
14 it?

15 A. It wasn't enough homework for him to do.
16 It was just coloring and mazes and stuff like that.
17 It wasn't really things that he should have been
18 for 1st grade.

19 Q. Was he receiving proper homework in 2nd
20 grade?

21 A. In 2nd grade he was receiving more
22 homework. But also, I forgot to add, that in
23 kindergarten the homework [REDACTED] was giving
24 him was also, you know, do circles or lines. It
25 wasn't nothing like adding or -- a little bit more

1 the teacher that students that were coming from
2 Bellevue, they've had that problem that they come
3 very behind level. Not only Jonathan but others.
4 They've had that problem.

5 Q. Did anybody tell you that the problems
6 that were being seen consistently in the Bellevue
7 students were a result of the fact that they were
8 bused?

9 A. No.

10 Q. And is there a reason Jonathan didn't go
11 to Rosewood starting in kindergarten, why he was
12 first at Bellevue and then at Rosewood?

13 A. Because Bellevue is a primary center.
14 It's only kindergarten through second. Once they
15 finish second grade, they assign them to Rosewood.

16 Q. You said Rosewood goes from kindergarten?

17 A. Yes.

18 Q. I'm wondering why he couldn't have gone --
19 or if anybody told you why he didn't go to
20 kindergarten beginning at Rosewood?

21 A. I don't know.

22 Q. Once Jonathan got to Rosewood, has the
23 school made efforts to help him achieve at the
24 level of the other Rosewood students?

25 A. Yes.

1 advanced for a kindergarten.

2 Q. And --

3 A. Because I notice it because my son Samuel
4 when he started kindergarten, he started with the
5 alphabet, numbers, adding, subtracting, writing,
6 spelling tests, reading, doing like stories.

7 Q. So the homework that Samuel has been
8 getting in kindergarten, in your opinion, has been
9 proper for a kindergarten level, correct?

10 A. Yes. They were writing -- when they were
11 doing stories they were writing up to 15, 16
12 sentences, full sentences.

13 Q. Were you satisfied with the homework that
14 was given to Jonathan at Rosewood in the 3rd grade?

15 A. Yes.

16 Q. Have you been satisfied with the homework
17 that's been given to Jonathan in the fourth grade?

18 A. Yes. Can I add something?

19 Q. Yes.

20 A. At Rosewood they begin from preschool up
21 to 5th grade. And their expectations are very high
22 because their education is more advanced than at
23 Bellevue. So Jonathan coming from Bellevue to
24 Rosewood, I mean you could see the difference in
25 the level he had. And this was also mentioned by

1 Q. And are you -- other than the fact that
2 Jonathan is bused to Rosewood, are you satisfied
3 with the education that he's been receiving at
4 Rosewood?

5 A. The education at Rosewood, like I said, is
6 more advanced than when he was at Bellevue. I do
7 like it because they -- their education there is
8 much better than it was at Bellevue. But if -- if
9 they could have -- if they could have a schedule at
10 Cahuenga, you know, the same way that it could be
11 on the traditional, then, you know, that would be
12 much better. The only thing is it's so far away
13 and all that time would be wasted.

14 Q. Right. So Jonathan goes to school from
15 approximately September through June?

16 A. Yes.

17 Q. And then he's off or at least it's the
18 summer? He might go to school for a summer program
19 but then he is off and starts again in September,
20 right?

21 A. Yes.

22 Q. What track is Samuel on at Cahuenga?

23 A. Track C.

24 Q. And can you describe for me when track C
25 starts and stops?

1 A. Track C, they start in June -- in July.
 2 They are going to start July 2nd. So it's
 3 basically July, August, September, October.
 4 Then November and December they are off.
 5 They go back in January, February, March, April.
 6 May and June they are off.
 7 Another thing is I found out that Bellevue
 8 is no longer kindergarten through 2nd. Now it's
 9 just kindergarten. They completely just -- they
 10 just made it kindergarten now.
 11 MS. GODFREY: I'd like to identify this
 12 for the record. It's a one-page document. In the
 13 upper right-hand corner it says "Star Parent Report
 14 for Jonathan Tellechea." And I'd like to mark that
 15 as Exhibit 13.
 16 (Deposition Exhibit 13 was marked by the
 17 reporter for identification and is attached
 18 hereto.)
 19 BY MS. GODFREY:
 20 Q. Mrs. Tellechea, have you seen this
 21 document before.
 22 A. Yes.
 23 Q. Can you identify it for the record?
 24 A. This is a Stanford 9 test scores for
 25 Jonathan.

1 better work habits in school.
 2 Q. Had you been doing something that she
 3 asked you to do that previously you hadn't been
 4 doing before she asked you to do it?
 5 A. No. I always -- I always have him read
 6 out loud.
 7 Q. Okay. I thought if there was something
 8 here that she had directed you to do on a prior
 9 occasion before she wrote you this note that you
 10 started doing.
 11 A. No.
 12 Q. I just want to make sure I understand.
 13 You think she was writing you this because you had
 14 agreed to go to a meeting with her that she had
 15 requested you to be at regarding Jonathan?
 16 A. Yes.
 17 Q. Can I direct your attention to Exhibit 8?
 18 It's a one-page document entitled "Rosewood Avenue
 19 school meeting reminder."
 20 Have you ever received documents like this
 21 before other than this one?
 22 A. Yes.
 23 Q. Do you know how regularly you received
 24 these type of flyers about meeting reminders?
 25 A. Not exactly, but I do get them once in a

1 Q. Do you recall when you received this
 2 document?
 3 A. This was in June of 2000.
 4 Q. You gave this document to your counsel to
 5 bring to the deposition today?
 6 A. Yes.
 7 Q. Thank you.
 8 I'd like to direct your attention to
 9 Exhibit 7. It was marked earlier today, a one-page
 10 letter from [REDACTED] to Mr. and Mrs. Tellechea
 11 dated May 16th, 2001.
 12 Do you see the first paragraph?
 13 A. Yes.
 14 Q. It begins with "Thank you." Take a second
 15 to read it.
 16 (The witness complies.)
 17 A. Okay.
 18 Q. What is your understanding of why
 19 [REDACTED] was thanking you for helping Jonathan
 20 develop better work habits in school?
 21 A. Well, the reason she wrote this to us is
 22 because she send home a letter, a notice, saying
 23 that she wanted to meet with us. So I'm thinking
 24 that's why she's thanking us for cooperating for --
 25 for cooperating and helping Jonathan to have a lot

1 while.
 2 Q. Have you ever attended any of the meetings
 3 described on this flyer?
 4 A. No.
 5 MR. VILLAGRA: These specific ones.
 6 BY MS. GODFREY:
 7 Q. Maybe I should be more specific. The
 8 compensatory education advisory committee, have you
 9 ever attended any of those meetings?
 10 A. No.
 11 Q. Have you ever attended a meeting on
 12 bilingual advisory?
 13 A. No.
 14 Q. Have you ever attended a school site
 15 council meeting?
 16 A. No.
 17 Q. Is there a reason you haven't attended?
 18 A. Sometimes I'm not able to participate as
 19 much as I would like because it's so far to get to.
 20 But what I do, I do attend when there's parent
 21 conference meetings or report card stuff when I,
 22 you know, I'm always there. But other meetings I'm
 23 not available to. Because of so far.
 24 Q. It's all right. Do you know if these
 25 meetings are usually at 2:45 in the afternoon?

1 A. I really don't look at the times.
 2 Q. Okay. Do you know if Cahuenga Elementary
 3 School has these same types of advisory committee
 4 meetings?
 5 A. Yes.
 6 Q. Have you in this past year that Samuel has
 7 been going to Cahuenga, have you ever attended any
 8 type of advisory committee meeting?
 9 A. Yes.
 10 Q. And those were the ones that you -- did
 11 you describe them earlier in your deposition?
 12 A. I think in the last one, the last
 13 deposition.
 14 Q. You did?
 15 A. I think I did.
 16 Q. Do you remember what the name of the
 17 meeting was or the committee meeting, the name of
 18 the committee?
 19 A. There was about how to prepare them for
 20 the Stanford 9, how to make them have good scores
 21 on their tests.
 22 Q. I'd like to direct your attention to
 23 Exhibit 9. It's another flyer type of a document
 24 entitled "Community Meeting, Saturday, May 19
 25 2001."

1 This is also a document you gave to your
 2 counsel to bring to this deposition today, correct?
 3 A. Correct.
 4 Q. Earlier in your deposition you testified
 5 what a neighborhood school would be, which would be
 6 about four blocks away from your home, correct?
 7 A. Correct.
 8 Q. Are any of the schools listed on this
 9 flyer -- can I strike that?
 10 Would any of the schools listed on this
 11 flyer be a neighborhood school in relation to where
 12 you live.
 13 A. Number 6.
 14 Q. The Belmont New Elementary School number 9
 15 at 6th Street and Hobart?
 16 A. Yes.
 17 Q. Do you know if this school has been built
 18 yet?
 19 A. No.
 20 Q. Do you know when it might be built?
 21 A. No.
 22 MS. STRONG: You don't know one way or the
 23 other?
 24 THE WITNESS: Yes.
 25 MS. STRONG: Is that correct?

1 THE WITNESS: Correct.
 2 MS. GODFREY: Thank you.
 3 Q. Are any of the other five schools listed
 4 on this community meeting flyer, which has been
 5 identified as Exhibit 9, a neighborhood school in
 6 relation to your home where you live currently?
 7 A. The new Cahuenga Elementary School, YMCA
 8 joint use, 2nd and Western.
 9 Q. That would also be?
 10 A. Close.
 11 Q. To your home?
 12 A. Yes.
 13 Q. Do you know if that school has been built
 14 yet?
 15 A. No.
 16 Q. Do you know when that school will be
 17 built?
 18 A. No.
 19 Q. Do you know if either the new Cahuenga
 20 Elementary School or the Belmont New Elementary
 21 School have started being built yet?
 22 A. No.
 23 Q. No, you don't know or no, they haven't
 24 been started?
 25 A. No, I don't know.

1 Q. Okay. You testified that you didn't go to
 2 this community meeting, correct?
 3 A. Correct.
 4 Q. Do you -- strike that.
 5 Do any of these schools interest you based
 6 on what you know about them?
 7 MR. VILLAGRA: Objection. Vague, assumes
 8 facts.
 9 BY MS. GODFREY:
 10 Q. I'll rephrase. Do any of these schools
 11 interest you as a school for either Samuel or
 12 Jonathan based on what you know about the schools
 13 listed on the flyer?
 14 A. As far as for Samuel, being he's in
 15 kindergarten going to 1st grade, I don't mind him
 16 staying at Cahuenga. As far as Jonathan, he's
 17 going into 5th grade so he would have to go to
 18 middle school, and these are elementary so I don't
 19 think so.
 20 Q. Why is it that you don't mind Samuel going
 21 to Cahuenga?
 22 A. Because it's close to my house.
 23 Q. Is another reason that you don't mind
 24 Samuel going to Cahuenga the fact that you think
 25 he's receiving a good education there?

1 A. Yes.
 2 Q. I believe you testified earlier in your
 3 deposition that one of the reasons you believe a
 4 traditional calendar school is better than a
 5 Concept 6 calendar school is because there would be
 6 two months off for the students to participate or
 7 engage in summer activities? Do you recall that
 8 testimony?
 9 A. Yes.
 10 Q. And is there a particular activity or
 11 activities in your mind that you would like your
 12 children to participate in that they haven't been
 13 able to participate in because they've been going
 14 to a Concept 6 school?
 15 A. Okay. For Samuel, yes. Summer camp and
 16 swimming.
 17 Q. Do you have a specific summer camp in
 18 mind?
 19 A. Not at this moment.
 20 Q. Have you looked into any summer camp camps
 21 for him?
 22 A. Being since he's going to be in school,
 23 no.
 24 Q. And --
 25 A. He's not going to be able to participate.

1 Q. Are you aware of any camps that he could
 2 participate in in May and June or November and
 3 December? Those are, I believe you testified, the
 4 two periods of time he's off on track C, correct?
 5 A. Yes. For May and June I haven't looked
 6 into it. But for November, December, it's
 7 impossible to enroll him in summer camp or
 8 swimming.
 9 Q. Why do you think it's impossible?
 10 A. Because of the weather.
 11 Q. Did you look to see if there were any
 12 kinds of --
 13 MR. VILLAGRA: Objection. Asked and
 14 answered.
 15 THE WITNESS: No, because he has asthma
 16 and that would only aggravate his condition more.
 17 BY MS. GODFREY:
 18 Q. And what about swimming?
 19 A. They have a course at LACC for swimming
 20 lessons. But -- I mean I got like a booklet mailed
 21 to me for swimming lessons.
 22 Q. For LACC?
 23 A. Yes.
 24 Q. Is that Los Angeles Community College?
 25 A. Yes.

1 Q. And swimming lessons are offered only in
 2 the summer?
 3 A. Yes.
 4 Q. Is there anything else?
 5 A. Not that I can think of right now.
 6 Q. Okay.
 7 (Recess.)
 8 BY MS. GODFREY:
 9 Q. We are back on the record.
 10 Miss Tellechea, is Samuel scheduled to
 11 participate in any of the inter-session programs
 12 for his kindergarten year?
 13 A. No.
 14 Q. Do you know if any are offered at Cahuenga
 15 for him?
 16 A. When he was in kindergarten, half of the
 17 class was recommended for inner session, but he was
 18 among the ones that weren't -- were not.
 19 Q. What is your understanding of why a
 20 student is recommended for inner session at
 21 Cahuenga from Jonathan's kindergarten -- Samuel's
 22 kindergarten class?
 23 A. They weren't doing the phonics and
 24 reading. The reading. The reading.
 25 Q. They weren't doing it well?

1 A. Yes.
 2 Q. So then Samuel wasn't recommended for
 3 inner session because he is doing well in these
 4 areas?
 5 A. Yes.
 6 Q. Do you know if a kindergarten student such
 7 as Samuel at Cahuenga Elementary School could
 8 participate in any kind of inner session program
 9 other than for the phonics or remediation?
 10 MR. VILLAGRA: Objection. Vague.
 11 THE WITNESS: No, I don't know. No.
 12 MS. GODFREY: I'd like to identify for the
 13 record two documents. The first is entitled
 14 "Progress Report, Kindergarten, Form Number
 15 34-E-42, Los Angeles Unified School District,
 16 Los Angeles, California. It's a 6-page document.
 17 In the upper right-hand corner there's a
 18 handwritten notation that says:
 19 "Received 5-2001, deposition of Rosa
 20 Tellechea from Hector Villagra, counsel
 21 for Mrs. Tellechea (MALDEF)."
 22 That handwriting in the corner is my
 23 handwriting.
 24 Do you have a copy of this document?
 25 MR. VILLAGRA: I didn't bring copies of

1 the prior documents.
2 MS. GODFREY: I'd like to identify this as
3 an exhibit.

4 (Deposition Exhibit 14 was marked by the
5 reporter for identification and is attached
6 hereto.)

7 BY MS. GODFREY:

8 Q. Can you take a minute to look at the
9 document?

10 (The witness complies.)

11 Q. Have you had a chance to review the
12 document?

13 A. Yes.

14 Q. Can you identify the document for the
15 record?

16 A. Samuel Tellechea's report card.

17 Q. And do you know for what time period it
18 covers?

19 A. 2-12-05 to 5-12-01.

20 Q. There are some other dates above that on
21 the last page. Do you see that?

22 A. 9-18-2000 to 9-2001.

23 Q. One more above that?

24 A. July 5th, 2000 and September 15, 2000.

25 Q. So I believe it would be accurate to say

1 room 2.

2 Q. And that was another question I was going
3 to ask you. Did Samuel's kindergarten room have a
4 number or name to it?

5 A. A number.

6 Q. And what was?

7 A. Room 2.

8 Q. And he was in room 2 for his entire
9 kindergarten school year?

10 A. No.

11 Q. Was there another room he was in?

12 A. Yes.

13 Q. When was he in room 2?

14 A. He was in room 2 at the second semester.

15 Q. And he was in a different room the first
16 semester?

17 A. Yes.

18 Q. What room was that?

19 A. 1.

20 Q. So Samuel has been in rooms 1 and 2 at
21 Cahuenga Elementary School, correct?

22 A. Correct.

23 Q. And did [REDACTED] teach Samuel for both
24 semesters?

25 A. Yes.

1 that this progress report covers July 5th 2000
2 through 5-1-01. Is that your understanding?

3 A. Yes.

4 MR. VILLAGRA: Just to be clear. I get
5 the impression that there are -- do they keep
6 writing on the same one and adding for it.

7 THE WITNESS: Yes.

8 MR. VILLAGRA: This was for the third
9 period, I guess, quarter of the year is what it
10 looks like.

11 BY MS. GODFREY:

12 Q. So it covers all three of the time periods
13 indicated.

14 MR. VILLAGRA: Uh-huh. But those are from
15 prior assessments.

16 BY MS. GODFREY:

17 Q. Okay. If you look on the fourth page of
18 the document it says "Teacher [REDACTED]" And below
19 that it says, "Team teacher [REDACTED]"

20 Do you see that?

21 A. Yes.

22 Q. Do you know who [REDACTED]?

23 A. Yes.

24 Q. Who is that individual?

25 A. He's a teacher that's in room -- he was in

1 Q. And was Mr. -- is it a [REDACTED]

2 A. Yes.

3 Q. Was [REDACTED] with [REDACTED] in both
4 semesters for Samuel?

5 A. No.

6 Q. When was [REDACTED] there?

7 A. He would occasionally walk in and
8 sometimes help [REDACTED] when [REDACTED] had to walk out
9 to do something.

10 Q. What is your understanding of what a team
11 teacher is?

12 A. They coach one another. They give him
13 some to teach better the students.

14 Q. Is it someone who is an older teacher,
15 more experienced?

16 A. I'm not sure.

17 Q. You're not sure?

18 A. No.

19 Q. But if I'm understanding you correctly,
20 [REDACTED] job is to help [REDACTED] with [REDACTED]
21 teaching?

22 A. I'm not sure about that.

23 Q. Okay. Do you know how [REDACTED]
24 interacted with Samuel, if at all, in kindergarten?

25 A. Samuel would say that sometimes he would

1 pull him and have the students read to [REDACTED]
 2 and he would see if they were reading well.
 3 Q. Where did he pull him?
 4 A. Yes.
 5 Q. In a little section in the classroom?
 6 A. Yes.
 7 Q. Did [REDACTED] do that for other students
 8 besides Samuel?
 9 A. Yes.
 10 Q. And you knew that because Samuel told you?
 11 A. Yes.
 12 Q. As I read through the progress report, it
 13 looks like Samuel has gotten [REDACTED]
 14 his academic subjects and study habits. Are you
 15 satisfied with Samuel's performance as reflected on
 16 his progress report?
 17 A. Yes.
 18 Q. Okay. What is your understanding of --
 19 let me back up for a second. On the last page of
 20 Exhibit 14, it says: "Thank you for helping to
 21 stimulate his interests."
 22 What is your understanding of why [REDACTED]
 23 was thanking you?
 24 A. Because I have been monitoring his
 25 homework and I've been with him when he does all

1 this work at home.
 2 Q. And would that be the same thing for this
 3 second reporting period in the second box down on
 4 the last page of Exhibit 14 where it says, "Please
 5 continue motivating him"?
 6 Is that your understanding?
 7 A. Yes.
 8 Q. And if you look on the second to last box
 9 in the reporting period from 2-12-01 to 5-1-01,
 10 [REDACTED] wrote, "Please continue developing his
 11 speaking skills."
 12 What is your understanding of what that
 13 means?
 14 A. Means for him to speak up more because
 15 he's shy. He's quiet.
 16 Q. Does that have anything to do with what
 17 language he speaks?
 18 A. No, I don't think so.
 19 Q. Is Samuel in a bilingual class?
 20 A. No.
 21 Q. He's in an English only class?
 22 A. Yes.
 23 MS. GODFREY: Can we go off the record for
 24 a second.
 25 (Discussion off the record.)

1 BY MS. GODFREY:
 2 Q. I'd like to direct your attention to
 3 Exhibit 10, your declaration. Look at paragraph 4.
 4 On line 20 and 21, where it says, "My son therefore
 5 goes to school about one month less than students
 6 on a traditional calendar."
 7 I'm sorry, does the witness have the
 8 document?
 9 A. Yes.
 10 Q. Okay. And do you see that sentence?
 11 A. Yes.
 12 Q. And are you aware that students on a
 13 Concept 6 calendar program or school attend school
 14 longer during the day than a student who goes to a
 15 traditional school?
 16 A. Yes.
 17 MR. VILLAGRA: Objection. Asked and
 18 answered.
 19 BY MS. GODFREY:
 20 Q. I want to make sure I understood your
 21 earlier testimony during the day.
 22 You didn't write this declaration,
 23 correct?
 24 MR. VILLAGRA: Objection. I'm not
 25 going -- I'm going to instruct the witness not to

1 answer that question.
 2 MS. GODFREY: I'm not asking her for
 3 what -- I'm just asking her whether she wrote it.
 4 What's privileged about that?
 5 MR. VILLAGRA: Well, I'll see where it
 6 goes.
 7 BY MS. GODFREY:
 8 Q. Okay. I just want to make sure I
 9 understand.
 10 You didn't write out the words in this
 11 declaration, did you?
 12 A. No.
 13 Q. Someone prepared it for you and you read
 14 it over and confirmed that it was accurate,
 15 correct?
 16 A. Correct.
 17 Q. In paragraph 4 you also wrote at lines 22
 18 and 23 -- excuse me, you attested to at lines 22
 19 and 23 that you'll "... fear what will happen to my
 20 son's education if, as it appears most likely, he
 21 continues to attend schools on Concept 6 calendar
 22 or has to be bused like his brother."
 23 Do you see that?
 24 A. Yes.
 25 Q. If Samuel were provided some program, some

1 academic program during one of his inner sessions
 2 during one of the two months that he's off track,
 3 do you think that would alleviate the problem that
 4 you spoke about earlier about forgetting during the
 5 times they are off?
 6 MR. VILLAGRA: Objection, vague, and
 7 incomplete hypothetical. She doesn't know details
 8 what the program would do or how long it would run.
 9 THE WITNESS: I don't know.
 10 BY MS. GODFREY:
 11 Q. Has he ever told you that Samuel is not
 12 going to be able to continue going to Cahuenga
 13 Elementary School through the 5th grade?
 14 A. No.
 15 Q. Is it your understanding that Samuel will
 16 be able to continue going to Cahuenga Elementary
 17 School through the 5th grade?
 18 A. Yes.
 19 Q. Earlier in your deposition, you testified
 20 about the fact that parents camp out --
 21 A. Yes.
 22 Q. -- to get their kids into Cahuenga. Do
 23 you remember that testimony?
 24 A. Yes.
 25 Q. Did you camp out at Cahuenga to enroll

1 Samuel just because it was close to your home?
 2 MR. VILLAGRA: Objection. Vague.
 3 THE WITNESS: Yes.
 4 BY MS. GODFREY:
 5 Q. Did the fact that you camped out to enroll
 6 Samuel in Cahuenga have anything to do with the
 7 fact that Cahuenga is a very good school?
 8 MR. VILLAGRA: Objection. Vague.
 9 THE WITNESS: Can you repeat that? I
 10 can't -- I --
 11 BY MS. GODFREY:
 12 Q. Yes. Did you camp out to get Samuel into
 13 Cahuenga -- strike that.
 14 Did the fact that you camped out at
 15 Cahuenga to enroll Samuel in school there have
 16 anything to do which are the fact that Cahuenga is
 17 a very good school?
 18 MR. VILLAGRA: Objection. Vague. Assumes
 19 facts.
 20 THE WITNESS: Yes.
 21 BY MS. GODFREY:
 22 Q. So you wanted Samuel to go to Cahuenga
 23 because it was a good school?
 24 A. Yes.
 25 Q. Would you have camped out to get Samuel

1 into Cahuenga if Cahuenga was not a good school?
 2 MR. VILLAGRA: Objection. Vague.
 3 THE WITNESS: No.
 4 BY MS. GODFREY:
 5 Q. You testified earlier in your deposition
 6 about a meeting where you voted or the parents
 7 voted for where they wanted a possible new school
 8 site to be.
 9 Do you remember that testimony?
 10 A. Yes.
 11 Q. Do you remember what, if any,
 12 representations were made to you and the other
 13 people in attendance at that meeting as to what
 14 that vote would do?
 15 A. They would --
 16 MR. VILLAGRA: Objection. Assumes
 17 facts -- I'm sorry. Vague.
 18 You can answer.
 19 THE WITNESS: They would consider building
 20 a school where the parents had voted.
 21 BY MS. GODFREY:
 22 Q. Who is "they"? Who organized that meeting
 23 again?
 24 A. The L.A. Unified School District.
 25 Q. I'm wondering if this was a meeting and

1 they said, "We've however many school sites, and
 2 whichever one you vote for at the meeting will be
 3 the new school," or whether they were taking a pole
 4 to see what people wanted?
 5 MR. VILLAGRA: Objection. Vague,
 6 compound.
 7 THE WITNESS: They considered in building
 8 a school as to what, you know, the parents had
 9 voted for.
 10 BY MS. GODFREY:
 11 Q. And you said, if I recall your testimony
 12 correctly, that there were specific sites with
 13 apartment buildings that were on the propose --
 14 some of the proposed sites. Do you know if those
 15 apartment buildings were vacant?
 16 A. No.
 17 Q. No, you don't know that they were -- well,
 18 do you know if the apartment buildings had people
 19 living in them?
 20 A. Yes.
 21 Q. And how do you know that?
 22 A. Because sometimes I pass by that street
 23 when I pick up Jonathan, and I've seen people
 24 living there.
 25 Q. Were any individuals at that meeting

1 people who lived in those apartment buildings?
 2 A. I'm not sure because when they were
 3 talking about voting for that particular building,
 4 some of the parents said that it wouldn't be fair
 5 for people who lived there. They didn't actually
 6 admit it, but they said that to relocate all these
 7 people that have been living there for years, it
 8 would be kind of hard.

9 Q. Did anybody vocalize at the meeting that
 10 they in fact lived in one of the apartment
 11 buildings or buildings that were one of the sites
 12 that were considered for a new school site?

13 A. No.

14 Q. And am I correct in my assumption that
 15 your apartment building, the one you live in, was
 16 not a site that was proposed for a new school?

17 A. No, it wasn't.

18 Q. It was not a site?

19 A. It was not.

20 Q. What about other structures besides
 21 apartment buildings where people's were -- any --
 22 strike that.

23 Were any of the school sites that were
 24 proposed have other types of structures like
 25 businesses or organizations?

1 A. Yes.

2 Q. And were any representatives from those
 3 businesses or organizations at this meeting?

4 A. No.

5 Q. And how do you know that?

6 A. Well, I'm assuming that they weren't
 7 because nobody was objecting to anything.

8 Q. Okay. I kind of asked my questions in
 9 reverse. I probably should have said, "Did anybody
 10 at the meeting represent themselves as being from
 11 one of the businesses or entities that were from
 12 one of the sites that were proposed?"

13 And there wasn't anybody who represented
 14 themselves that way, correct?

15 A. Correct.

16 Q. I believe you testified earlier in your
 17 deposition that any amount of busing is too much.

18 A. Yes.

19 Q. Do you recall that testimony?

20 A. Yes.

21 Q. Would you feel that 30 minutes or 40
 22 minutes of a bus ride was too much if the school in
 23 your neighborhood were a bad school and the school
 24 that your children were being bused to 30 or 40
 25 minutes away was a good school?

1 A. I'm not sure.

2 Q. Okay. You testified earlier in your
 3 deposition that busing affects Jonathan in a lot of
 4 different ways: Gets tired, he's stressed out when
 5 he misses the bus, he's not able to participate in
 6 morning reading programs, after school programs,
 7 he's not able to eat breakfast at school. I think
 8 I covered all of them.

9 I was just trying to recall your memory --
 10 your general testimony about that.

11 MR. VILLAGRA: Does that get everything
 12 you think is a problem with busing and how it
 13 affects Jonathan?

14 THE WITNESS: Getting up early.

15 BY MS. GODFREY:

16 Q. Okay.

17 A. He has to go to bed earlier.

18 Q. What time does Jonathan go to bed?

19 A. 8:00 or 8:30.

20 Q. And what time does he get up?

21 A. 6:00 in the morning.

22 Q. And that's Monday through Friday?

23 A. Yes.

24 Q. And is that the same time as Samuel?

25 A. Right now, well, he just finished

1 kindergarten he was getting up around 10:00 because
 2 he started 11:30. But now that he's going to go to
 3 first grade I'll have to pick -- sorry, I'll have
 4 to wake him up exactly the same time as Jonathan
 5 because once Jonathan leaves on the bus I have to
 6 wait for Sammy to go to Cahuenga so I have to get
 7 him up earlier, too, at the same time, even though
 8 he's so close to Cahuenga.

9 Q. Can you describe for me the ways you've
 10 observed the long bus ride affect Jonathan?

11 A. Like I mentioned, the stress, that affects
 12 him a lot. Getting up early. His whole attitude
 13 just by observing him, I notice he's very stressed
 14 out.

15 Q. So --

16 MR. VILLAGRA: I'm sorry, are you
 17 finished?

18 THE WITNESS: No.

19 And there's -- the homework, you know, he
 20 has to -- he gets a lot of homework. He has to go
 21 to bed early and wake up early. And the long trip
 22 that he takes to school and comes back.

23 And there's many others but I can't
 24 remember right now.

25 BY MS. GODFREY:

1 Q. That's okay. I understand that list.
 2 What I was looking for with my previous question
 3 was if you could describe for me a way in which
 4 this manifests itself. So I know he has to get up
 5 earlier and you've described him being stressed
 6 out. But I'm actually asking for what you observed
 7 to demonstrate in your mind that he's stressed.
 8 MR. VILLAGRA: Objection. Vague and asked
 9 and answered.
 10 THE WITNESS: There was an incident once
 11 when I -- I think I mentioned it earlier, that when
 12 I was looking forward to putting him in a
 13 neighborhood school, just his reaction on his face
 14 when I told him that it was a possibility for him
 15 to maybe attend Cahuenga or Wilton Place, just his
 16 reaction on his face you could see right away that
 17 it kind of relieved his stress a little at that
 18 moment.
 19 BY MS. GODFREY:
 20 Q. Has Jonathan ever complained to you that
 21 his stomach hurts because he has to ride the bus?
 22 MR. VILLAGRA: Objection. Vague.
 23 THE WITNESS: No.
 24 BY MS. GODFREY:
 25 Q. Has he ever complained to you that there's

1 something else physically that bothers him as a
 2 result of having to ride the bus?
 3 MR. VILLAGRA: Objection. Vague.
 4 THE WITNESS: Yes. He says that sometimes
 5 in the hot weather they ride the bus with the
 6 windows closed and there's no air conditioning. Or
 7 the smell of the smoke from the bus, they smell it
 8 inside the bus. And another thing is that he feels
 9 it's a drag to be riding the bus every day back and
 10 forth.
 11 BY MS. GODFREY:
 12 Q. Do you know if the bus this year for
 13 fourth grade was air-conditioned for Jonathan?
 14 A. I believe it is.
 15 Q. Does he ride pretty much the same bus
 16 every day?
 17 A. Yes.
 18 Q. And what about for 3rd grade, was that bus
 19 air-conditioned?
 20 A. I'm not sure. It wasn't the same bus
 21 driver. I don't know if it was the same bus, but
 22 I'm not sure.
 23 Q. So you don't know?
 24 A. I don't know.
 25 Q. And what about 2nd grade?

1 A. I can't remember.
 2 (Discussion off the record.)
 3 BY MS. GODFREY:
 4 Q. I'm assuming you also don't remember
 5 whether or not Jonathan's bus that he rode in the
 6 1st grade was air-conditioned?
 7 A. I don't.
 8 Q. You don't remember?
 9 A. No.
 10 Q. Has Jonathan -- I'm going to limit my
 11 question to this year for his fourth grade year.
 12 Has Jonathan ever complained to you that, "Mommy,
 13 I'm just too tired to do my homework today because
 14 I was on the bus so long"?
 15 MR. VILLAGRA: Objection. Vague.
 16 THE WITNESS: Yes.
 17 BY MS. GODFREY:
 18 Q. He has complained?
 19 A. Yes.
 20 Q. How frequently does he complain about
 21 that?
 22 A. Occasionally when he comes home he wants
 23 to take a little break and then, you know, start
 24 his homework. He says he's very tired of riding
 25 the bus. He's hot.

1 And, you know, he says, "I wish I wouldn't
 2 have to ride the bus anymore. I'm tired of riding
 3 the bus every day."
 4 Q. And he tells you he's too tired to do his
 5 homework?
 6 A. Occasionally.
 7 Q. Is it once a week that he tells you that?
 8 A. About, yeah.
 9 Q. Have you observed any other ways that the
 10 long ride or the stress as a result of the bus ride
 11 manifests itself for Jonathan?
 12 MR. VILLAGRA: Objection. Vague.
 13 THE WITNESS: You mean other things?
 14 BY MS. GODFREY:
 15 Q. Other things than you've testified to
 16 today. I'm not asking for -- more things that the
 17 bus ride causes. I'm asking you the things that
 18 you've described already, the stress and the long
 19 ride, that he's tired, can you describe for me any
 20 other ways than you've testified to today, that
 21 it's manifested itself in your observation?
 22 MR. VILLAGRA: Objection, vague.
 23 THE WITNESS: His attitude. He's very
 24 upset. He's very upset.
 25 BY MS. GODFREY:

1 Q. Can you be more specific than upset? You
2 mean like what happens?
3 A. Like sometimes I ask him something and
4 he -- I mean he has -- you could just see his face.
5 He's very upset. He's very tired. He's very
6 stressed out. When somebody -- I don't know if
7 you -- but when somebody is very stressed out, they
8 have -- you can just -- they have an appearance of
9 being so stressed out and so angry. And that's
10 what I noticed. And he wasn't like that before.
11 Q. Before what?
12 A. Before he wasn't as stressed out as he is
13 now when he started at Bellevue in kindergarten
14 when he was little.
15 Q. Is that the only way you've linked
16 Jonathan's stress to the bus rides?
17 MR. VILLAGRA: Objection. Vague.
18 THE WITNESS: I can't think of any other
19 ones right now.
20 BY MS. GODFREY:
21 Q. The other problem, if you will --
22 (Mr. Daum entered the deposition.)
23 MS. GODFREY: The record should reflect
24 someone walked in.
25 MR. DAUM: I am John Daum.

1 BY MS. GODFREY:
2 Q. I think you testified as a result of
3 riding the bus, Jonathan needs to eat breakfast at
4 home?
5 A. Correct.
6 Q. What is the alternative to eating
7 breakfast at home?
8 A. The alternative is because when he gets to
9 school, depending on the schedule of the bus
10 driver, if he's running late, they will miss
11 breakfast at school. So he eats it at home.
12 Q. You would prefer Jonathan to eat breakfast
13 at school?
14 A. If it was possible.
15 Q. Is it some sort of meal program that you
16 want him to participate in or you just want him to
17 take his breakfast to school and eat it there?
18 MR. VILLAGRA: Objection. Vague.
19 Compound.
20 THE WITNESS: Can you rephrase that for
21 me?
22 BY MS. GODFREY:
23 Q. I'm trying to figure out what the problem
24 is with eating breakfast at home because I eat
25 breakfast at home and I ate breakfast at home when

1 I went to school.
2 Maybe I'm missing something that you are
3 wanting him to be able to do that I'm just not
4 understanding.
5 A. Okay. The thing is since he has to get up
6 earlier at 6:00 in the morning to get ready for
7 school, usually once he's -- once he's up he gets
8 dressed and then I give him breakfast. And for a
9 kid to get up that early to eat breakfast,
10 sometimes they are not hungry. So they might, you
11 know, eat later on like around 8:00 when they get
12 to school. But since he misses that, that's why I
13 give him breakfast at home to make sure he'll be
14 able to focus at school and won't be hungry.
15 Q. When Jonathan gets to school, Rosewood,
16 when he gets off the bus, is he not able to eat
17 anything at the school?
18 A. He says that when the majority of the time
19 the bus gets there too late so they can't really
20 have breakfast or else the bell rings and they have
21 to go in the class and they'll be late.
22 Q. Do you know if the school sells anything
23 before school starts?
24 A. I don't know.
25 Q. So if Jonathan were to eat something --

1 strike that.
2 If a student who attends Rosewood were to
3 eat something before classes start in the morning,
4 would it have to be something they brought from
5 home?
6 A. You mean for -- for Rosewood student that
7 lives in the area?
8 Q. For any student who goes to Rosewood
9 elementary school, does the school provide some
10 sort of meal or food before classes start that
11 students can buy?
12 MR. VILLAGRA: If you know.
13 THE WITNESS: I don't know.
14 (John Daum left the deposition.)
15 BY MS. GODFREY:
16 Q. You also described Jonathan's stress that
17 results when he misses the bus.
18 A. Yes.
19 Q. Can you describe the way that stress
20 manifested itself in your observation?
21 MR. VILLAGRA: Objection. Vague.
22 THE WITNESS: Because he'll be late to
23 school. By the time I get him to Rosewood he'll be
24 late. The bell would have already rang and he
25 would walk into the class and he'd be stressed out.

1 BY MS. GODFREY:
 2 Q. Why do you think he is stressed out?
 3 A. He has told me.
 4 Q. What has he said?
 5 A. He doesn't like being late to school.
 6 Q. Has he said, "I'm stressed because we're
 7 late" or is that --
 8 A. Something that I've noticed.
 9 (Recess.)
 10 BY MS. GODFREY:
 11 Q. Earlier in your deposition, you testified
 12 that you had a conversation with Mr. Houske where
 13 you inquired about any possibilities for Jonathan
 14 to go to Cahuenga. Do you recall that general
 15 testimony?
 16 A. Yes.
 17 Q. And Mr. Houske told you to just keep
 18 checking in periodically or as often as you can
 19 because someone might move away and there might be
 20 a space opening up.
 21 Do you recall that testimony?
 22 A. Yes.
 23 Q. And you also testified that the last time
 24 you asked or inquired about an opening for Jonathan
 25 at Cahuenga was in -- when he was in 2nd grade, is

1 that correct?
 2 MR. VILLAGRA: Objection. I think that
 3 mischaracterizes his testimony.
 4 BY MS. GODFREY:
 5 Q. Okay. If you'll permit me, when was the
 6 last time you asked Mr. Houske or another member of
 7 Cahuenga Elementary School whether or not there
 8 might be an opening for Jonathan?
 9 A. When he was in fourth grade.
 10 Q. Oh. Do you have a date? Because he's
 11 currently still in fourth grade.
 12 A. Yes. That was in July of last year when
 13 Sammy started kindergarten being that he -- that
 14 Samuel had started kindergarten, I thought that
 15 maybe that would give him a better chance of maybe
 16 going to Cahuenga since they are brothers.
 17 Q. How come you haven't asked against since
 18 July?
 19 A. I've had his tutor, Jonathan's tutor. She
 20 works there. She has also asked for me. And there
 21 hasn't been anything available.
 22 Q. And who is that tutor?
 23 A. Mrs. McDonald.
 24 Q. Do you know what you have to do to
 25 register Jonathan for middle school?

1 A. There's a paper that they are going to be
 2 sending from Rosewood, the beginning, like in
 3 January. And then that's where you choose what
 4 school you want to send them to.
 5 Q. So you -- how do you know that?
 6 A. I've heard it from a parent.
 7 Q. Okay. At the very first session of your
 8 deposition --
 9 MS. GODFREY: Can we go off?
 10 (Discussion off the record.)
 11 MS. GODFREY: Can we go back to that part?
 12 (The following question was read by the
 13 reporter):
 14 "Q. At the very first session of your
 15 deposition --"
 16 BY MS. GODFREY:
 17 Q. You testified about signing a document
 18 such that you'd be signing up for the lawsuit, so
 19 to speak. Do you remember talking about that?
 20 A. I think so. I can't remember right now.
 21 Q. I believe Miss Strong was asking you when
 22 you were first inquiring about counsel and becoming
 23 a part of this lawsuit, and you talked about
 24 signing the lawsuit or signing a document that
 25 meant you were going to be part of the lawsuit.

1 Do you recall any testimony about that?
 2 A. Yes.
 3 MR. VILLAGRA: Objection. Vague and
 4 compound.
 5 BY MS. GODFREY:
 6 Q. Do you recall signing a document that had
 7 a title, "Retainer Agreement" at the top?
 8 A. No.
 9 Q. Do you recall the signing a document that
 10 discussed anything to do with whose obligation it
 11 would be to pay for attorneys' fees and costs in
 12 this lawsuit?
 13 A. No.
 14 MR. VILLAGRA: Objection. Asked and
 15 answered.
 16 BY MS. GODFREY:
 17 Q. At the first session of your deposition,
 18 not today but May 20th, you identified some
 19 documents and Miss Strong asked if you would go
 20 back and look for those documents.
 21 Do you recall that?
 22 A. Yes.
 23 Q. And did you in fact go home and look for
 24 the documents you identified in the first session
 25 of your deposition?

1 A. Yes.

2 Q. And were the documents that your
3 counsel -- well, strike that.

4 Did you find all of the documents you were
5 looking for?

6 A. Yes.

7 Q. And did you give those documents to your
8 counsel?

9 A. Yes.

10 Q. And to your knowledge, did your counsel
11 provide those documents to counsel at the
12 deposition here today?

13 A. Yes.

14 Q. Have most of the documents you brought to
15 your counsel been identified during the deposition
16 today?

17 MR. VILLAGRA: Objection. Vague.

18 THE WITNESS: Yes.

19 MS. GODFREY: Can we go off the record for
20 a minute?

21 (Discussion off the record.)

22 MS. GODFREY: Can you read the last
23 question back.

24 (The following question was read by the
25 reporter):

1 Q. And is it your understanding that he will
2 remain on track C as he progresses through the
3 grades at Cahuenga?

4 A. Yes.

5 Q. I have one more question. I want to
6 direct your attention back to earlier testimony
7 about camping out and waiting in line to register
8 Samuel for Cahuenga.

9 When you were waiting on line, did any of
10 the other parents tell you -- well, strike that.
11 Did any of the other parents talk to you when you
12 were waiting on line?

13 A. At the beginning of the camping out my
14 husband was there because it was so late at night
15 and he didn't want something to happen to me. So
16 as it started getting later, like around 7:00 or
17 8:00, that's when I came so he could go to work.
18 So he -- I don't know because I wasn't there with
19 him.

20 MR. VILLAGRA: Just to be clear. 7:00 or
21 8:00 in the morning?

22 THE WITNESS: Yes.

23 BY MS. GODFREY:

24 Q. Your husband was there from 10:00 to about
25 7:00 in the morning?

1 "Q. Have most of the documents you
2 brought to your counsel been identified
3 during the deposition today?"

4 MS. GODFREY: Can I add to that question?

5 Q. -- as an exhibit?

6 A. Yes.

7 Q. And the only other documents that you
8 brought to the deposition today that were not
9 identified as an exhibit were a Shakey's -- was a
10 Shakey's Outstanding Achievement Award; is that
11 correct?

12 A. Correct.

13 MS. STRONG: I believe there were others
14 not marked as exhibits; however, I believe we did
15 identify and describe each of the documents that
16 Mrs. Tellechea produced here today.

17 Is that -- is everyone in agreement with
18 that?

19 MR. VILLAGRA: Yes, that's my recollection
20 as well.

21 MS. GODFREY: Thank you, Counsel, for
22 clarifying that for the record.

23 Q. Do you know if Samuel will be on track C
24 next year for 1st grade?

25 A. Yes.

1 A. Yes.

2 Q. And you took over 7:00 until they opened?

3 A. Yes.

4 Q. So during the time that you were camping
5 out while you were registering Samuel for Cahuenga,
6 did any of the parents talk to you?

7 A. No.

8 Q. You didn't have any conversations with any
9 of the parents?

10 A. No.

11 Q. Did your husband tell you whether or not
12 he talked to any of the other parents waiting in
13 line in the night when he was waiting in line to
14 register Samuel for Cahuenga?

15 A. No.

16 Q. He did not tell you?

17 A. No.

18 MS. GODFREY: I think that that -- that
19 that might be all of the questions that I have for
20 today.

21
22 FURTHER EXAMINATION

23
24 BY MS. STRONG:

25 Q. You mentioned earlier in your testimony

1 some of the schools that you thought your children
2 might attend for middle school; is that correct?

3 A. Correct.

4 Q. And I believe you mentioned John
5 Burroughs, Virgil, and Lawrence as three of the
6 schools that you consider as possibilities as to
7 where your children may go for middle school, is
8 that correct?

9 MR. VILLAGRA: Objection. Asked and
10 answered.

11 THE WITNESS: Correct.

12 BY MS. STRONG:

13 Q. Are there any other schools that you know
14 of that your children may attend for middle school?

15 MR. VILLAGRA: Objection. Vague.

16 THE WITNESS: No.

17 BY MS. STRONG:

18 Q. And can I direct your attention to your
19 declaration at paragraph 2, lines 13 to 14. You
20 state:

21 "I am personally familiar with their
22 current schools and many of the schools
23 that my sons are likely to attend in the
24 future."

25 Those schools that you refer to when you

EXAMINATION

3 BY MR. VILLAGRA:

4 Q. Mrs. Tellechea, whatever the quantity of
5 Cahuenga Elementary, would you prefer that it were
6 on a traditional calendar?

7 A. Yes.

8 Q. Are all of those reasons that you were
9 discussing over your two days of depositions?

10 A. Yes.

11 MR. VILLAGRA: That's it for me.

12 MS. STRONG: I believe there's still at
13 least one document that has been requested that has
14 not been located. There was actually a prior
15 document Mrs. Tellechea identified during the first
16 session of her deposition, a bus schedule for
17 Jonathan Tellechea's bus to Rosewood.

18 Off the record Mrs. Tellechea has
19 indicated that she looked for that document but was
20 unable to locate it at her house.

21 Is that correct, Mrs. Tellechea?

22 THE WITNESS: Correct.

23 MS. STRONG: And Mrs. Tellechea also
24 represented that she has produced all responsive
25 documents that she could find at her house to her

1 state those they are likely to attend in the future
2 are: Virgil, John Burroughs and Lawrence; is that
3 correct?

4 A. Correct.

5 Q. There are no other schools that you were
6 referring to in that sentence, correct?

7 A. Correct.

8 Q. And do you know anything else about those
9 three schools other than what you've already
10 testified here to today?

11 A. No.

12 Q. And now that you have been testifying for
13 two days, are there any other concerns that you
14 have regarding your childrens' education that you
15 have not yet told us about?

16 MR. VILLAGRA: Objection. Vague.

17 THE WITNESS: Not that I can remember
18 right now.

19 MS. STRONG: Okay. I think that's all
20 that I have right now.

21 Can we go off the record for a second?
22 (Discussion off the record.)

23 ///

24 ///

25 ///

1 attorneys and that they have been produced to
2 counsel here today at her deposition.

3 Is that correct, Mrs. Tellechea?

4 THE WITNESS: Correct.

5 MS. STRONG: However, during today's
6 deposition there is one document, at least one
7 document, that is still outstanding, which is the
8 [REDACTED] that was referenced while Miss Godfrey
9 was questioning the witness. I am go --

10 MR. VILLAGRA: I would like to make a
11 comment for the record. I would like to state for
12 the record that, in particular with reference to

13 [REDACTED] some or all of that testimony may be
14 subject to the protective order and it may not
15 actually be discoverable in this deposition.

16 And the document may not be subject to
17 production either. So I'd like to reserve the
18 right to designate portions of this deposition
19 transcript as either subject to it and protected
20 from disclosure to certain people or beyond the
21 discovery that was to be permitted in these
22 depositions regarding class certification.

23 I'd just like to reserve that right in the
24 record.

25 MS. STRONG: So I think that some of the

1 protections may have been waived. Just for the
 2 record.
 3 MS. GODFREY: I'd like to join that.
 4 MS. STRONG: May we stipulate that the
 5 copies of documents attached to this deposition may
 6 be used as originals? May we stipulate that the
 7 original of this deposition be signed under penalty
 8 of perjury, that the original be delivered to the
 9 office of Hector Villagra; that the reporter is
 10 relieved of liability for the original of the
 11 deposition; that the witness will have 15 days from
 12 the date of the court reporter's transmittal letter
 13 to Hector Villagra to sign and correct the
 14 deposition.
 15 Hector Villagra will notify all parties in
 16 writing of any changes in the deposition, and that
 17 if there are no such changes communicated, or
 18 signature within that time, that any unsigned and
 19 uncorrected copy may be used for all purposes as if
 20 signed and corrected.
 21 MR. VILLAGRA: So stipulated with one
 22 condition. As long as the transmittal letter
 23 reflects the same date that we receive it, which
 24 there's already been an instance where that didn't
 25 happen.

1 MS. STRONG: So stipulated.
 2 MS. GODFREY: So stipulated.
 3 (The deposition concluded at 4:27 P.M.)
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DECLARATION

1
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 3
 4
 5 I hereby declare I am the deponent in the
 6 within matter; that I have read the foregoing
 7 deposition and know the contents thereof, and I
 8 declare that the same is true of my knowledge,
 9 except as to the matters which are therein stated
 10 upon my information or belief, and as to those
 11 matters, I believe it to be true.
 12 I declare under the penalties of perjury
 13 of the State of California that the foregoing is
 14 true and correct.
 15 Executed on the _____ day of
 16 _____, 2001.
 17 _____, California.
 18
 19
 20
 21
 22 _____
 23 WITNESS
 24
 25

1 I, ASHALA TYLOR, a Certified Shorthand
 2 Reporter for the State of California, do hereby
 3 certify:
 4 That prior to being examined, the witness
 5 named in the foregoing deposition, was by me duly
 6 sworn to testify as to the truth, the whole truth,
 7 and nothing but the truth pursuant to
 8 Section No. 2093 of the Code of Civil Procedure;
 9 That said deposition was taken before me
 10 at the time and place therein set forth, and was
 11 taken down by me in shorthand and thereafter
 12 reduced to typewriting via computer-aided
 13 transcription under my direction;
 14 I further certify that I am neither
 15 counsel for, nor related to, any party to said
 16 action, nor in anywise interested in the outcome
 17 thereof.
 18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 25th day of
 20 June, 2001.
 21
 22 _____
 23 ASHALA TYLOR
 24 CSR No. 2436, RPR, CRR
 25