

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

ELIEZER WILLIAMS, et al.,) Case No.
) 312 236

Plaintiffs,)

v.)

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

Defendants.)

-----)
AND RELATED CROSS-ACTION.)
-----)

DEPOSITION OF:

JOEL VACA
FRIDAY, NOVEMBER 9, 2001
9:31 A.M.

REPORTED BY:

DENISE A. ROSS
CSR NO. 10687

1 Deposition of JOEL VACA, taken on behalf of the
2 Defendant, at 400 South Hope Street, Los Angeles,
3 California, on FRIDAY, NOVEMBER 9, 2001, at 9:31 A.M.,
4 before DENISE A. ROSS, CSR No. 10687.

5
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1 LOS ANGELES, CALIFORNIA
2 FRIDAY, NOVEMBER 9, 2001; 9:31 A.M.

3
4 JOEL VACA,
5 having been first duly sworn,
6 was examined and testified as follows:
7

8 EXAMINATION

9 BY MR. ROZWOOD:

10 Q. Good morning, Mr. Vaca.

11 A. Good morning.

12 Q. My name is Ben Rozwood, and I'm an attorney
13 representing the State of California in this litigation.

14 Can you state and spell your full name for the
15 record, please.

16 A. My full name is Joel, J-O-E-L, Vaca, V-A-C-A.

17 Q. And your address, please.

18 MS. LHAMON: The address is private information.

19 You can say you live in [REDACTED]

20 THE WITNESS: I do live in [REDACTED]

21 MR. ROZWOOD: Are you willing to accept service
22 for this witness for all purposes in this case?

23 MS. LHAMON: Yes.

24 BY MR. ROZWOOD:

25 Q. Mr. Vaca, have you ever had your deposition

1 Do you understand that?

2 A. Yes.

3 Q. Even though we're in an informal setting here
4 today, your testimony must be given with the same
5 solemnity and sanctity as if you were sitting in a formal
6 courtroom environment. Your testimony will have the same
7 force and effect as if you were testifying in a court of
8 law.

9 Do you understand that?

10 A. Yes.

11 Q. You are, therefore, subject to all the penalties
12 of perjury for giving false testimony; therefore, it is
13 important to answer all my questions completely and
14 truthfully.

15 Do you understand that?

16 A. Yes.

17 Q. When you answer my questions, it is important
18 that you verbalize your responses because nods and shakes
19 of the head can't be recorded by the court reporter.

20 Does that make sense?

21 A. Yes.

22 Q. And also, we have to make sure one person is
23 speaking at a time; so I'll try to finish my question,
24 and you'll just have to try to wait until I'm done before
25 you give your answer. And I'll give you the same respect

1 taken before?

2 A. No, this is the first time.

3 Q. So let me briefly explain what we're going to be
4 doing here today. I'm going to ask you some questions
5 under oath to determine the facts related to this
6 lawsuit, if any, that you have personal knowledge of.

7 A. Yeah.

8 Q. Sitting next to us, we have a court reporter,
9 who is going to be recording my questions and your
10 answers, which will be recorded into a written
11 transcript.

12 When you receive the written transcript, you'll
13 have an opportunity to make any changes that you feel are
14 necessary; however, the various lawyers in this case will
15 be free to comment on any changes you decide to make,
16 either at trial or at any other hearing or proceeding in
17 this case.

18 Do you understand that?

19 A. Yes, sir.

20 Q. So it is very important that you respond to all
21 questions as fully and fairly as you possibly can.

22 Do you understand that?

23 A. Yes, sir.

24 Q. The testimony you'll be providing here today is
25 being given under oath.

1 and let you complete your answer before I ask the next
2 question.

3 Does that seem fair?

4 A. Seems fair.

5 Q. It is important that you listen carefully to my
6 question. If you do not understand a question, just let
7 me know. And if it's appropriate, I'll make an effort to
8 rephrase it for you. If you answer a question, we will
9 presume that you understood the question as I asked it.

10 Does that make sense?

11 A. Makes sense.

12 Q. We don't want you to guess with respect to
13 answer any questions that I ask you. We just want you to
14 answer the questions to the best of your ability.

15 A. Okay.

16 Q. If you don't know the answer, you can say you
17 don't know; however, we are entitled to your best
18 estimate where it makes sense to provide one.

19 Does that seem fair?

20 A. Yes.

21 Q. If you need a break for any reason, to go to the
22 bathroom or for any other reason, just let me know and
23 I'll instruct the court reporter to go off the record and
24 we'll take that break.

25 A. Fine.

1 Q. The only caveat might be is if there's a
 2 question pending, I'd ask you to complete the answer to
 3 that question, or if we're in a line of similar
 4 questions, we just might complete that line.
 5 Is that okay with you?
 6 A. It's fine.
 7 Q. If at any point during today's questioning I ask
 8 a question or you give an answer that triggers your
 9 memory concerning something we discussed earlier in the
 10 deposition, please tell us that information and we'll add
 11 it to the record.
 12 Okay?
 13 A. Fine.
 14 Q. If you don't do that, we'll assume that the
 15 answers you give today are full and complete.
 16 Can we agree to that?
 17 A. Yes.
 18 Q. Do you understand these ground rules or have any
 19 questions about them?
 20 A. No, not at all.
 21 Q. No questions?
 22 A. No.
 23 Q. Is there any reason you might be unable to
 24 testify or give your best testimony today?
 25 A. Is there any reason? No.

1 Q. Have you recently consumed any medication,
 2 alcohol or other substance that might interfere with your
 3 ability to understand and answer my questions?
 4 A. No, sir.
 5 Q. Do you suffer from any disability of any kind?
 6 A. No, sir.
 7 Q. With respect to your address, we just want to
 8 say for the record that I don't believe there is any
 9 basis for withholding it and we reserve all rights with
 10 respect to that information.
 11 Can you please, Mr. Vaca, describe your
 12 educational background for us.
 13 A. I've attended L.A. Unified School District
 14 schools as far back as elementary school -- 76th Street
 15 Elementary School is where I went. Then junior high, I
 16 went to Horace Mann Junior High, in which we moved into
 17 Edison, which is now known as Edison Middle School. Then
 18 I transferred over to a Long Beach Unified School, the
 19 California Academy of Math and Science. From there I
 20 proceeded to go to UC Santa Cruz, where I got my B.A. in
 21 mathematics.
 22 Q. What year did you earn your B.A. in mathematics?
 23 A. 1999.
 24 Q. And did you have any other emphasis of study
 25 outside of the mathematics?

1 A. That was it. I just studied mathematics.
 2 Q. Did you -- I'm sorry.
 3 A. No, that was it.
 4 Q. Did you have an opportunity to take any courses
 5 during your college career relating to the field of
 6 education?
 7 MS. LHAMON: The question is vague.
 8 Do you mean did he have the chance to do it, or
 9 did he take them?
 10 MR. ROZWOOD: That's a fair point. Thanks.
 11 Q. I just meant if you took them.
 12 A. Yes, I took education courses.
 13 Q. Which education courses did you take at UC Santa
 14 Cruz?
 15 A. I took the evolution of education course. I
 16 also took -- I think that was pretty much it, just the
 17 evolution of education course as part of my general
 18 educational requirements.
 19 Q. Do you remember who the teacher was?
 20 A. I can't recall.
 21 MR. ROZWOOD: Off the record for a minute so I
 22 can get documents.
 23 (Brief pause in proceedings.)
 24 MR. ROZWOOD: Back on the record.
 25 Q. I apologize for that short break. We were just

1 trying to get some deposition exhibits copied, and they
 2 just arrived.
 3 Do you recall who the professor of your
 4 evolution of education course was?
 5 A. I do not recall.
 6 Q. Do you know if there were any other education
 7 courses offered at UC Santa Cruz that you wanted to take
 8 but weren't able to take?
 9 A. No. My emphasis was mathematics, not education.
 10 Q. Do you hold any teaching credentials?
 11 A. No, but I am currently working on my teaching
 12 credential.
 13 Q. Do you recall what month in 1999 you graduated?
 14 A. Yes. There's a discrepancy with the
 15 declaration. I did graduate in July of '99, not December
 16 of '99.
 17 Q. And when did you --
 18 What did you do after you graduated?
 19 A. I then proceeded to work at Nissan, and I did
 20 minor accounting work there.
 21 Q. And for how long were you employed with Nissan?
 22 A. For about four months, at most.
 23 Q. Was that in the Los Angeles area?
 24 A. Yes, in Carson.
 25 Q. And after your work at Nissan, what did you do

1 next?

2 A. I did volunteer work for the L.A. Sheriff's
3 Department. I started a tutoring program in the
4 neighborhood where I live and worked for after school
5 activities for junior high children to come to the
6 sheriff's station and brush up on their math, reading and
7 writing.

8 Q. The connection to the sheriff's department -- is
9 that limited to just simply the location at which these
10 tutor sessions were held?

11 A. Yes. It was an old sheriff's station that was
12 converted into a community center, and the program was
13 funded by the L.A. Sheriff's Department.

14 Q. How did that program come into existence? Do
15 you know?

16 A. I don't have an idea how it came into existence,
17 but I was in the beginning stages of its formation.
18 They're requiring tutors of math and -- and science
19 background; so I came forth and gave my input.

20 Q. How did you first learn about the program?

21 A. Riding my bike around the neighborhood, I saw
22 signs posted up; so I went in and applied.

23 Q. And how long did you work at that program?

24 A. For about a month and a half, and it was not
25 work. It was volunteer work.

1 Q. Is the program still in existence?

2 A. I believe so.

3 Q. So 20 people that you're referring to are the
4 people that you personally knew participated in the
5 program while you were there?

6 A. Right.

7 Q. And approximately how many kids did you help out
8 in that program? Let me ask a different question because
9 it's a vague question.

10 How many kids participated in the program, to
11 your knowledge, while you were there?

12 A. To my knowledge, there must have been about 60
13 or more.

14 Q. And you said earlier that it was financed by the
15 sheriff's department?

16 A. Yes, sir.

17 Q. And on what do you base your understanding that
18 the program was paid for by the sheriff's department?

19 A. Because it was at their facility. The sheriff's
20 deputy was overseeing everything, all the tools that --
21 all the necessities that we received were from the
22 sheriff's department.

23 Q. What types of instructional materials or
24 resources were made available to the tutors and children
25 in that program?

1 Q. Okay. How long did you volunteer at that
2 program?

3 A. For about two months.

4 Q. Do you know the name of that program?

5 A. I cannot recall.

6 Q. Did you have any supervisors?

7 A. Yes, Deputy Rios.

8 Q. And what was Deputy Rios's role in that program?

9 A. She was to oversee and supervise all volunteers
10 and implementation of every program.

11 Q. How many volunteers were in the program?

12 A. At any one given moment in time or throughout
13 the whole time I was there?

14 Q. It's a good question. Thanks for asking me to
15 clarify it.

16 I guess I'm just interested in how many there
17 were in a given time. But if you think that's somehow
18 not reflective of the size of the program, you can
19 qualify that however you see fit.

20 A. At any given time, there would have been about
21 five volunteers or tutors or people working directly with
22 the kids, and overall there must have been about maybe
23 20 volunteers.

24 Q. Twenty different people?

25 A. Yes, over the lifespan of the program.

1 A. We had paper provided for the students to be
2 able to write on, writing materials such as pencils,
3 pens, crayons, whatnot. We also had outdated books in
4 which I ran my tutoring based on. All I needed was
5 information and problem sets for them to do. And they
6 provided the rooms. They provided the chairs. They
7 provided the overhead. They provided the dry erase
8 board. Pretty much everything, they provided. I was
9 there -- I was just a body of information.

10 Q. When you say "outdated books," what did you mean
11 by that?

12 A. Books that are -- should have no longer been in
13 circulation donated by various schools. In order for the
14 schools to get rid of them, they usually donate the
15 books. They don't really dispose of them any other way.
16 Old library books were donated.

17 Q. Do you know where the books used by this
18 sheriff's department program were obtained from?

19 A. I have no idea.

20 Q. When you say the books should not been in
21 circulation, what do you mean by that?

22 A. Every -- now I know that every year, books are
23 coming up -- publishers produce new books with current
24 information. And basically, that current information is
25 new pictures, new word problems. And these books did not

1 have those new pictures, nor word problems.
 2 Q. When you say "pictures," just to be fair --
 3 A. Diagrams, information, maybe new pictures of new
 4 space shuttles taking off, maybe new airplanes -- current
 5 images.
 6 Q. And you're referring to the math textbooks?
 7 A. Yes.
 8 Q. Are you also referring to other textbooks?
 9 A. I'm only referring to math textbooks.
 10 Q. Were the textbooks you used to tutor the kids in
 11 the sheriff's department program useful to achieve the
 12 objectives of the program?
 13 MS. LHAMON: Vague as to "useful."
 14 BY MR. ROZWOOD:
 15 Q. You can answer.
 16 A. Yes, in the sense that I only used the problem
 17 sets. I didn't have the children read the books. I gave
 18 them those problems as examples as to how to proceed to
 19 do their own homework for their class.
 20 Q. And the problem sets -- were those useful from
 21 those books?
 22 A. Yes, as practice problems.
 23 Q. Can you describe how the program worked? Did
 24 students come after school for a couple of hours, or was
 25 it an all-day program?

1 A. It was an after school program. Students came
 2 in after school. One of the foundations for the program
 3 was to keep the children off the streets, have a place
 4 for them to do their homework, to interact with other
 5 students at their own middle schools within their own
 6 neighborhood. So they were there for at most three
 7 hours, and it was not just tutoring. They also had time
 8 to go out to the playground or to their old parking lot
 9 converted into a playground.
 10 Q. So there was also a playground available?
 11 A. You can say that. It was an old squad car
 12 parking lot that basketball hoops were put in and called
 13 a playground.
 14 Q. Were the children provided with balls -- kick
 15 balls?
 16 A. Yes.
 17 Q. Was there, like, a tether ball court or anything
 18 like that?
 19 A. They had basketballs, footballs, soccer balls,
 20 hockey.
 21 Q. And the area was supervised?
 22 A. It was supervised by deputies.
 23 Q. Now, if you needed to get some materials, like a
 24 pencil or make some copies for your problem sets, how did
 25 you do that within the program?

1 A. In the classroom or in the room where I did the
 2 tutoring, there was usually a small number of students
 3 there; so I was able to provide a book for each student,
 4 and I had that luxury. Because there were different
 5 subjects being tutored, different people took over on
 6 different areas of need.
 7 Q. And with respect to obtaining instructional
 8 materials, whether it be writing instruments or utensils
 9 or books, how did you go about obtaining the necessary
 10 instructional materials for your work at that program?
 11 A. I was informed of a supply cabinet where any
 12 material that I would need, all -- I would have to ask
 13 Deputy Rios, and she would obtain it for me almost
 14 instantly. I never asked where or how. She just did.
 15 Q. And when did you decide to become a teacher?
 16 A. Before I terminated my job with Nissan. Exact
 17 date, I'm not too sure of.
 18 Q. Was it after you graduated college?
 19 A. Definitely after I graduated college. As to the
 20 exact cause, I noticed my brother's grades were
 21 declining. I saw the material he was coming home with.
 22 He attends the school that I now teach at; so I was
 23 pretty appalled of the condition of the math that he was
 24 expected to learn, and I knew that I could do far better.
 25 Q. What was appalling about the math that he was

1 asked to learn?
 2 A. The level at which he was expected to know was
 3 not as high as I would have him know. As a matter of
 4 fact, I included my own supplemental tutoring for my
 5 brother. So I had him do additional stuff besides the
 6 things he did at school.
 7 Q. It sounds like he's lucky to have you.
 8 Was this exposure to the appalling math
 9 assignments -- did that first occur while you were
 10 employed at Nissan in Carson?
 11 A. It was only after I came back from Santa Cruz.
 12 I had been gone for five years; so I had no real contact
 13 with the progress -- the academic progress of my younger
 14 brothers. But once I came home, I was in charge of
 15 overseeing the academic progress.
 16 Q. Am I correct in my understanding that that was
 17 part of the reason why you decided to become a teacher?
 18 A. Yes.
 19 Q. What did you do once you decided to become a
 20 teacher to achieve your goal?
 21 A. I rode my bike to 450 North Grand, and I
 22 applied. And lucky for me I attended a workshop in
 23 Santa Cruz in which I met Antonio Garcia or Anthony
 24 Garcia, and I kept his card for two years. And when I
 25 applied, I flashed the card and almost was accepted on

1 sight.

2 Q. Can you describe the application process with
3 the L.A. Unified School District in more detail for us?

4 A. There's an application packet that needs to be
5 completed. Upon completing the packet, in which they ask
6 you for transcripts, they ask you for tests of your CBEST
7 scores. They ask you for several letters of
8 recommendation, which I had outstanding letters of
9 recommendation. There's an interview process. Lucky for
10 me, I had it with Anthony Garcia. So that's pretty much
11 the outline of it. I can't recall the details.

12 Q. After the interview process, what happened next?

13 A. Anthony asked me what schools was I
14 contemplating to be employed at, and I had only one
15 reply, that I wanted to work at Fremont and only Fremont.

16 Q. Is that because your brother went there?

17 A. Yes. Not only that, it would have been the
18 school I would have attended if I had not gone to the Long
19 Beach school.

20 Q. And what is Mr. Garcia's position with the
21 L.A. Unified School District?

22 A. I'm not sure. I have no contact with him.

23 Q. Do you recall what his position was when you
24 first met him in Santa Cruz?

25 A. I think it was recruitment. I think it was

1 Q. So the content of the assignment was at the
2 appropriate level for his grade in your view; is that
3 correct?

4 MS. LHAMON: Mischaracterizes the testimony.

5 THE WITNESS: Could you repeat the question?

6 BY MR. ROZWOOD:

7 Q. Sure.

8 Can you read the question back?

9 (Record read as follows:

10 "QUESTION: So the content of the
11 assignment was at the appropriate level for
12 his grade in your view; is that correct?")

13 THE WITNESS: The content? Yes, as an
14 introductory level, but then I feel it should have
15 progressed more than that in the time he was given the
16 assignment.

17 BY MR. ROZWOOD:

18 Q. You mentioned that one of the problems with his
19 homework assignments is that they weren't allowed to take
20 books home and it only took him 15 minutes to complete
21 the assignment.

22 A. Right.

23 Q. Were there any other problems about your
24 brother's homework assignments that you noticed?

25 A. Other problems with his homework? Not that I

1 through the L.A. Teach Program, but I'm not quite sure if
2 that's even the name of it. But that was the name on the
3 binder or the folder that I received.

4 Q. Was it your understanding that Mr. Garcia was
5 doing on-campus recruiting on behalf of LAUSD?

6 A. Yes.

7 Q. Now, you said earlier that the work your brother
8 was doing was not advanced enough for his grade level; is
9 that correct?

10 A. No. I said that the work -- he was not -- that
11 he was bringing home was not to the level of expectation
12 that I wanted for him. Whether it was at the grade
13 level, whether it was what they were doing in class,
14 that's something else. But I expect more from my
15 brother. So I expect more work from him.

16 Q. Okay.

17 A. I know he can do better, and he has done better.

18 Q. You're talking about the grades he got; right?

19 A. No. I'm talking about the level of work he got.
20 The level of work -- he receives fairly good grades. But
21 what he was bringing home, I knew he could do far better.
22 He was not really being challenged. And that was upon
23 me. He was not being challenged. He would come home
24 bored because he would do his homework in 15 minutes off
25 of dittos and not a book.

1 can recall.

2 Q. You mentioned that he wasn't being challenged
3 enough.

4 Did you have ideas about how -- is that --
5 strike that.

6 You mentioned that he wasn't being challenged
7 enough.

8 Do you think the school should have done more to
9 challenge your brother?

10 A. The school or the teacher?

11 Q. It's a fair clarification. The teacher, I
12 suppose, is the best way to ask it.

13 A. The school ultimately has to oversee what's
14 going on. The teachers should have seen that he needs to
15 be challenged more.

16 Q. Is the teaching position that you took at
17 Fremont the only teaching position you've ever held other
18 than the tutoring program at the sheriff's department?

19 A. No. I also did volunteer work at Santa Cruz in
20 which I was a Spanish math tutor at Santa Cruz High
21 School through the Early Academic Outreach Program.

22 Q. Can you describe the Early Academic Outreach
23 Program in more detail for us.

24 A. It was a tutoring program with Santa Cruz --
25 UC Santa Cruz students, where they would go into the

1 neighboring high schools, which were Santa Cruz High
 2 School, Watsonville High School, Castroville. And our
 3 basic job was to show up to the college center and let
 4 students know that we were available for after school
 5 tutoring if they needed it.

6 My particular position -- being bilingual, I was
 7 able to interact with students that -- necessarily
 8 English wasn't their strongest language; so I had my
 9 connection with those students. And at times, I had a
 10 large number of Spanish native-speaking students needing
 11 tutoring, and I was better able to equip them in Spanish
 12 in conjunction with a bit of English in there in order to
 13 fortify their language skills.

14 Q. Was the Academic Outreach Program a program run
 15 by UC Santa Cruz?

16 A. Yes.

17 Q. Other than what you've already testified to, do
 18 you have any other relevant training, work experience or
 19 background in the teaching area?

20 A. Other than being a student, no.

21 Q. What is your understanding of what's required to
 22 obtain your teaching credential?

23 A. Completion of an accredited program, either at a
 24 university or at a private school. Several classes would
 25 require classroom management, standard-based instruction,

1 curriculum-based instruction -- pretty much that's the
 2 focus of those classes.

3 Q. And where are you taking your course work to
 4 complete the program?

5 A. I'm doing patchwork. Right about now, I've
 6 taken classes at Cal State L.A., and what I've
 7 taken there were the classroom management skill classes.
 8 And I am currently attempting to get into National
 9 University's teaching credential program.

10 Q. That's the name of the university?

11 A. Yes, National University.

12 Q. How long do you expect it will take to complete
 13 the credentialing program?

14 A. One year.

15 Q. Is that how long it's supposed to take?

16 A. That's how long I expect it to take for me
 17 personally. I know that people have taken longer, but I
 18 expect to be done in one year.

19 Q. Why does it take longer for some people? Do you
 20 know?

21 A. No. Personal reasons, whatever they may have.
 22 I do not know.

23 Q. What's the fastest you think it can be done?

24 A. One year.

25 Q. So you're attempting to complete it in the

1 fastest period of time?

2 A. Correct.

3 Q. Outside of the formal program with the classes
 4 that you've identified, are there other seminars or
 5 workshops that are available to you as a resource as a
 6 new teacher?

7 MS. LHAMON: Calls for speculation.

8 BY MR. ROZWOOD:

9 Q. Only to the extent that you know.

10 A. Not as a new teacher, but as --

11 Can I change that?

12 Q. Sure.

13 A. It would have to be -- yes, the preintern
 14 program with L.A. Unified School District. There's also
 15 the District Intern Program, the DI, which is another
 16 form of being able to do a credential. That I know of --
 17 Fremont is doing its own outreach for new teachers as a
 18 form of support group, but that's only done through
 19 teachers who really care, and it's called the TLC,
 20 Teaching Learn -- Teaching and Learning Through
 21 Collaboration. I'm not sure of the acronym. That's as
 22 far as new teachers are concerned.

23 There are other resources for teachers, such as
 24 the different conferences for math teachers, per se,
 25 whether they be national, at the state or at the district

1 level. And I have attended several district-level
 2 conferences only because I was forced to go or mandated
 3 to go. I shouldn't say "forced." I was mandated to go
 4 because of the new textbooks that we're receiving or
 5 should have been receiving.

6 Q. The requirement that you go -- do you know who
 7 created that requirement?

8 A. It's Local District I.

9 Q. And what was the requirement exactly?

10 A. Do not report from -- what my understanding was,
 11 you cannot report to work if you do not attend the one
 12 day in training that was at the Renaissance Hotel. And
 13 basically, all that was was a meeting with the publisher
 14 of the book as to sort of some of the resources that are
 15 available for us.

16 Q. Outside of just the textbook proper?

17 A. Outside of the book, yes.

18 Q. What kind of resources did the publisher advise
 19 you was available in addition to the textbook?

20 A. CD-ROM capability. There was also internet
 21 resources, both for teacher, parent -- like -- for
 22 teacher, parent and student. Pretty much it, and it took
 23 all day for them to tell us that.

24 Q. Have you made use of the teacher, parent,
 25 student internet resources?

1 A. No. There's only one computer in my classroom,
2 and I'm expected to teach 40-something children with
3 that. So I don't find it -- there's no way to be able to
4 feed one kid while starving 45 of them with the
5 information provided with the CD-ROM, because
6 unfortunately, I do work in a low socioeconomic area of
7 the city. Not all students have computers at home with
8 CD-ROM capability. But I do urge those and I do give
9 copies of programs for students that do have the
10 capability.

11 Q. Can you describe the software?

12 A. Basically, it's just more tutoring, more problem
13 sets, nice animation for the students to be captive to
14 the computer screen.

15 MS. LHAMON: Joe, I think you probably
16 anticipated Ben's question. But you do want to try to
17 wait for Ben to finish his question because he might go
18 someplace that you didn't know he was going.

19 THE WITNESS: Okay.

20 BY MR. ROZWOOD:

21 Q. You mentioned the preintern program, the DI,
22 District Intern Program, Fremont outreach program called
23 TLC and this one-day training session required by Local
24 District I.

25 Other than these resources, can you think of any

1 teachers by the Superintendent of Public Instruction or
2 the State Board of Education?

3 A. No.

4 Q. Have you had any training in school
5 administration?

6 A. No.

7 Q. Do you have any knowledge or experience with the
8 school budgeting process?

9 A. No.

10 Q. Do you have any knowledge or experience with
11 facilities construction or maintenance issues?

12 A. Nope.

13 Q. Do you have any knowledge or experience with
14 purchasing school supplies or instructional materials?

15 A. No. I know that you submit a form, but it's
16 seldom taken care of. The form disappears once I submit
17 it, and I don't hear from anybody at any given moment in
18 time. So there is no exact process to follow the paper
19 trail.

20 Q. And that's with respect to all school supplies;
21 correct?

22 A. As far as I'm concerned, yes.

23 Q. And all teaching materials; correct?

24 A. For the ones that I've submitted, yes.

25 Q. And that includes textbooks; correct?

1 other that are available to teachers, new teachers or
2 otherwise, at Fremont?

3 A. Not that I am aware of.

4 Q. Are there any other local district or L.A.
5 Unified programs available for new teachers with respect
6 to getting adjusted to their new profession?

7 MS. LHAMON: Calls for speculation.

8 BY MR. ROZWOOD:

9 Q. If you know -- only that you know of.

10 A. No. I'm just -- I know what's going on in my
11 classroom. I don't know what's going on in the district.

12 Q. Do you ever get notices --

13 A. No.

14 Q. -- from anyone at the school regarding resources
15 that may be available to teachers at the local or big
16 district level?

17 A. No.

18 Q. How about programs or resources made available
19 to teachers by the Los Angeles County Office of
20 Education?

21 A. No.

22 Q. And how about resources made available to
23 teachers by the California Department of Education?

24 A. No.

25 Q. Are you aware of any resources made available to

1 A. That includes -- no, that does not include
2 textbooks.

3 Q. My question was with respect to all
4 instructional materials, and I meant to include -- I
5 apologize for not being specific.

6 A. Well, in that case, then yes, include textbooks.
7 What I've known and for what I've been told, this coming
8 from my co-chair, the books are on their way or the books
9 have been ordered, but we've yet to receive them. And
10 that was one of my main issues. School started in July.
11 As far as I was concerned, I was on vacation for two
12 months before school started, and I talked to my
13 co-chair, and we were in agreement that yes, by the time
14 I get back in July, I will have all the books necessary
15 to be able to teach my class, both a classroom set and a
16 set for my students to be able to take home.

17 But come July, there are no books, not even
18 enough for a classroom set or not enough for the students
19 to take home. So what we had to do -- for about a month
20 and a half, we had to make photocopies of the different
21 chapters that we had to do, not the information of the
22 book, but only the problem sets. And that had happened
23 for a month and a half. So I lost, basically, half a
24 semester to not having a book.

25 And the books were on order, but nobody knew

1 where the books were, neither the book room lady knew
2 where the books were -- my department co-chair had no
3 idea where the books were. It seems nobody had an idea.

4 Q. Is there a process by which teachers obtain the
5 necessary instructional materials at Fremont, to your
6 knowledge?

7 A. Not a set process in which you would submit a
8 request form and things would be brought to you or where
9 you'd be notified that you can pick them up. It's sort
10 of more like a scavenger hunt. You have to ask around,
11 where can you pick up supplies. So there is no concrete,
12 if you want supplies, this is how you do it.

13 As a new teacher, because I was willing to bend
14 over backwards for my students, I did the paper -- I did
15 the foot search. Like, I went everywhere. I asked
16 people "If I needed this, where would I go?" That
17 information was not provided for me, either by the
18 school, nor by my department chair.

19 He says, "Yes, we have supplies."

20 "But how do I get the supplies?"

21 He didn't really tell me. And as -- as far as
22 schoolwide being able to order supplies, all I know is
23 you might submit a request, but whether you get those
24 supplies, who knows? People are still waiting for
25 supplies that they ordered a year ago.

1 Q. In the interest of trying to complete this
2 deposition in one day, I would just request that you try
3 to just answer the question I'm asking. You're free to
4 do whatever you want. The process is supposed to go I
5 ask a question and you give an answer and then I ask
6 another question and you give an answer. If you just
7 want to tell a story, it will take longer, and I won't be
8 able to guarantee we'll be able to finish in one day.

9 A. That's fine. It can take longer.

10 Q. I just want to make sure it's okay with you.

11 MS. LHAMON: Just for the record, I think that
12 he was actually responding to your question. I don't
13 think he was just telling a story. I think the record
14 will reflect that the information Mr. Vaca just gave was
15 responsive to your question.

16 MR. ROZWOOD: Okay.

17 Q. I'm trying to reconcile your earlier testimony
18 that there was no set process for supplies or
19 instructional materials with your more recent testimony
20 that there is a process, but it just doesn't work or it's
21 not functional or it's not efficient enough or it doesn't
22 work to your satisfaction.

23 Can you just help me clarify what the actual
24 situation is? Is there a process? Does it exist? Where
25 does it break down? What are the problems?

1 MS. LHAMON: Objection; mischaracterizes the
2 testimony. The question is vague, and the question is
3 compound.

4 But if you know what the question is, you should
5 go ahead and answer it.

6 THE WITNESS: I'm not an expert on logistics on
7 how things work. All I know is if I submit a request, it
8 should be filled. They don't. They haven't; so
9 obviously there's a breakdown somewhere. It's not my job
10 to figure out where the breakdown is. Someone has to
11 figure that out. It's not my position.

12 BY MR. ROZWOOD:

13 Q. Are you referring to submitting a written
14 request?

15 A. I'm talking about submitting anything.
16 Everywhere that I submitted, usually I haven't got it
17 filled.

18 Q. Can you describe all the instances where you
19 made a written request for school supplies or
20 instructional materials?

21 A. Numerous and too detailed. It would take too
22 long.

23 Q. Approximately how many times did you make a
24 written request for school supplies or instructional
25 materials at Fremont?

1 A. Approximately, I've made at least 20 to
2 15 requests in the two years I've been there.

3 Q. And did you do so on a form provided to you by
4 Fremont school officials?

5 A. Yes.

6 Q. And is it just one form you're referring to or
7 several different types of forms?

8 A. Depending on the material.

9 Q. What types of forms exist depending on the
10 material?

11 A. There would be one through Title I that I would
12 have to do. There would be another through the book
13 room. There would be another for bilingual office.
14 There would be another for the main office. There would
15 be another for the custodial office. There would be one
16 for the dean's office, depending on what I needed from
17 them. Just too numerous -- too many to name.

18 Q. I'm sorry. I didn't hear that last part.

19 A. Too many to name.

20 Q. Can you think of any others other than the ones
21 you've listed?

22 A. Not off the top of my head.

23 Q. Out of the approximately 15 to 20 requests that
24 you made, approximately how many times did you receive
25 the materials or supplies requested?

1 A. Five or six times. Again, many of those
 2 requests were for the very same material.
 3 Q. Can you explain what you mean?
 4 A. Yes. I would have to submit a request three to
 5 four times for one order of things.
 6 Q. Can you think of anything in particular that you
 7 made multiple requests to receive?
 8 A. School supplies, pencils, scratch sheets of
 9 paper for the students, calculators, books -- what else?
 10 Pretty much it.
 11 Q. You said books, calculators, scratch paper,
 12 pencils -- anything else that you can think of?
 13 A. Nope.
 14 Q. Did you eventually obtain the scratch paper?
 15 A. Yes, because I went to recycling, and I used the
 16 back of messed up dittos.
 17 Q. So --
 18 A. So I filled that on my own, not through the
 19 school.
 20 Q. And who -- when you asked for scratch paper --
 21 When you make a written request to receive
 22 scratch paper for your students to use in your math
 23 class, who do you submit that request to?
 24 A. Title I office.
 25 Q. And how about for pencils?

1 A. Title I office.
 2 Q. And --
 3 A. Title I office.
 4 Q. -- with respect to the calculators?
 5 A. Yes, Title I office.
 6 For the books, that would have gone through my
 7 department co-chair.
 8 Q. And who is that?
 9 A. I don't think I should give her name or --
 10 MS. LHAMON: Unless I tell you not to answer a
 11 question, you need to answer it.
 12 THE WITNESS: It would have to be Ms. Brody.
 13 I'm not quite sure what her first name is.
 14 BY MR. ROZWOOD:
 15 Q. Other than written requests to your department
 16 co-chair, did you make any other requests for books at
 17 Fremont?
 18 A. No.
 19 Q. Have you ever submitted a request to the book
 20 room?
 21 A. It would have to go through the department chair
 22 first.
 23 Q. Do you have a textbook clerk at Fremont?
 24 A. Yes.
 25 Q. Do you know her name?

1 A. Ms. Jones. I'm not sure of her first name.
 2 Q. And did you ever submit a request to the
 3 bilingual office?
 4 A. For photocopies.
 5 Q. Anything else that you've asked to receive from
 6 the bilingual department?
 7 A. No, that's pretty much it.
 8 Q. Have you ever submitted a request to the main
 9 office?
 10 A. Yes, on behalf of the custodial staff. I
 11 dropped it off through the custodial staff and gave it to
 12 them.
 13 Q. And what was the nature of that request?
 14 A. Broken windows that were broken. They weren't
 15 broken in the sense that there were holes in the window.
 16 If you tried to open the window, the window would slam
 17 shut. I would have to prop it up using anything I could
 18 use to prop up a window.
 19 Q. And what happened, if anything, in response to
 20 your request to fix that window?
 21 A. To this day, it's still broken.
 22 Q. Do you recall when you submitted that request?
 23 A. Early July.
 24 Q. Of 2001?
 25 A. Yes.

1 Q. Have you ever submitted a written request -- any
 2 other request to the custodial office or the main office?
 3 A. Yes, for the second broken window. Another
 4 window broke, gave way, and I submitted a request on that
 5 as well. And the second window is still broken, and that
 6 request was given early September.
 7 Q. 2001?
 8 A. Yes.
 9 Q. Any other request to the custodial office or the
 10 main office at Fremont?
 11 A. No, that's it.
 12 Q. You also mentioned the dean's office.
 13 Do you recall ever filing any written requests
 14 for materials, supplies or anything else from the dean's
 15 office?
 16 A. Yes, basically written referrals. And after
 17 submitting the request, I got no answer; so I had to go
 18 down there myself and pick it up.
 19 Q. What is a written referral?
 20 A. In order to ensure that -- in order to
 21 discipline a kid, I'd have to send in a request form.
 22 They don't want handwritten notes. There's a process to
 23 discipline a child, and you have to fill out the request,
 24 fill out the form, then send the child with the form.
 25 And then they would take care of the child.

1 Q. Other than the written requests we've reviewed
2 so far, can you think of any other instances in which you
3 submitted a written request at Fremont High School?

4 A. No, not that I can recall.

5 Q. Can you think of any instances where you
6 submitted verbal requests for materials, supplies,
7 resources, assistance or anything else at Fremont High
8 School?

9 A. Yes, after the written request did not work.

10 Q. Then is it correct to say that the verbal
11 requests were only with respect to the items that were
12 previously requested in writing?

13 A. Yes.

14 Q. And no other verbal requests were made; correct?

15 A. Yes.

16 MS. LHAMON: And I can use a restroom break.

17 MR. ROZWOD: Let me check my voice mail for
18 that issue, and we can go off the record.

19 (Recess taken.)

20 BY MR. ROZWOD:

21 Q. Do you have any knowledge or experience with the
22 hiring and firing of employees --

23 A. No.

24 Q. -- at school -- of school employees?

25 A. No.

1 Q. How about with respect to the hiring and firing
2 of school contractors?

3 A. No.

4 Q. Do you have any knowledge or experience with
5 bussing or transportation -- school transportation
6 issues?

7 A. No.

8 Q. Do you have any --

9 Other than what you've already testified to, do
10 you have any knowledge or experience with the Title I
11 program?

12 A. No, except for the reason why Title I -- it's a
13 low socioeconomic school where I think over 60 percent of
14 the school children fall underneath the poverty level, if
15 not more than that. At Fremont, I know it is more than
16 that, given the fact that there's 5,000 students and a
17 lot of them are under the poverty level. And it's
18 federal money that's supposed to be used for any
19 education resource. And from my understanding, it's
20 supposed to include things like calculators -- not
21 necessarily textbooks, but other supplemental material
22 like scratch sheets of paper, like pencils, like
23 calculators.

24 Q. Do you have any other knowledge or experience
25 with Title I other than what you've testified to?

1 A. Nope.

2 Q. Do you have any knowledge or experience with the
3 WASC accreditation process, the Western Association of
4 Schools and Colleges?

5 A. No.

6 Q. Do you have any knowledge of or experience with
7 IIUSP, the Intermediate Intervention Under Performing
8 Schools Program?

9 A. No.

10 Q. Do you have any knowledge of or experience with
11 the English Language Learners or English as a Secondary
12 Language programs?

13 A. Only as a student of L.A. Unified School
14 District. When I came out of elementary school into the
15 junior high, because of my Spanish surname, I was
16 placed -- I had two curriculums set for me. One
17 curriculum -- that could have just been at the old
18 school. It could have been -- one curriculum was ESL --
19 whether or not I spoke English, they didn't ask me. They
20 stuck me in ESL courses -- and the second, which was the
21 gifted program at Horace Mann Junior High.

22 And until I made enough noise with several other
23 students, we got put into the correct curriculum, which
24 was the gifted program. But other than that, I haven't
25 taught ESL except for my interactions at Santa Cruz.

1 Q. On what do you base your statement that you were
2 placed in an ESL program based on your surname?

3 A. If you had just spoke with us, you knew that we
4 were above ESL. Myself and various other students had a
5 fairly larger vocabulary than the ESL students in
6 English. And for the most part, we were straight A
7 students in elementary school. There was no way we could
8 possibly be stuck in ESL classes where we were learning
9 the same thing over and over again. And that lasted for
10 about a month.

11 Q. Did anyone ever tell you that you were placed in
12 an ESL program because of your Spanish surname?

13 A. No, but that was a conclusion myself and several
14 other students came up with.

15 Q. Based on the reasons you've given so far?

16 A. Right. There was a small Latino population at
17 that school at that time. There was no other way. That
18 was what we came up with. That was our own personal
19 conclusion.

20 Q. Do you have any other experience with English as
21 a Second Language or the English Language Learner
22 programs --

23 A. No.

24 Q. -- other than what you already testified to?

25 A. No.

1 Q. Do you have any knowledge of or experience with
2 grant or award applications at Fremont High School?

3 A. No.

4 Q. Do you have any knowledge of or experience with
5 the manner in which the proceeds from such grant or award
6 applications are to be used on campus?

7 MS. LHAMON: I'm just going to interpose an
8 objection to the last question and to this one.

9 When you refer to grant and award programs, are
10 you referring to student scholarships or awards to the
11 school for funding?

12 MR. ROZWOOD: I'm talking about money for the
13 school.

14 MS. LHAMON: Thank you.

15 MR. ROZWOOD: Sure.

16 THE WITNESS: No.

17 BY MR. ROZWOOD:

18 Q. Do you have any knowledge of or experience with
19 the school accountability report card?

20 A. Yes. If you're referring to the API, yes.

21 Q. Do you have any knowledge of or experience with
22 the school accountability report card other than the API?

23 A. No.

24 Q. What is your knowledge of or experience with the
25 API?

1 A. It's how the State measures each school based on
2 the Stanford 9 scores. There's certain things that the
3 State requires, that we move up certain percentage points
4 in certain areas as to show that the school is improving.
5 And apparently for the last three years, we failed to
6 meet those requirements. And every school in the
7 L.A. Unified School District is measured up against each
8 other, and I believe it includes statewide as well.

9 Q. Do you think the measurement conducted through
10 the API scores contains any meaningful information about
11 whether a school is doing a good job of teaching its
12 students?

13 MS. LHAMON: Vague as to "meaningful"; vague as
14 to "good job"; calls for speculation.

15 THE WITNESS: Meaningful -- it depends. Are you
16 talking about other schools that have 5,000 students?
17 Because if there are some, I think Fremont would be the
18 only one there. I don't feel it's fair in the sense that
19 we are compared with other schools that have other
20 resources that do not have the problems that Fremont has,
21 because I only speak for Fremont. I don't speak for the
22 district or anything like that. But it would only be to
23 compare Fremont with Fremont.

24 BY MR. ROZWOOD:

25 Q. Is it fair to compare Fremont with Fremont with

1 respect to how they're doing with API?

2 A. With ourselves, yes, because we're tracking the
3 problem with our students. I don't think it's fair that
4 we compare Fremont with a school in the Palisades or any
5 other school in the district that does not have the
6 problems that we have.

7 Q. Fair enough.

8 Do you think the amount of improvement year over
9 year that Fremont makes in its API scores indicates in
10 any way how well the school is doing in educating its
11 students?

12 A. No, it's not fair in the sense that it doesn't
13 show the struggle that we still have to take care of.
14 Again, overcrowding -- the textbook situation has gotten
15 a little bit better, but it's still not at the level that
16 should be justified. I don't know what else to say about
17 that.

18 Q. Is it your testimony that the API growth from
19 year to year contains no reflection of the school's
20 ability to teach its children?

21 MS. LHAMON: Calls for speculation.

22 THE WITNESS: What it doesn't take into
23 account -- it doesn't take into account any of the
24 problems that Fremont has. After a while, something has
25 to break down. Obviously there's no -- there's -- when

1 there are books, there are not enough books. There's
2 overcrowding. That's just insane. I'm expected to teach
3 a class of 48 to 46 students with only 36 books with only
4 36 chairs.

5 If those conditions don't improve, education
6 can't improve. Again, go to any other school -- and, of
7 course, you're going to see better academic progress
8 because there's more resources for more children, more
9 one-on-one interaction with student to teacher. And
10 again, I'm only one person. I don't have a TA. I don't
11 have any assistance in the classroom except the other
12 kids.

13 Those things are not reflected in the API
14 scores. They're not reflected in the Stanford 9. And
15 it's not just at Fremont. It comes down from our feeder
16 schools all the way up. Overcrowding -- I think
17 overcrowded conditions are occurring at the junior high,
18 are occurring at Fremont and occurring at some elementary
19 schools. And it just funnels the problem all the way up.

20 For the students that have the need for
21 one-on-one, teachers aren't receiving that. And even if
22 it's at the younger level at elementary or junior high --
23 when we get them, we're expected to perform miracles,
24 part a Red Sea, if you will.

25 ////

1 BY MR. ROZWOOD:

2 Q. Let's just assume for purposes of this
3 deposition that the API does not address a lot of any of
4 the conditions you've identified and it's just reflective
5 of one measure and it doesn't reflect all the other --
6 the other factors that affect students' performance on
7 standardized tests.

8 My question is: Is there anything useful just
9 in the test scores itself with respect to measuring
10 student progress at a school like Fremont, not as
11 compared to other schools, but just within Fremont year
12 to year? In other words, is it useless and it should
13 just be scrapped, or is there anything useful of that
14 measure of student progress that should be continued and
15 is worthwhile, in your view?

16 MS. LHAMON: Incomplete hypothetical and calls
17 for speculation and calls for expert testimony.

18 THE WITNESS: I refuse to answer that. I can't.

19 BY MR. ROZWOOD:

20 Q. If you're unable to, you can say you're unable
21 to.

22 A. I can't answer that question.

23 Q. Why not?

24 A. I'm not a person who writes up the tests. I'm
25 not a person who does any research to the performing on

1 overcrowding situation at Fremont, and they -- and the
2 need for change to happen. And I brought up several
3 things that -- several possibilities for those changes.

4 Q. Where did this meeting take place?

5 A. It took place at Fremont.

6 Q. Does Dr. Rousseau come to Fremont frequently?

7 MS. LHAMON: Calls for speculation or vague as
8 to "frequently."

9 THE WITNESS: She's making an attempt to, which
10 is more than what I can say for the previous district
11 superintendent.

12 BY MR. ROZWOOD:

13 Q. Who was that?

14 A. I can't remember his name at the moment. If I
15 recall, I'll let you know.

16 Q. Thanks.

17 How many times has Dr. Rousseau come to Fremont
18 High School, to your knowledge?

19 A. To my knowledge, I've only seen her there three
20 times, at most.

21 Q. And did you have --

22 Can you describe the first time for us?

23 A. A general staff meeting -- she does

24 instruction -- she introduced herself as the district

25 superintendent. The second time she was making a general

1 those tests; so I really cannot answer that question.

2 Q. Do you have any knowledge or experience with the
3 administration of the Los Angeles Unified School
4 District?

5 MS. LHAMON: Vague as to knowledge of or
6 experience with.

7 Are you asking has he ever interacted with
8 anybody who is in the administration, or does he know
9 what their jobs are?

10 BY MR. ROZWOOD:

11 Q. How it works, based on your dealings with the
12 administration -- do you have any?

13 A. I have no idea how the district does its
14 administrating.

15 Q. How about the Local District I? Do you have any
16 experience with or knowledge of the administrative
17 structure, how it conducts its operation?

18 A. As to how it conducts its operation, no.
19 Whether I've met the local district superintendent, yes.

20 Q. Who is that?

21 A. That would be -- what's her name? --
22 Dr. Rousseau. Apparently we have just gotten -- within
23 the short existence of the District I, this is the second
24 district superintendent we had. And the only contact
25 I've had with her was I expressed a concern of the

1 inspection unannounced. She came on campus. And the
2 third was during a district meeting about possibly
3 opening a new school near the downtown area and was
4 basically -- from my understanding, the district was
5 asking for BB funds from sub District I. And the
6 district refused on grounds that Fremont would have not
7 been relieved of the overcrowding situation, as we know
8 it.

9 Q. You mentioned that you had a conversation with
10 Ms. Rousseau about overcrowding, among other things.

11 A. Yes.

12 Q. Which of the times -- which of these three
13 meetings did you have that conversation with her?

14 A. On the third time when -- from my understanding,
15 that meeting with the people from the district, I think
16 it might have been the planning committee or construction
17 or something committee. They proposed this new high tech
18 school, which meant they wanted to convert an 8-story or
19 12-story parking lot into a school. And the flier or the
20 bulletin that they handed out said that Fremont's
21 overcrowding was supposed to be alleviated.

22 But once they presented the proposal, it was
23 clear and evident to everybody that overcrowding was only
24 going to continue, that if students were taken out, that
25 meant more students could be put in, and that's not

1 relieving the overcrowding situation. And after the
2 meeting was over is when I approached Dr. Rousseau with
3 certain suggestions.

4 Q. Who else attended this meeting besides you and
5 Dr. Rousseau?

6 A. Matt Taylor, our union representative; Mary
7 Hoover --

8 Q. Who is that?

9 A. School librarian.

10 -- Aurora Martinez --

11 Q. Who is that?

12 A. She's the foreign language department chair.

13 -- Mario Beccerra, English teacher --

14 Q. Anyone else?

15 A. -- Sarah Knopp, social studies teacher, and over
16 130 community members.

17 Q. Anyone else from the school, to your knowledge?

18 A. Not that I can call off by name.

19 Q. Were there other teachers and administrators
20 there in addition to the ones that you identified?

21 A. Now that I can recall it, yes. Mr. Hemmans was
22 present as well as our principal, Ms. Roland.

23 Q. Who is Mr. Hemmans?

24 A. He is the AP of student activities.

25 Q. Anyone else that you can think of?

1 A. Just verbal communications with other people.

2 They inform me of things that are going on.

3 Q. Did you receive any training at all or
4 orientation when you arrived at Fremont?

5 A. Not when I arrived at Fremont. I did receive
6 orientation and training through a district teacher
7 training academy, which is a week-long 40-hour process in
8 which they show you things like possible classroom
9 management skills. They show you what a roll book looks
10 like, and pretty much that's it -- how to come up with a
11 lesson plan, how to look at a textbook and be able to
12 devise a lesson from it. That's pretty much it of the
13 useful information that I received.

14 Q. Did you receive any materials from the school or
15 the local district, such as a policy handbook or other
16 information, that would help you perform your tasks as a
17 new teacher at Fremont?

18 A. I was given a packet which included things that
19 I should leave for a sub in case I was absent. I was
20 given my keys. I was given a list of dress codes and
21 school policies, and I was shown where my room was.

22 Q. Did you receive school policies in areas other
23 than what you've already testified to?

24 A. No.

25 Q. How often do you check your mailbox at Fremont?

1 A. No.

2 Q. How did you become aware of this meeting that
3 was going to take place at Fremont?

4 A. A flyer in my mailbox that was to be posted in
5 front -- in class so the students could let their parents
6 know about the possibility of a new school being built to
7 alleviate the situation of overcrowding.

8 Q. Is that how you normally received notices of
9 meetings, staff meetings or community -- meetings of
10 community importance was through your mailbox?

11 MS. LHAMON: Objection; assumes facts not in
12 evidence. There's been no testimony by which he normally
13 received such notices.

14 THE WITNESS: If that's the usual method? No.

15 BY MR. ROZWOOD:

16 Q. What's the normal method for you to get
17 communications or memoranda or notices from the
18 administration at Fremont?

19 MS. LHAMON: Assumes facts not in evidence.
20 There's been no testimony that there is a normal method.

21 THE WITNESS: I can't answer that question.

22 BY MR. ROZWOOD:

23 Q. Is there a normal method by which you get
24 notices or memoranda or communications from the staff at
25 Fremont?

1 A. Every day, maybe twice a day.

2 Q. And who is authorized, to your knowledge, to put
3 things in your mailbox?

4 A. I have no idea.

5 Q. What types of things do you see in your mailbox
6 when you check it?

7 A. Homeroom rosters, an occasional flyer, notes
8 from other teachers, while-you-were-out notices, you
9 know.

10 Q. What did you say to Dr. Rousseau and what did
11 she say to you in that conversation you had?

12 A. Basically, what I had told her, that
13 overcrowding was one of the main concerns at the school
14 and I let her know how many students were there, which I
15 hope she had already known by then.

16 Q. How many students did you tell her were there?

17 A. Roughly about 5,000.

18 Q. And how did you arrive at that figure?

19 A. I asked the counseling center. I asked the
20 attendance office.

21 Q. Who did you ask at the counseling center or at
22 the attendance office?

23 A. Various counselors. One of them was Mr. Goodman
24 at the attendance office. Ms. Rose I asked for a rough
25 estimate as to how many students was there. And once we

1 received the API, it was confirmed that we had about
2 4,600 students. And I approached her and let her know
3 that. I asked the question, "Why was Fremont allowed to
4 have that many students when maximum building
5 capacity" -- "when the school was only built for 2,500
6 students?"

7 Q. How do you arrive at that figure?

8 A. Mary Hoover, the librarian, who has been there
9 for a while had been talking to people from the district
10 about possible new buildings on campus, and they let her
11 know about the capacity of the school.

12 Q. And she told you that the maximum capacity at
13 Fremont was 2,500 students?

14 MS. LHAMON: Mischaracterizes the testimony.

15 THE WITNESS: For the building, building
16 capacity. It was originally intended for a school of
17 2,500, at most. I also brought to her attention the fact
18 that L.A. Jordan and Locke High School, which are both
19 within a three-mile radius of Fremont, on traditional
20 year round -- on traditional schedule, which they would
21 have summers off, were not overcrowded. But Fremont had
22 three tracks and was on the year-round system and was the
23 only high school in our subdistrict to be on year round.
24 And I let her know that in itself was appalling.

25 Q. You told her that you thought it was appalling

1 A. Yes. Once the overcrowding situation would be
2 taken care of, everything else would fall into place or
3 some fall into place.

4 Q. And that includes issues like --

5 A. That includes if there are fewer students with
6 the same number of books that we have, that means that
7 more students would have books because the numbers are
8 there. The books don't multiply; the students do. And
9 that's one of the main things. Better classroom control.

10 Q. Because there are smaller classes and less
11 students in class --

12 A. Right.

13 Q. -- better teacher-to-student ratios?

14 A. Yes.

15 MS. LHAMON: Ben, you need to let Joel finish
16 his answers.

17 MR. ROZWOOD: I apologize. I didn't realize I
18 was interrupting.

19 A. Better teacher ratios, security concerns -- less
20 students in the school would mean that the buildings
21 would actually have time to get rest so that repairs
22 could be done to the facilities. As it is, there's
23 just -- it's a deteriorating school. There's no give --
24 there's no any moment in time where there are no students
25 inside the Fremont campus. It is used for night school.

1 that some of the schools in Local District I were on
2 multitrack schedules and overcrowded and others were on
3 traditional summer off calendars?

4 A. Right.

5 Q. What else did you tell her?

6 A. That something has to happen, whether -- we
7 either build a new high school within our zone or -- I
8 don't know. That was basically -- that that has to
9 happen, either that or the other schools also have to
10 become year round in order to alleviate the overcrowding
11 situation as a possibility to this problem -- as a
12 possible solution to the problem.

13 Q. Do you remember saying anything else to
14 Dr. Rousseau during this conversation?

15 A. No, that was basically the staple of what I
16 said.

17 Q. Is it correct to say that in your view, the
18 singlemost important problem at Fremont is overcrowding?

19 A. By "singlemost," would you mean that it's just
20 overcrowding and that would be it?

21 Q. No. I just mean at the top of the list. There
22 are a lot of problems that you identified. And I just
23 want to know, because you chose to address Dr. Rousseau
24 on the overcrowding issues and no other issues, if you
25 thought it was the most important issue on the list.

1 It is used for Saturday school and is used all year
2 round. Every other school has two, three months for
3 custodial staffs to repair and upgrade and maintain
4 appropriate conditions, but Fremont doesn't.

5 BY MR. ROZWOOD:

6 Q. All the problems you've listed will be solved,
7 in your view, or at least addressed if the overcrowding
8 issue was addressed?

9 A. Yes.

10 Q. Can you think of any problems at Fremont that
11 wouldn't be addressed if the overcrowding problem was
12 solved?

13 MS. LHAMON: Calls for speculation.

14 BY MR. ROZWOOD:

15 Q. Just within your own personal knowledge,
16 Mr. Vaca.

17 A. I don't know. I know that there are various
18 other problems that I really can't mention because I
19 don't know. Right off the top of my head, I can't really
20 come up with them; so I really cannot answer that
21 question.

22 MR. ROZWOOD: This is a good time for a break,
23 then.

24 Q. So at the break, you can think about all the
25 problems that exist at Fremont and see if there are any

1 that would exist after the overcrowding problem was
 2 solved. I'll ask you to do that.
 3 Before we go off the record, can we have
 4 appearances?
 5 You've got mine.
 6 MS. FLOYD: Cynthia Ford on behalf of L.A.
 7 Unified School District.
 8 MS. SIEVERS: Jenny Sievers on behalf of
 9 plaintiff.
 10 MR. ROZWOOD: From what firm?
 11 MS. SIEVERS: Morrison & Foerster.
 12 MR. TAN: Chris Tan of the ACLU.
 13 MS. LHAMON: Catherine Lhamon on behalf of the
 14 plaintiffs and Mr. Vaca.
 15 MR. ROZWOOD: We'll go off the record and take a
 16 break.
 17 (Whereupon at 10:58 a.m. a lunch
 18 recess was taken, and the proceedings
 19 reconvened at 12:43 p.m.)
 20 MR. ROZWOOD: Back on the record.
 21 MS. LHAMON: I just want to note for the record
 22 that there was an exchange of documents between counsel
 23 for the district and counsel for the state this morning.
 24 I don't know what the documents are. I haven't seen
 25 them. I just want to make a record of that fact.

1 BY MR. ROZWOOD:
 2 Q. I have here a witness fee check made out to Joel
 3 Vaca at 7676 South San Pedro Street.
 4 Is that the address to the school?
 5 A. 7676, yes.
 6 Q. And it's in the amount of 36.76. Our accounting
 7 department has asked that we have you complete a form W9
 8 as part of what I understand to be federal law
 9 requirements. So I'm going to hand both of those to you
 10 and ask you to complete and return that form W9 to us,
 11 please.
 12 MS. LHAMON: I'd love to see in writing what the
 13 requirement is to fill out the W9, because it's news to
 14 me that he has to fill it out. It's my understanding
 15 that we have an agreement between your office and mine
 16 and counsel for the plaintiffs that we need not give a
 17 home address for the witnesses.
 18 MR. ROZWOOD: I don't have any knowledge of
 19 that. We'll just deal with it at a later time.
 20 BY MR. ROZWOOD:
 21 Q. Before we broke, we were talking about the
 22 various problems at Fremont and your conversation with
 23 Dr. Rousseau.
 24 Do you recall that?
 25 A. Yes.

1 Q. And you gave us a list of problems that would be
 2 addressed, if not fully resolved, if the overcrowding
 3 problem were solved.
 4 Do you recall that?
 5 A. Addressed, not fully resolved.
 6 Q. Is there anything else that you can think of at
 7 Fremont that would be addressed or at least partially
 8 resolved if the overcrowding issue was solved?
 9 A. Again, I'm not an expert in logistics; so I
 10 wouldn't -- that's not my expert field of study; so I
 11 really wouldn't be able to tell you a correct answer.
 12 Q. Just in your view, are there any problems that
 13 you can think of that have nothing to do with
 14 overcrowding at Fremont?
 15 A. Yes. The reason why books are ordered and not
 16 received -- that has nothing do with how many students
 17 there are at Fremont. That has to do with -- something
 18 with the logistics of getting the books from the time
 19 that they're ordered to the time that we, the teachers,
 20 receive them.
 21 Q. As far as you can tell, that's an administrative
 22 problem. That has nothing to do with overcrowding;
 23 correct?
 24 MS. LHAMON: Mischaracterizes the testimony.
 25 THE WITNESS: I'm not sure whose problem it is.

1 I just know it is a problem. Whether it's
 2 administrative, whether it's bus driver or whoever
 3 carries the books from place to place, whether it's the
 4 warehouse people's problem, I don't know.
 5 BY MR. ROZWOOD:
 6 Q. But it's not related to the overcrowding;
 7 correct?
 8 A. No, that is not.
 9 Q. Are there any other problems that you can think
 10 of that have nothing to do with overcrowding at Fremont?
 11 A. Possibly the fact that we're in year round, the
 12 poor maintenance of the buildings, there being rodent
 13 infestation, construction that's not being done or that's
 14 not completed due to whatever situation is going on with
 15 the contractors. Also I mentioned rodents, I mentioned
 16 roaches, facilities not being taken care of as well as
 17 they should be taken care of. That's pretty much it.
 18 That's what I can think of right now.
 19 Q. Okay. Just so I understand, the poor
 20 maintenance problems you're referring to, those have
 21 nothing to do with the overcrowding situation at Fremont?
 22 A. No. What that -- the reason those problems
 23 exist in my belief are the fact that we are on year-round
 24 schedule.
 25 Q. Can you explain what you mean?

1 A. Okay. The fact that it is a year-round
2 schedule, there is no period of time in which there are
3 not students present on campus. Whether you go to school
4 in December, you'll see people there -- students there in
5 classes, fully engaged. Whether it's in the middle of
6 the summer, July, June, you will see full classes being
7 taught. If it's at eight o'clock in the evening, night
8 school is being taught. If you show up on Saturdays,
9 classes are packed with students taking Saturday classes.
10 With the only day being Sunday -- that's the day the
11 school is not being used.

12 And by "school," I mean the actual academic
13 building. But even on Sundays, the academic field is
14 being used by the community. So the school is always
15 being used, whether it's by students or by athletes on
16 the field. And that does not give any time for any
17 custodial staff to properly take care of business,
18 whether it's to repaint the whole school, whether it's to
19 fumigate to get rid of cockroach infestation, whether
20 it's to use pesticides to get rid of rodents of various
21 sizes, for them to take care of windows that have been
22 requested on numerous times -- to take care of those
23 situations. And those are the things that I find in my
24 own room. Those are conditions that are echoed by
25 various teachers as well.

1 Q. And you're saying that the poor maintenance due
2 to the fact that Fremont is a year-round school is not a
3 problem associated with overcrowding; correct?

4 A. Correct. I'm saying that is a problem due to
5 the year-round situation.

6 Q. And you also said there might have been problems
7 with construction or problems with contractors.

8 Do you have any specific instances of that type
9 of problem in mind?

10 A. The one that's very apparent is the missing
11 ceiling tiles from the main building, all three floors.
12 Fremont was supposed to be one of the first schools to be
13 a digital high school. It is now one of the last to be
14 completed upon. There are other schools that are fully
15 digital high schools. Fremont was to have first priority
16 and now is one of the last ones to be completed.

17 Q. That's with the Prop PB funds. But you're
18 referring to the digital high school?

19 A. Right. That's where the construction is taking
20 place. They leave missing ceiling tiles. From my
21 understanding, old buildings that were built probably in
22 the '60s, probably even before then, have a great deal of
23 asbestos because of the fire retardant effect that they
24 have. And you're not -- they're carcinogens, yet these
25 gapping holes in the ceiling tile are covered up with

1 plastic so that you don't see the debris fall down on
2 people or they maybe don't even breathe in the debris.

3 But because there are numerous students --
4 they're kids. They're curious. They'll pull the things
5 down. They'll pull the coverings down and have the holes
6 exposed to just anybody being able to throw things in
7 there. So not only does it become a health concern, but
8 it also becomes a risk of somebody becoming injured, not
9 just inhaling the contaminants in there.

10 Q. Do you have any knowledge that you -- that
11 there's asbestos at Fremont High School?

12 A. No.

13 Q. I'm just trying to understand why you referenced
14 asbestos.

15 A. It's a pretty main concern with anybody doing
16 contracting work. That's one of the main things that
17 would cause people to have cancer, and I'm feeling that's
18 the main reason why the things are covered up in plastic.
19 I worked construction before; so I know that you really
20 don't want -- you mostly use plastic covering if you
21 don't want asbestos to be contaminated everywhere or to
22 be spread everywhere.

23 Q. My question was -- I think at the beginning was
24 are you aware of any specific instances at Fremont where
25 the construction was -- actually, strike that.

1 Can you think of any other instances where there
2 was a problem with completing construction unrelated to
3 overcrowding at Fremont?

4 A. The only uncompleted construction that I know of
5 would be the bleachers, which is sort of unrelated --
6 well, it's the bleacher situation that's going on in the
7 football field. I've heard -- I have been notified by
8 the UTLA rep, Matt Taylor, that those bleachers were to
9 be condemned but are often still in use. They're big
10 concrete bleachers. They should have been taken care of
11 years ago, and they still haven't.

12 It's pretty noticeable that they're ready for
13 condemnation. Large sections of them are wired off so
14 that students do not go there. In fact, no student has
15 gone there. But the fact that condemned bleachers are
16 still in use, that's pretty appalling. Where anything is
17 condemned, you really don't want to have kids climbing on
18 them.

19 Q. What do you mean by the use of the word
20 "condemned"?

21 A. I don't know. Not to be used by anybody.
22 Condemned as unsafe for public use.

23 Q. Declared by the school as unsafe for public use?

24 A. Yes.

25 Q. And have those bleachers been declared unsafe

1 for public use by the school?
 2 A. The UTLA rep had mentioned it to me. I didn't
 3 investigate further on that again.
 4 Q. So this is solely from your conversations with
 5 the UTLA rep --
 6 A. Yes.
 7 Q. -- with respect to the bleachers?
 8 A. Right.
 9 Q. But you've also observed the bleachers yourself?
 10 A. Yes. And there's a large section of them cut
 11 off that people should not use because there is no
 12 backing and you could fall off of them.
 13 Q. When you say "cut off" --
 14 A. They have chain link fence that prohibits people
 15 from using that portion of the bleachers.
 16 Q. Can you think of any other examples of
 17 construction problems or major construction problems,
 18 projects not being completed, that are not related in
 19 your view to overcrowding?
 20 A. No, that's pretty much it.
 21 Q. How did you first learn of this litigation?
 22 A. One particular teacher, Ms. Hoover, handed me a
 23 flyer and said "You should come to a lunch with us." And
 24 from there is where I met Catherine Lhamon. The reason I
 25 was approached was because I'm pretty outspoken with

1 what's going on in the school. I really love and respect
 2 the students that I have. The best kids ever, I think.
 3 But that's my own personal opinion.
 4 And they said, "Well, if you really are
 5 concerned with what's going on, come check it out. Just
 6 come check it out. Whether you want to be a part of it,
 7 that's on you." In other words, it's up to me whether I
 8 want to continue the process or not. But I should at
 9 least check it out.
 10 Q. Do you have a copy of that flyer?
 11 A. No.
 12 Q. Do you recall what was on the flyer?
 13 A. No. It was just an address and a meeting time
 14 and place. They said anybody was welcome. If these
 15 concerns of overcrowding and the lack of books were a
 16 concern to you, you should check the meeting out.
 17 Q. And the flyer specifically mentioned
 18 "overcrowding" and "lack of textbooks"?
 19 A. It didn't say "textbooks," per se, but from my
 20 understanding, that's what it implied.
 21 Q. Did it mention any specific conditions that the
 22 meeting would address at -- conditions at Fremont High
 23 School that that meeting was to address?
 24 A. I cannot recall. It might have. I'm not sure.
 25 Q. On what do you base your recollection that it

1 addressed -- the flyer addressed conditions such as
 2 overcrowding and textbooks?
 3 MS. LHAMON: Asked and answered as to textbooks.
 4 THE WITNESS: Like I said, I can't really recall
 5 exactly what it said on the flyer, per se. But that was
 6 one of the conditions that I thought it could have been
 7 about, since I was always speaking out on overcrowding.
 8 BY MR. ROZWOOD:
 9 Q. Do you recall where --
 10 Well, prior to the time you obtained the flyer
 11 from Ms. Hoover, had you spoken to Ms. Hoover about the
 12 conditions at Fremont High School?
 13 A. Not at the high school, but I did speak with
 14 Ms. Hoover regarding the conditions in my classroom. Not
 15 only that, Mr. Taylor, which is our union rep, informed
 16 me that I had the classroom -- the second overcrowded
 17 classroom -- academic room, which was 50 students
 18 initially enrolled, which the number then dropped to 48.
 19 And that's how I let Ms. Hoover know in an informal
 20 discussion about what was going on with my classroom.
 21 And she said, "Well, if you really want to do
 22 something about it, here's a way to do it." And that's
 23 when she handed me the flyer.
 24 Q. She handed you the flyer in the same informal
 25 conversation you had about the overcrowded condition of

1 your classroom?
 2 A. Not in the same conversation, but after that
 3 moment.
 4 Q. And why did you approach Ms. Hoover about the
 5 overcrowded condition of your classroom?
 6 MS. LHAMON: Assumes facts not in evidence. He
 7 hasn't testified that he approached her.
 8 THE WITNESS: I didn't approach her. It was
 9 just an informal conversation. We're good friends. We
 10 talk about personal issues, what irks me that day. And
 11 that was one thing that was particularly on my mind; so I
 12 talked to her about it.
 13 BY MR. ROZWOOD:
 14 Q. And do you recall where this conversation took
 15 place, the first one you had with Ms. Hoover about the
 16 overcrowded conditions in your classroom?
 17 A. No, because, again, it was -- it was just an
 18 informal conversation. I can't really recall.
 19 Q. Was it in the library?
 20 A. Possibly. Actually, it had to happen in the
 21 library because she is the librarian and I do have --
 22 MS. LHAMON: Can I ask for a clarification? You
 23 referred to the first conversation that Mr. Vaca had with
 24 Ms. Hoover. Are you only asking about the conversation
 25 that he's mentioned or about the first conversation he

1 ever had with her about overcrowding in the classroom?
 2 MR. ROZWOOD: I was working under the assumption
 3 that the conversation was the first one; so yeah, I meant
 4 the first one ever. So I thought we were actually
 5 discussing the first one ever.
 6 MS. LHAMON: Is that how you were answering it?
 7 THE WITNESS: No.
 8 When I first spoke to Ms. Hoover, it was not
 9 regarding overcrowding; so I didn't approach Ms. Hoover
 10 the first time speaking on overcrowding. She is a friend
 11 of mine, and I have lunch in the back of the library in a
 12 small room where teachers get together and just have
 13 lunch. And that's where I spoke. I let her know. But
 14 it was not my first conversation with her ever regarding
 15 overcrowding.
 16 BY MR. ROZWOOD:
 17 Q. How many discussions did you have with
 18 Ms. Hoover about problematic conditions at Fremont or in
 19 your classroom prior to the time she handed you the
 20 flyer?
 21 A. Several times, but it was not to complain or
 22 anything. It's just for me to vent -- to vent my
 23 frustrations in a way that I would not go mad in order to
 24 keep my own sanity.
 25 Q. Do you recall when the meeting was where you

1 A. I can't recall exactly all the faces that were
 2 there.
 3 Q. Do you recall how many people from Fremont
 4 attended?
 5 A. Maybe about 14 -- 16 teachers or so, if that
 6 many.
 7 Q. Was it Fremont teachers only, or was it teachers
 8 from other schools as well?
 9 A. Fremont teachers only.
 10 MS. LHAMON: I'm assuming you mean to the
 11 exclusion of me, which I was there, and I don't teach at
 12 Fremont.
 13 BY MR. ROZWOOD:
 14 Q. And other than the Fremont teachers and
 15 Ms. Lhamon, did anybody else attend the meeting?
 16 A. Yes. Several other members of the ACLU.
 17 Q. Who else was there?
 18 A. I don't remember all their --
 19 Q. Sorry. Go ahead.
 20 A. What do you mean, "Who else was there"?
 21 Q. The other names of the other ACLU members, if
 22 you know them.
 23 A. I don't know them off the top of my head.
 24 MS. LHAMON: I'm the most important one.
 25 ////

1 first met Ms. Lhamon?
 2 A. It was about a month and a half ago, early
 3 September, late August. I can't really recall the date.
 4 But I knew it was about a month and a half ago.
 5 Q. It's November 9th today; so a month and a half
 6 would be late September.
 7 Is that about right?
 8 A. No. Like I said, early September, late August.
 9 Q. Okay. Where did this meeting take place?
 10 A. It took place with various other teachers,
 11 including Ms. Hoover, in a restaurant called The House.
 12 Q. Was that near the school?
 13 A. Not near the school. Several miles away.
 14 Q. Where is it?
 15 A. In the city of Maywood.
 16 Q. In the city of Maywood?
 17 A. Yes.
 18 Q. Who else attended the meeting?
 19 A. A Ms. Wigginhorn.
 20 Q. Who is that?
 21 A. She is an English teacher.
 22 Q. Anyone else?
 23 A. Mr. Beccerra.
 24 When I mentioned earlier --
 25 Q. Anyone else?

1 BY MR. ROZWOOD:
 2 Q. Was Mark Rosenbaum there?
 3 A. Could have been. I don't know names.
 4 Q. Was Peter Eliasberg there?
 5 A. I can't remember. I have a hard time picturing
 6 faces with names.
 7 Q. What was the purpose of the meeting, to your
 8 mind, when you went?
 9 A. The purpose of the meeting was -- a lot of the
 10 teachers who showed up expressed concern over the
 11 conditions at Fremont and if we wanted to really be
 12 active in that, this is one way we could have approached
 13 it. If we took part in this suit, then we would be able
 14 to put our 2 cents into the pot.
 15 Q. Do you know if there were any administrators
 16 from Fremont at this meeting, such as a department chair
 17 or an assistant principal?
 18 You've testified Ms. Hoover was there as the
 19 librarian.
 20 A. Right.
 21 Q. So excluding Ms. Hoover, were there any other
 22 administrators?
 23 A. No administrators were there.
 24 Q. No department chairs and no department
 25 co-chairs; correct?

1 A. I am not quite sure if any of the other members
2 hold co-chair or chair positions. So I'm not at liberty
3 to say that.
4 Q. That's fair. We only want you to testify to
5 what you know about. Don't speculate.
6 A. Okay.
7 Q. Are you aware that the Los Angeles --
8 Let me ask you this: You're an employee of L.A.
9 Unified School District; correct?
10 A. Yes, sir.
11 Q. And are you aware that the L.A. Unified School
12 District is a party to this litigation?
13 A. I don't understand your question.
14 Q. Well, the litigation is the plaintiffs
15 represented by the ACLU and other attorneys have sued the
16 State of California and certain other defendants. And
17 another party in the lawsuit is the Los Angeles Unified
18 School District. And I'm just wondering whether you had
19 any knowledge prior to sitting here today that the
20 L.A. Unified School District was a party to the
21 litigation.
22 MS. LHAMON: Calls for a legal conclusion.
23 MR. ROZWOOD: Just calls for his knowledge.
24 THE WITNESS: What I know was that the lawsuit
25 was against the State of California. It wasn't targeting

1 any particular district, but just the overall state.
2 BY MR. ROZWOOD:
3 Q. Okay. Did anyone ever tell you that the
4 Los Angeles Unified School District was a party to this
5 litigation other than me?
6 A. What do you mean by "a party of"?
7 Q. Well, a lawsuit has parties. It has the
8 plaintiff, and it has the defendants, and it has other
9 parties. And in this case, the L.A. Unified School
10 District is a party. And I'm telling you that as a fact.
11 I'm representing that to you. And I'm asking if anyone
12 else has ever told you that before.
13 A. Can I ask you a question in order to clarify --
14 in order for me to formulate an answer?
15 Q. If you don't understand, just tell me what you
16 don't understand about my question.
17 A. So is L.A. Unified School District also a
18 defendant?
19 Q. No, I don't believe so. I believe L.A. Unified
20 is a Cross-defendant and L.A. Unified is an intervener,
21 but L.A. Unified is a party. And I'm just wondering
22 whether you ever heard that L.A. Unified is a party, an
23 intervener or Cross-defendant in this case?
24 MS. LHAMON: I'll object that counsel is now
25 testifying.

1 MR. ROZWOOD: He's asking a question to clarify
2 his question.
3 MS. LHAMON: Let me -- you are not testifying.
4 I disagree with your characterization of the parties in
5 this lawsuit. And the question calls for a legal
6 conclusion because it is using legal terms that I don't
7 think are clear to Mr. Vaca.
8 BY MR. ROZWOOD:
9 Q. Has anyone ever used the term "party" in
10 describing who was involved in this lawsuit?
11 MS. LHAMON: You can answer the question
12 separate from an answer that would require you to
13 disclose attorney-client privilege.
14 MR. ROZWOOD: It's a "yes" or "no."
15 Q. You have to answer the question.
16 MS. LHAMON: Absolutely not. You don't have to
17 disclose any attorney-client privileged -- anything that
18 was told to you by counsel.
19 BY MR. ROZWOOD:
20 Q. Do not tell me anything your counsel said to you
21 or you said to your counsel. But tell me whether or
22 not --
23 Let me ask it this way: Has anyone ever used
24 the term "party" in describing who is involved in this
25 litigation prior to today?

1 MS. LHAMON: You can answer the question
2 separate and apart from the attorney-client
3 communication.
4 THE WITNESS: I choose not to answer it.
5 MR. ROZWOOD: You're instructing him not to
6 answer?
7 MS. LHAMON: I'm instructing you not to disclose
8 any attorney-client privileged information, which means
9 that if someone has used the term "party," including me,
10 before I became your counsel to describe LAUSD in the
11 lawsuit, then you can answer that question.
12 THE WITNESS: I still don't understand.
13 MS. LHAMON: If you don't understand, you don't
14 understand.
15 BY MR. ROZWOOD:
16 Q. Ms. Lhamon is your counsel?
17 A. Yes.
18 Q. When did she become your counsel?
19 A. A month and a half ago after the meeting.
20 Q. What time after the meeting?
21 A. At the close of the meeting, she became my
22 counsel.
23 Q. And for what purpose --
24 Was there a formal agreement that you signed?
25 A. Yes.

1 Q. Sorry?

2 A. Yes.

3 Q. And for what purpose did you retain Ms. Lhamon
4 as your counsel at the end of that meeting?

5 MS. LHAMON: Calls for a legal conclusion.

6 But you can answer to the extent you know. And
7 I instruct you not to disclose any attorney-client
8 privilege; so any information that I gave to you, you
9 should not disclose.

10 THE WITNESS: Okay. I just choose not to
11 disclose anything.

12 BY MR. ROZWOOD:

13 Q. In your mind, when you retained Ms. Lhamon at
14 the close of that meeting, what was your understanding of
15 the purpose for which you were retaining her, just the
16 contents of your mind?

17 MS. LHAMON: You can answer that separate from
18 any understanding you obtained from me.

19 THE WITNESS: Okay. I just wanted to be a part
20 of the lawsuit. I know that the conditions that are
21 going on at Fremont, nobody else could say other than
22 myself for what I've experienced. And if I joined the
23 lawsuit, I did it under the -- under the pretext that she
24 gave to be known at the meeting.

25 ////

1 overseeing how those resources are being used. That's in
2 my mind what the lawsuit is about. To my knowledge,
3 that's what it's about.

4 Q. Am I correct in my understanding that you don't
5 believe this lawsuit seeks any more money from the State
6 of California for the public school system?

7 MS. LHAMON: Mischaracterizes the testimony.

8 MR. ROZWOOD: I didn't characterize it. I said
9 "Am I correct in my understanding." If I'm incorrect, he
10 can answer that.

11 THE WITNESS: Again, like I said, I'm not an
12 expert on how things exactly should be run to every
13 detail. Money might be needed in order for the
14 implementation of the oversight of the management of
15 funds. It might. It might not. I don't know. That's
16 not my position. Again, I'm only a teacher. But it's
17 not a lawsuit for a certain amount of money. The only
18 ones that will ultimately benefit are the students.

19 BY MR. ROZWOOD:

20 Q. And that's through increased state oversight
21 over school distributing management of the funds they get
22 from the state; correct?

23 A. Not only funds, but distribution of materials.
24 The overall conditions, not just the management of the
25 funds. The state has to oversee what's going on

1 BY MR. ROZWOOD:

2 Q. What do you understand, as you sit here today,
3 the purpose of the lawsuit to be?

4 A. From my understanding, the lawsuit is not for
5 any monetary gain. I know that the lawsuit is not -- so
6 that any district could cough up money for not doing
7 their job correctly. But what needs to happen is if the
8 school district is not doing a correct job -- in other
9 words, after we submit paperwork and we still don't have
10 books or after the school district knows that all these
11 conditions are occurring at Fremont constantly, the State
12 ultimately has to take over, take over in the sense that
13 the state has to be ultimately held accountable for the
14 conditions that are going on.

15 The reason the lawsuit -- in my mind or in my
16 opinion that we have the lawsuit is so that there
17 actually is a form of overseeing the distribution of
18 textbooks, that ultimately someone has to be held
19 accountable for the overcrowding, the rat infestation,
20 the roach infestation. Somebody ultimately has to be
21 accountable.

22 In the media, there was always accountability
23 thrown around. Most of the blame is put on the teachers.
24 But the state is the one who gives the school districts
25 money. And the state ultimately has to be the one

1 ultimately, if the school district isn't.

2 Q. And that's true with respect to the conditions
3 you've identified at Fremont; correct?

4 A. Correct.

5 Q. All those conditions?

6 A. Again, of everything I've spoken, the only
7 knowledge I come to the table with is the knowledge and
8 the experience I have working at Fremont High School.

9 Q. And with respect to every problem you identified
10 at Fremont, do you believe that the state should be
11 overseeing the school district's management of the
12 response to those conditions?

13 A. Ultimately, I think -- I believe the state has
14 to be responsible for it if the school district isn't
15 doing an adequate job to take care of that.

16 Q. And if necessary, that includes oversight over
17 the management of the school district's funds received
18 from the state; correct?

19 A. Again, I'm not an expert as to how those things
20 are going to take place. But if that has to happen, so
21 be it.

22 Q. This meeting that you had with Ms. Lhamon and
23 other Fremont school officials --

24 MS. LHAMON: Mischaracterizes the testimony.

25 ////

1 BY MR. ROZWOOD:
 2 Q. Didn't you attend a meeting with Ms. Lhamon and
 3 other Fremont school officials?
 4 MS. LHAMON: There's been no testimony there
 5 were any officials.
 6 MR. ROZWOOD: Well, I guess we're quibbling over
 7 language.
 8 Q. But certainly the teachers who are responsible
 9 for delivering the educational services at the bottom of
 10 this case and employees of the L.A. Unified School
 11 District were there.
 12 MS. LHAMON: We can quibble over more language.
 13 I wouldn't call that the bottom of this case.
 14 BY MR. ROZWOOD:
 15 Q. Was this the first meeting where you met someone
 16 from the ACLU in connection with this case?
 17 A. Oh, in connection with this case, yes.
 18 Q. Have you had other dealings with the ACLU
 19 outside of this case?
 20 A. When I was in college.
 21 Q. And can you describe those for us?
 22 A. Acquaintances that had aspirations to work for
 23 the ACLU and finally did and that was it.
 24 MS. LHAMON: Card carrying members?
 25 THE WITNESS: Yes, card carrying members.

1 BY MR. ROZWOOD:
 2 Q. Approximately how many occasions have you spoken
 3 to an attorney from the ACLU or someone that worked for
 4 the ACLU in connection with this case?
 5 A. How many times have I -- I can't recall the
 6 number of times.
 7 Q. Is it more than 10?
 8 A. If that includes phone tag, yes.
 9 Q. No. But just the times you actually spoke with
 10 Ms. Lhamon or somebody else from the ACLU -- just give us
 11 your best estimate.
 12 A. Face-to-face, I'd say at the most, four times at
 13 most.
 14 Q. And how about over the phone where you actually
 15 spoke with --
 16 A. Twice. Again, we've been playing phone tag,
 17 messages here, messages there.
 18 MS. LHAMON: Remember not to disclose any of the
 19 contact we've had since I've been your counsel.
 20 THE WITNESS: No problem.
 21 BY MR. ROZWOOD:
 22 Q. Have you spoken to anyone else from the ACLU in
 23 connection with this litigation?
 24 MS. LHAMON: Separate from Catherine Lhamon? Is
 25 that what you mean?

1 MR. ROZWOOD: Yes.
 2 THE WITNESS: No.
 3 BY MR. ROZWOOD:
 4 Q. Have you spoken with any other attorney in
 5 connection with this litigation?
 6 A. No.
 7 Q. Can you describe for us the circumstances which
 8 led to your decision to provide a declaration in this
 9 case?
 10 MS. LHAMON: The question is overbroad and calls
 11 for a narrative.
 12 MR. ROZWOOD: He's had no trouble so far
 13 providing narratives.
 14 THE WITNESS: Why did I choose to go forth with
 15 my declaration? Is that what you're asking?
 16 BY MR. ROZWOOD:
 17 Q. Right.
 18 A. Again, my brother goes to Fremont. Possibly a
 19 younger brother will go to Fremont. Possibly my youngest
 20 sister will go to Fremont. Those conditions need to
 21 change if they are able to be UC qualified, at least. I
 22 know I'm not the only one that has younger brothers.
 23 Many of the students have younger brothers and sisters.
 24 They need a better place to study. They need a haven
 25 from home.

1 They deserve to have classrooms without
 2 cockroaches, without rats. They deserve to go to a clean
 3 high school. They deserve to be able to take a book home
 4 in case they don't understand how to do one problem based
 5 on the teacher's notes. They need these things in order
 6 to be better students, to be better test takers, in order
 7 to be productive members of society. They need to have a
 8 good education. It's -- one of the rights of the State
 9 of California is education.
 10 They need these things. And I figured if I give
 11 my declaration as to how things are inside my own
 12 classroom, because I can't speak of how it goes on in my
 13 neighbor's classroom -- I just saw a rat in my classroom.
 14 I see roaches in my classroom. I had to speak up. Would
 15 you send your kid to a classroom with rats and roaches?
 16 No. So why should I have to send my brother to a
 17 classroom with rats and roaches?
 18 MR. ROZWOOD: I'd like to mark a document as an
 19 exhibit. I'll hand a copy to the reporter. It bears
 20 Bates stamp Nos. PLTF 2151 through 2154.
 21 Q. I'll ask you to look at it.
 22 (Whereupon, Defendants' Exhibit 1
 23 was marked for identification.)
 24 BY MR. ROZWOOD:
 25 Q. Do you have a copy of Exhibit 1?

1 A. Yes.
 2 Q. Have you seen this document before?
 3 A. Yes. It's my declaration.
 4 Q. And did you sign it as indicated on the fourth
 5 page on September 27, 2001?
 6 A. Yes, I did sign it.
 7 Q. Is this the declaration you were referring to in
 8 your previous narrative in response to my question?
 9 A. Yes. This is also the declaration in which I
 10 stated I graduated July of '99, not December of '99. And
 11 again, it should have been in the record before. I
 12 didn't make that --
 13 Q. So you're saying there's an error in paragraph 2
 14 of your declaration?
 15 A. Yes. And that must have been my oversight in
 16 signing it. And I read it numerous times since I've
 17 received a copy of it or since I've seen it. And that's
 18 the one thing that is wrong on here.
 19 Q. How many different copies or drafts of this
 20 declaration did you see?
 21 MS. LHAMON: The question is vague.
 22 Are you asking him how many drafts did he see
 23 before he signed it or how many times did he see a copy
 24 of it?
 25 ///

1 BY MR. ROZWOOD:
 2 Q. How many drafts or versions of this declaration
 3 have you seen?
 4 MS. LHAMON: Before signing it or ever?
 5 BY MR. ROZWOOD:
 6 Q. Just ever.
 7 How many different versions of this declaration
 8 have you seen?
 9 A. One other one. It was the first draft. There
 10 were things that I mentioned that really didn't pertain
 11 to what the lawsuit is about or what I felt the lawsuit
 12 was about; so I didn't really feel a need to disclose
 13 that. It was just me rambling telling stories, like you
 14 had said earlier.
 15 Q. Was there anything inaccurate in the first
 16 draft?
 17 A. Nothing inaccurate. Like I said, it's just me
 18 telling rambling stories.
 19 Q. Do you know if anyone else from that meeting at
 20 the restaurant called The House provided a declaration in
 21 this litigation?
 22 MS. LHAMON: Calls for speculation.
 23 BY MR. ROZWOOD:
 24 Q. Only if you know.
 25 A. No. I would be guessing at that point.

1 Q. We don't want you to do that.
 2 MR. ROZWOOD: Let me mark another document as
 3 Exhibit 2 and ask the reporter to stamp that for us.
 4 (Whereupon, Defendants' Exhibit 2
 5 was marked for identification.)
 6 BY MR. ROZWOOD:
 7 Q. Do you have a copy of Exhibit 2?
 8 A. Yes, sir.
 9 Q. Have you ever seen this document before?
 10 MS. LHAMON: Instruct you not to answer whether
 11 you've seen it since you've been represented by counsel.
 12 But if you've seen it separate from counsel, you can
 13 answer that question.
 14 THE WITNESS: I refuse to answer that.
 15 MR. ROZWOOD: Are you asserting a privilege
 16 here, Counsel?
 17 MS. LHAMON: Yes, the attorney-client privilege.
 18 MR. ROZWOOD: The attorney-client privilege
 19 doesn't apply to facts. It applies to the context of
 20 communications between attorneys and clients.
 21 MS. LHAMON: And I'm -- in your own firm's
 22 deposition, you all have instructed clients not to answer
 23 whether they've seen documents in their consultation with
 24 counsel. We're following your lead.
 25 MR. ROZWOOD: I'm definitely not asking if he's

1 seen this document in the context of meeting with
 2 counsel. I'm just saying has he ever seen it before.
 3 That fact is not privileged.
 4 MS. LHAMON: I'm saying he can answer it limited
 5 to whether he's seen it without the presence of counsel,
 6 but he can't answer whether he's seen it in the presence
 7 of counsel. So he can answer the question.
 8 MR. ROZWOOD: "Yes" or "no?"
 9 MS. LHAMON: Not "yes" or "no." He can answer
 10 the question limited to whether he's seen the document
 11 separate from the presence of counsel.
 12 BY MR. ROZWOOD:
 13 Q. I'm asking you whether you've seen this
 14 document. "Yes" or "no"?
 15 MS. LHAMON: And I'm instructing him not to
 16 answer that question.
 17 BY MR. ROZWOOD:
 18 Q. Are you following your counsel's instruction?
 19 A. Yes.
 20 Q. Did you do anything to search for documents that
 21 might be responsive to the notice of deposition in
 22 Exhibit 2 before coming here today?
 23 A. I don't understand the question.
 24 Q. Did you do anything to obtain documents
 25 responsive to the request that we made that you appear

1 today for your deposition?

2 MS. LHAMON: Calls for a legal conclusion as to
3 what would be responsive to that document request.

4 THE WITNESS: Yes. I don't understand what you
5 mean by "responsive."

6 BY MR. ROZWOOD:

7 Q. We asked you to bring documents today.

8 Did you conduct a search for documents and bring
9 them? "Yes" or "no"?

10 A. No.

11 Q. Were you seeking to obtain legal advice during
12 that meeting at the restaurant called The House from any
13 lawyer?

14 A. No, I did not go there seeking counsel. It was
15 only afterwards where I knew that in order for me to be
16 able to give a declaration, then I chose to ask for
17 counsel.

18 Q. What happened at that meeting? What was the
19 first thing that happened when you arrived?

20 A. An attorney introduced herself and the party she
21 was with. Again, I can't recall every name that was
22 there, or I can't recall any name for that matter. She
23 explained the situation. This was only after the fact.
24 She described what the lawsuit had entailed only after
25 the fact that the teachers vented their frustrations and

1 spoken to any other -- I may have asked this -- but any
2 other lawyers in this case?

3 MS. LHAMON: Asked and answered.

4 BY MR. ROZWOOD:

5 Q. You said "no"; correct?

6 A. Correct.

7 Q. Have you spoken with anyone else about this
8 lawsuit, excluding lawyers --

9 A. No, I haven't.

10 Q. -- other than Ms. Hoover?

11 A. I haven't spoken with anybody regarding the
12 lawsuit, no.

13 Q. What did you do to prepare for your deposition
14 today?

15 A. Good night's sleep. Pretty much that was it,
16 just a good night's sleep.

17 Q. Did you review any documents?

18 A. I looked over my declaration, and that was it.

19 Q. Have you had any discussions with anyone at
20 Fremont other than the ones you've already testified to
21 regarding the conditions -- the poor conditions at
22 Fremont High School, such as Margaret Roland or others?

23 A. What was the question?

24 Q. Have you had any discussions with any Fremont
25 school officials regarding the conditions that you've

1 we gave our own stories as to what we were facing.

2 Q. Was it just like a verbal presentation or
3 were --

4 A. Just verbal.

5 Q. No handouts or slide shows?

6 A. No, nothing like that.

7 Q. Overhead projectors?

8 A. Just introduced themselves. No formal
9 presentation of any sort.

10 Q. And what did Ms. Lhamon say the lawsuit was
11 about?

12 A. Pretty much being able to have some sort of
13 oversight as to what's going on with the conditions and
14 ultimately it would have to come from the state.

15 Q. Can you recall anything else Ms. Lhamon said at
16 this presentation?

17 A. The fact that we were not alone. I had already
18 known about a suit in which teachers and students from
19 Thomas Jefferson High School were involved, and she only
20 used that as an example of how we're not alone in trying
21 to make public schools better. She also gave -- raised
22 examples of other schools that are also participating in
23 the suit. That's pretty much it, at least that I can
24 recall.

25 Q. Other than ACLU lawyers or staff, have you

1 described in your deposition?

2 A. Yes, numerous times, especially the one about
3 getting the books in on time. I've talked about that.
4 I've spoken with -- Margaret Roland was present when I
5 spoke to Dr. Rousseau regarding the overcrowding
6 situation; so I also addressed her. Ultimately, I know
7 she has no power as to how that goes, but she was
8 nonetheless present when I let Dr. Rousseau know. That's
9 pretty much it --

10 Q. You --

11 A. -- of the things that I've done.

12 Q. Have you spoken to Marcie Hines about the
13 conditions at Fremont?

14 A. I really don't talk to Marcie Hines unless I
15 really have to.

16 Q. Does that mean you haven't spoken to her about
17 the conditions at Fremont High School?

18 A. No.

19 Q. Have you spoken with any other assistant
20 principal about the conditions that you're complaining
21 about at Fremont High School?

22 A. Yes. I spoke with Mr. Hooker about the
23 conditions at Fremont High School regarding overcrowding
24 in particular. He is the dean of discipline. I think
25 that's self-titled, by the way. And I've worked in the

1 dean's office on my off time, on the time I've been on
2 vacation. And he agrees the school is overcrowded and
3 something needs to be done. Again, his hands are tied
4 because he is a dean of discipline. What can he do?

5 Q. Other than overcrowding and the problems
6 relating to overcrowding, have you had any discussions
7 with any member of the school administration regarding
8 other types of conditions that exist that you've
9 complained about?

10 A. Administrators -- naw, that was it, as far as
11 administrators go.

12 Q. Do you know who Renee Carter is?

13 A. Renee -- no, the name doesn't ring a bell.

14 Q. How about Claudia Pilon?

15 A. Yes.

16 Q. Who is that?

17 A. English teacher, magnet -- she's a magnet
18 teacher, yes. And she might -- that's it. That's it. I
19 don't want to speculate on the fact that she possibly
20 could be the department co-chair. So I don't want to say
21 that.

22 Q. Okay. That's fair.

23 Was she at the meeting with you, Ms. Lhamon and
24 the other Fremont employees?

25 A. Yup, she was there.

1 Q. And have you had any conversations with
2 Ms. Pilon about the conditions at Fremont that you're
3 complaining of?

4 A. Ever since or --

5 Q. At any time.

6 A. Yeah, we've talked -- we talked -- I've talked
7 to her about them. And it was only to give each other
8 moral support, like "Don't worry about it. Things are
9 going to get better. You can deal with the condition
10 that you're dealing with now." Just giving each other
11 tips on how to control overcrowded classrooms. "Where
12 can I go get photocopies?" Things like that, just
13 resources.

14 Q. Do you have a formal mentor at Fremont?

15 A. I had a mentor my first semester there, who -- I
16 was so lucky. It was my high school history teacher,
17 which is not even subject-matter related. But I knew him
18 personally; so he became my mentor. Last year I had a
19 mentor in the art department, but she was not qualified
20 to be a mentor, I believe, at least not qualified to be
21 my mentor.

22 Q. Why do you say that?

23 A. She asked how can she get some of the materials
24 that I have obtained. And a mentor is supposed to know
25 those things ahead of time.

1 Q. And what types of materials was she referring
2 to?

3 A. Chalk, scratch paper, how can you have your
4 room -- how can you manage your classroom. She really
5 didn't have high classroom management skills.

6 Q. You said Mr. Beccerra attended the meeting with
7 Ms. Lhamon at the restaurant; correct?

8 A. Yes.

9 Q. Did Ms. Sarah Usmani attend that meeting as
10 well?

11 A. If I say "yes," I'd be speculating.

12 Q. We don't want that. If you don't know, you
13 don't know.

14 A. Right.

15 Q. You don't know?

16 A. I can't recall.

17 Q. How about Laura Carpenter?

18 A. She was at the meeting, yes.

19 Q. How about Jilleen Sargent?

20 A. She was at the meeting, yes.

21 Q. And Diane Admonian?

22 A. Yup, she was there as well.

23 Q. And Wendy Basgall?

24 A. Wendy was there.

25 Q. And how about Margaret Paolucci?

1 A. I cannot recall.

2 Q. Do you recognize the name Mr. Richardson?

3 A. Yes.

4 Q. Is that a teacher at Fremont?

5 A. Yes. I forgot his first name, but yes.

6 Q. Do you know what he teaches?

7 A. Yeah. He teaches, I think, the fine arts. I
8 think he might teach acting or --

9 Q. How about Amy Lee? Do you recognize that name?

10 A. I recognize the name. I can't recall if she was
11 there or not.

12 Q. Is she a teacher at Fremont?

13 A. She's a teacher at Fremont.

14 Q. Do you know what she teaches?

15 A. English.

16 Q. And how about the name Bill McCleary?

17 A. Are you asking me do I know him or was he at the
18 meeting?

19 Q. Do you recognize the name?

20 A. Yes, I recognize the name.

21 Q. Is he a teacher at Fremont?

22 A. Yes, he is.

23 Q. What does he teach?

24 A. English.

25 Q. Was he at the meeting with you and Ms. Lhamon?

1 A. I can't recall if he was at the meeting.
 2 Q. Do you recognize the name Shirleen Armstrong?
 3 A. Yes.
 4 Q. And is she a teacher at Fremont?
 5 A. Yes.
 6 Q. What does she teach?
 7 A. She's a coordinator for the reading program at
 8 Fremont in conjunction with English.
 9 Q. Does she also teach English to students at
 10 Fremont?
 11 A. Yes.
 12 Q. Have you ever heard the name Cindy Diego before
 13 or Cynthia Diego?
 14 A. Before -- you mean before --
 15 Q. Before I just mentioned it.
 16 A. Yes.
 17 Q. When was the first time you heard the name Cindy
 18 Diego?
 19 MS. LHAMON: It's a pretty common name. In what
 20 context are you asking about?
 21 BY MR. ROZWOOD:
 22 Q. In connection with this lawsuit.
 23 A. In connection with the lawsuit?
 24 Q. Do you recognize the name Cindy Diego in
 25 connection with this lawsuit?

1 A. Not in connection with the lawsuit, but as a
 2 brother of a student at Fremont.
 3 MS. LHAMON: A sister?
 4 THE WITNESS: Yeah.
 5 BY MR. ROZWOOD:
 6 Q. Is that Glauz Diego's older sister?
 7 A. Yes.
 8 Q. And do you know Glauz Diego?
 9 A. Yes, sir.
 10 Q. Have you spoken to Glauz Diego about this
 11 lawsuit?
 12 A. Not about the lawsuit, but I speak with Glauz.
 13 Q. Is he in your class?
 14 A. No. But he's fairly good friends with several
 15 people in my class; so he'll come by and say "hello."
 16 Q. This is your third year teaching now?
 17 A. I just finished my second, yes.
 18 Q. When does your third year commence?
 19 A. In July -- no, in January.
 20 Q. And have you ever had Glauz as a student?
 21 A. No. But I had Glauz show up for tutoring
 22 numerous times.
 23 Q. Have you ever had a discussion with Glauz Diego
 24 regarding the conditions at Fremont High School that
 25 you've identified in your deposition so far today?

1 A. Not regarding the conditions, but personal
 2 conversations on other matters.
 3 Q. Do you recognize the name Cindy Ramirez?
 4 A. Yes.
 5 Q. How do you recognize that name?
 6 A. When I was in charge of the MECHA program --
 7 M-E-C-H-A -- MECHA organization -- Movimiento Estudiantil
 8 Chicana/o de Aztlan -- she held office in that
 9 organization. She was the secretary. Great student. I
 10 tutored her in math, helped her with her application for
 11 Berkeley. I tutored her in calculus. I can't say enough
 12 about the young lady. Outstanding young lady.
 13 Q. Did you write her a recommendation for her
 14 college application?
 15 A. I would have if she asked me, but she already
 16 had people offering her letters.
 17 Q. Do you know if she actually ended up going to
 18 Berkeley?
 19 A. Yes, I do. She did.
 20 Q. Do you recognize the name Cindy Barragan?
 21 MS. LHAMON: Are you asking in connection with
 22 this lawsuit, or are you asking just in general?
 23 MR. ROZWOOD: In connection with Fremont,
 24 really.
 25 THE WITNESS: I don't recall the name. I might

1 have seen the face. But again, I'm bad with faces and
 2 names at the same time. Just bad.
 3 BY MR. ROZWOOD:
 4 Q. Do you recognize the name Christina Flores?
 5 MS. LHAMON: In connection with Fremont?
 6 MR. ROZWOOD: Yes.
 7 THE WITNESS: Again, pretty common name. I
 8 might know -- I don't -- not a particular one.
 9 BY MR. ROZWOOD:
 10 Q. Did you ever have any conversations with Cindy
 11 Ramirez about this lawsuit?
 12 A. Not about the lawsuit, but we always spoke about
 13 the conditions at Fremont.
 14 Q. And what did she say to you about the conditions
 15 at Fremont, and what did you say to her?
 16 A. Basically, what I told her is that no matter
 17 what you have or what's going on at Fremont, you have to
 18 go above and beyond what's asked of you. Basically, it
 19 was just in conjunction with the application for the
 20 UC's. Whatever the UC's require that you do, I always
 21 explained to her that she needs to go above and beyond
 22 that, doing community service, because the name Fremont
 23 on many applications doesn't fare too high as one of the
 24 highest academic schools. So I always told her, you
 25 know, what the conditions are at Fremont, people are

1 everywhere, overcrowded, look how rundown the school is;
2 so it's no wonder it's not highly academic. But you need
3 to go above and beyond.

4 Q. Did she say anything to you?

5 A. Regarding?

6 Q. When you said those things to her.

7 A. She said she knew that. She knew that she had
8 to do that.

9 Q. Can you think of anything else you guys said to
10 one another?

11 A. Again, her and I have a great relationship.
12 Regarding the case or regarding the conditions of the
13 school, not particularly.

14 MR. ROZWOOD: I want to mark another document --
15 actually two documents, one as Exhibit 3, which is a map
16 of the 11 local districts, and one as Exhibit 4, which is
17 a map of Fremont -- what appears to be a map of Fremont
18 High School and ask you to take a look at those.

19 (Whereupon, Defendants' Exhibits 3
20 and 4 were marked for identification.)

21 BY MR. ROZWOOD:

22 Q. You mentioned earlier you spoke with local
23 district superintendent for District I -- correct? --
24 Dr. Rousseau.

25 A. Yes, sir.

1 A. Independent on my own on vacation time.

2 Q. So how do you go about arranging a classroom
3 observation with a fellow teacher in L.A. Unified?

4 A. On vacation time or me being on track, because
5 apparently there's two different systems.

6 Q. I'd like to hear about each one.

7 A. What I do is -- this is only personal. I will
8 first speak with the front office at each school that I
9 will attend and ask for permission to be on campus, first
10 of all. If they decline the permission, then I don't do
11 it. I will ask for the administrator in charge of the
12 math department and ask for suggestions as to who to
13 observe, and then I'll try not to interrupt the class.
14 I'll try to go in for the beginning of each class. I'll
15 wait for the bell to ring. That's what I personally do.

16 I introduce myself to the teacher, and I ask --
17 "Well, I'm a new teacher. I want to see different
18 techniques of being able to teach math. Again, I am new.
19 I am still learning." Formally, I know that I can have a
20 substitute take over my classroom in order for me to go
21 to observe other people, whether it be in the same
22 school, whether it be throughout L.A. Unified School
23 District. But since I don't like being absent and I
24 don't like my kids being absent, then I choose not to do
25 it when I'm on -- when I'm at work.

1 Q. And is it your understanding, looking at
2 Exhibit 3, that Fremont Senior High School is located
3 within the area located inside the boundary marked with
4 the letter "I"?

5 A. Yes, sir.

6 Q. And do you have any knowledge of how the
7 district or the local districts are organized or operate?

8 A. I have no knowledge of how they operate. I know
9 that we are in District I, and I know my superintendent
10 is Dr. Rousseau. That's pretty much it.

11 Q. Have you had occasion to attend or observe any
12 school in any of these other local districts within
13 Los Angeles Unified School District?

14 A. Not as of yet. But I am doing so now in order
15 for me to have a better understanding in my own personal
16 classroom as to how to run my own class. I need to
17 observe other math teachers to figure out new ways to
18 teach things. I'm doing a lot of classroom observation
19 on the mere sake of teaching math. Not -- I don't do
20 observation in order to inspect buildings or anything,
21 just teaching math.

22 Q. Is the classroom observation that you're
23 doing -- is that part of a program or an activity
24 sponsored by the Los Angeles Unified School District, or
25 is that on your own?

1 Q. Which schools have you visited informally on
2 your break?

3 A. On my break, I visited Edison Middle School,
4 which is the feeder school to our high school. It's also
5 in District I. That's the only one I have observed. But
6 I will observe my alma mater, which is the California
7 Academy of Math and Science.

8 Q. Do you have plans to observe any other schools?

9 A. Not at the moment. Again, I am on vacation; so
10 I do it day to day. If I choose to go check out a school
11 that day, I'll wake up early. If not, I'll sleep it off.

12 Q. Those were the days.

13 MS. LHAMON: We're all jealous in this room.

14 BY MR. ROZWOOD:

15 Q. Can you look at Exhibit 4 for me, please?

16 A. Yes, sir.

17 Q. Is this, to your knowledge, an accurate map of
18 the facilities at Fremont High School?

19 MS. LHAMON: I'm assuming you mean accurate just
20 in the sense that there are buildings in the locations
21 that the map depicts.

22 MR. ROZWOOD: Right.

23 MS. LHAMON: Thanks.

24 BY MR. ROZWOOD:

25 Q. And I don't mean to say that -- for example, the

1 ESL office is in a different room that is indicated on
 2 this chart?
 3 A. Right. There are more bungalows now. This is
 4 an outdated map. For example, where it says -- if you're
 5 looking at Exhibit 4, where it says "503 to 507," there
 6 are new bungalows behind that block of buildings.
 7 Q. Next to Town Avenue or on the other side?
 8 A. On the other side closer to the track and field.
 9 Q. Can you on the document you have there borrow
 10 your counsel's pen and indicate where the new bungalows
 11 are?
 12 A. Okay.
 13 Q. Thank you.
 14 A. Again, I don't know the numeration of each
 15 building.
 16 Q. Can you put "NB" on the exhibit so that you --
 17 so that later we can determine where you put the new
 18 bungalows on this building?
 19 A. All right.
 20 Also, it included -- in addition to where it
 21 says "bungalows 119 to 138," there are additional
 22 bungalows near the swimming pool -- between the swimming
 23 pool and the bleachers.
 24 Q. Okay. And can you indicate where on the
 25 bleachers you -- when you referred earlier to there being

1 Q. How many?
 2 A. Three to four of them.
 3 Q. Is there anything else that strikes you as
 4 inaccurate about this outdated map?
 5 A. Let me see what else is on here. That's pretty
 6 much it.
 7 MS. LHAMON: Ben, we've been going for over an
 8 hour. I'm okay to keep going. If you want to take a
 9 break, we can take one.
 10 THE WITNESS: That's fine. If I need a break,
 11 I'll let you know.
 12 MS. LHAMON: Okay. Thanks.
 13 BY MR. ROZWOOD:
 14 Q. We're looking at Exhibit 4. Can you tell me
 15 which rooms you've had an opportunity to teach in during
 16 your two years at Fremont?
 17 A. Just to ask for clarification of your question,
 18 are you asking me where I've been assigned or where I've
 19 had to teach? I also do subbing work on my vacation
 20 time; so I'll usually have to travel. And I'll teach in
 21 various different rooms, not just the ones I've been
 22 assigned.
 23 Q. Thanks for that clarification. Let's just start
 24 out with a classroom you've been assigned to.
 25 Which ones are those?

1 a portion of the bleachers that was separated by chain
 2 link fence, can you indicate on your Exhibit 4 where on
 3 the bleachers that occurs?
 4 A. Okay. I am making a shaded region on the region
 5 closest to the north gym of those bleachers. If you're
 6 looking at Exhibit 4, it would be right underneath the
 7 word "bleachers," if you're looking at the word
 8 correctly.
 9 Q. And that's sort of the back side of the
 10 bleachers facing the field?
 11 A. Yes. Also, where it -- it's 79th Street and
 12 Town Avenue. I am doing a closed grid of the new -- of
 13 the John Hope Continuation School. And those are for
 14 kids that really can't fit into the curriculum. It's
 15 right -- like right on the corner. It takes over that
 16 block there.
 17 MS. LHAMON: Just for the record, he's written
 18 "John Hope" in the place where it's got the closed grid
 19 on the map.
 20 BY MR. ROZWOOD:
 21 Q. Are those new bungalows as well?
 22 A. They've been there awhile. Just this map is
 23 inaccurate to it.
 24 Q. But they're bungalows?
 25 A. Yes.

1 A. If we're looking -- I've been assigned room 115
 2 and room 117.
 3 Q. That's the first floor in the main building?
 4 A. The first floor in the main building.
 5 Q. And they're right next to each other on this
 6 map?
 7 A. Right next to each other, from my understanding.
 8 MS. LHAMON: Just so the record is clear, he's
 9 marked a green box around 115 and 117 on the map to
 10 indicate those were his rooms.
 11 MR. ROZWOOD: Just so you know, that's going to
 12 be the exhibit to your deposition. So if you want to
 13 mark it, feel free. But we can't substitute it with a
 14 clean copy; so make sure whatever you put on there --
 15 A. No problem.
 16 Those two rooms, as I understand it, again,
 17 because they're a year-round system, it -- initially it's
 18 supposed to work three teachers to two rooms. In other
 19 words, there are always two tracks giving classes at any
 20 one moment in time throughout the year. So the third one
 21 will be on vacation. And I alternate between those two
 22 rooms thus far. I initially started in room 115, and
 23 then I moved back and forth ever since.
 24 Q. Can you make an "R" with a circle in every
 25 location you've seen a rodent on this map?

1 A. Okay. Everywhere?

2 Q. Yeah. And just describe it to us as you are
3 doing it so we can get it on the record, too.

4 A. "R" and circle right next to room 115, describes
5 the incident as to when I saw the rat or rodent.

6 Q. Okay.

7 A. My brother and I, because I do give my brother a
8 ride to school every day and he does help me out with
9 carrying my materials, we opened the door to the room.
10 And there's a good sized rat, or maybe it was a big
11 mouse, kind of healthy, just hanging out in the middle of
12 the room, just scurrying about taking care of business,
13 whatever business it had to do.

14 Q. What's the difference in your mind between a rat
15 and a mouse, just the physical characteristics?

16 A. The physical characteristics -- a rodent is a
17 rat, like a bigger one -- a bigger rodent with like a
18 snout-type face on it. It has a thicker tail and usually
19 commonly found in streets. A mouse -- woodland-type
20 creature, smaller in size, smaller tail.

21 It was either a large mouse or a small rat, and
22 it was just hanging out in the room. As soon as we
23 opened the door, the rat scurried around, and then it
24 just went behind a filing cabinet and never came out.
25 But during my times where I've had to clean my room, it

1 after sign in, and I look over at a pillar right next to
2 it. There was a rat, because I do notice the fatty tail
3 on it. That was one time I saw. And this is -- and this
4 is just the rat being alive, freely moving about. In
5 room -- was it 315? I'm placing an "R" there. I saw a
6 rat in an actual trap, and it's not one of those snap
7 traps. It's one of those sticky traps. And it was in a
8 friend's room, and my friend was Mr. Del Rosario.

9 Q. Are those three occasions the only occasions in
10 which you've actually witnessed a rodent at Fremont High
11 School?

12 A. Yes, that I actually saw the rat and not the
13 feces.

14 Q. You also said something about being a live
15 rodent.

16 Have you ever seen any dead rodents other than
17 these at Fremont?

18 MS. LHAMON: In his life?

19 BY MR. ROZWOOD:

20 Q. At Fremont.

21 A. Also in room -- that was it. That's
22 basically --

23 Q. Let's go over those incidents one at a time.

24 A. Okay.

25 Q. What did you do when you saw the rat in

1 would get too messy. Maybe the kids had an overactive
2 day throwing paper around. I'm picking up the trash from
3 the floor. I would see rat feces amongst the trash that
4 was in room 115.

5 Q. Is that the only rodent sighting in room 115
6 that you've experienced at Fremont?

7 MS. LHAMON: The question is vague. The rodent
8 or the rodent feces?

9 MR. ROZWOOD: Just the rodent.

10 THE WITNESS: That was the -- actually, the only
11 one time that I saw the students -- I heard the students
12 within the classroom tell me "There goes a rat, Mr. Vaca"
13 on numerous occasions, but I never got to see it. Again,
14 every time I would sweep the room -- and I do a thorough
15 sweeping of the room -- I would have to pick up also
16 feces of rat or rodent.

17 Q. Let's just stick with rodent sightings.

18 What are the other occasions in which you've
19 seen a rodent at Fremont High School?

20 A. The other occasion I saw a rodent would have
21 been between where it says "finance office" and
22 "cafeteria," and I am marking that on the map.

23 Q. With a little "R" and a circle?

24 A. With an "R" and a circle.

25 I'm walking to get my morning cup of coffee

1 room 115?

2 A. My brother and I opened the door to the room.
3 It's 6:30 in the morning. And my brother threw
4 something. I can't recall what my brother threw, and
5 then the rat ran behind the filing cabinet.

6 Q. And what did you do after that with respect to
7 dealing with the rat in your classroom?

8 A. I tried to figure out where he went, what hole
9 did he go into. That way I could file it with the
10 maintenance guy that there is a rat there.

11 Q. Did you ever communicate the fact that you and
12 your brother saw a rodent in room 115 to anybody at
13 Fremont?

14 A. To the custodial guy, yes.

15 Q. Did you do that in writing or verbally?

16 A. Yes, I submitted a request to have something
17 done, whether it be sticky traps or whatnot.

18 Q. And to your knowledge, was anything done in
19 response to your written request?

20 A. A sticky trap was put, but no rodent was ever
21 caught again, or I never -- it wasn't caught, and their
22 trap was removed.

23 Q. And since that time, to your knowledge, there
24 have been no more rats in room 115, or rodents?

25 A. No, I have not seen a rat. Whether they've been

1 there, it's a different thing.
 2 Q. And to your knowledge, you don't know that there
 3 have been? That's what I'm asking you.
 4 A. I know there have been because I have to sweep
 5 away the feces.
 6 Q. Right. Okay.
 7 What about room 117? Can you describe the
 8 circumstances of your rodent experience in that room?
 9 A. I only mentioned that there was a rat that -- I
 10 saw the rodent, which you asked me to clarify if that was
 11 the only time I saw the rodent. In 117, again, I didn't
 12 actually see the physical manifestation of the rodent,
 13 but I saw the feces, and I swept the feces away.
 14 Q. In room 117?
 15 A. In room 117.
 16 Q. So you never actually saw a rodent in that room?
 17 A. I never saw it with my own two eyes.
 18 Q. That's another feces issue; right?
 19 A. Right.
 20 Q. What about in the area of the cafeteria and the
 21 finance office? How many occasions did that occur, the
 22 rat sighting?
 23 A. Again, I saw it once on my way after signing in
 24 in the morning.
 25 Q. And what did you do? Did you tell anybody about

1 the fact that you had seen a rodent there?
 2 A. No, I didn't. It scurried away after I stomped
 3 my foot on the ground.
 4 Q. And did you fill out a written report for the
 5 custodial staff?
 6 A. Not on that occasion.
 7 Q. And then the last one, I believe, you said you
 8 saw a rodent in a sticky trap in room 315.
 9 A. Yes.
 10 Q. And do you have any --
 11 Did you inform any custodial official at Fremont
 12 about that sighting?
 13 A. Apparently, because Mr. Del Rosario, who was in
 14 that room at that time, had made the report is the reason
 15 why the rat was in the sticky trap not running around.
 16 Q. So you know that he made a written report
 17 regarding rodents in his classroom and that traps were
 18 put in that classroom for that reason?
 19 A. Right.
 20 Q. How do you know that? He told you?
 21 A. He told me. He said he made reports out and he
 22 got traps and he put them up.
 23 Q. How about this sweeping thing? I mean, don't
 24 the custodial staff at Fremont sweep the classroom
 25 floors?

1 MS. LHAMON: Calls for speculation.
 2 BY MR. ROZWOOD:
 3 Q. If you know.
 4 A. Again, I can't tell you about all the floors,
 5 but I can tell you about my room, especially my first
 6 semester there. It had been a good two months before
 7 anybody swept my room, and then people would be like,
 8 "Man, why is your floor so dirty?"
 9 And I was, like, "Nobody has come in here to
 10 sweep it." And that's when I took it upon myself to
 11 actually sweep my own floor. Then as of last year, I
 12 started to see people sweeping it up -- sweeping my room
 13 up after I had a personal communication with the
 14 custodial staff.
 15 Q. Prior to the personal communication with the
 16 custodial staff, did you ever make a written request to
 17 have your classroom floor swept?
 18 A. No. I always thought that was common to have
 19 rooms swept up, and I didn't know that we had to make a
 20 request for the rooms to be swept.
 21 Q. And how often after you had your personal
 22 communication with the custodial staff did the staff
 23 sweep your classroom floor?
 24 MS. LHAMON: Calls for speculation.
 25 ////

1 BY MR. ROZWOOD:
 2 Q. If you know.
 3 A. I can't recall, but I know it was more than once
 4 a week after I had a personal rapport with the custodial
 5 staff.
 6 Q. And then you stopped sweeping your classroom
 7 floors after that; correct?
 8 A. No. Again, I like keeping my room clean; so I
 9 swept it every day. It wasn't the overall cleaning like
 10 I used to do, but it was just -- you know, I like having
 11 a clean room.
 12 Q. And how often --
 13 When you swept your classroom every day, did you
 14 see rat or rodent feces in the sweepings?
 15 A. I would be speculating. So I really don't want
 16 to say. It was more than five times throughout my
 17 sweeping my room that I saw feces.
 18 Q. Over the course of a year?
 19 A. Over the course of a semester.
 20 Q. More than five times a semester; correct?
 21 A. Yes.
 22 Q. And did you advise anyone in the custodial staff
 23 or otherwise at Fremont regarding the fact that you found
 24 rat or rodent feces in your sweepings?
 25 A. I did, the custodial staff again, and they said

1 they were working on the situation, because by that
2 point, apparently it had become a situation for them to
3 say that. And it wasn't until mid semester that the
4 administration got a wind of it. And they started --
5 they tried to implement a no-eating policy within the
6 main building. So the administration, after about a year
7 and a half of me seeing rats, tried to do something about
8 it.

9 Q. And this was in the second semester last year?

10 A. First semester this year.

11 Q. That's the school school year?

12 A. Yes, sir.

13 MS. LHAMON: I'm sorry. This year would be the
14 2001/2002 school year.

15 THE WITNESS: Last year for me. I just finished
16 my semesters.

17 MS. LHAMON: So it was the first semester of the
18 2001/2002?

19 THE WITNESS: Right, first semester of the
20 2001/2002.

21 BY MR. ROZWOOD:

22 Q. And it was during that semester that the
23 administration attempted to implement the no-eating
24 policy you were referred to?

25 A. Right.

1 A. My answer was yes.

2 Q. You're really smart, and you know exactly what
3 I'm going to ask you. But just for the reporter's sake
4 and for the sake of a clear transcript, I'm going to ask
5 you to try to wait until I finish my question so we have
6 an orderly transcript and it reflects everybody's
7 accurate statements.

8 MS. LHAMON: I actually could use a break, if
9 you don't mind.

10 MR. ROZWOOD: Not at all.

11 (Recess taken.)

12 BY MR. ROZWOOD:

13 Q. You've testified to having interactions with
14 certain District I officials, namely Dr. Rousseau.

15 Have you spoken to anyone else or had any other
16 occasions to interact with anyone from District I?

17 MS. LHAMON: Mischaracterizes the testimony
18 because I believe he's previously testified that he had
19 some interaction with the previous superintendent, whose
20 name he couldn't remember at that time.

21 BY MR. ROZWOOD:

22 Q. Is that correct, you had an interaction with the
23 previous superintendent?

24 A. No personal interaction.

25 MS. LHAMON: Excuse me. Sorry.

1 Q. And how was the no-eating policy communicated to
2 the students and staff at Fremont?

3 A. Over a PA announcement that if you don't want
4 rats in your room, don't eat in your room. That's how
5 they introduced it. And how they implemented it,
6 basically they had security guards stand in the entrance
7 of the room -- I mean, of the hallway in order to be able
8 to enter the main building. And then whatever kid had
9 food that was visible, they were not asked -- they were
10 asked first to dump it in the trash. If not, they were
11 forced to dump it in the trash.

12 Q. You said it was in the middle of the semester
13 that this policy was adopted?

14 A. Yes, sir.

15 Q. And to your knowledge, did the rodent problem
16 improve as a result of this policy?

17 A. Again, like I said, after a while, I didn't see
18 any rats, but the feces continued. I mean, even after I
19 swept, I still saw the rat feces.

20 Q. With the same frequency as before the policy?

21 A. Yeah, same frequency, because, I mean, my
22 sweeping policy didn't change.

23 Q. I wasn't asking if you swept with the same
24 frequency. I was inquiring as to whether you saw the
25 feces as to the --

1 BY MR. ROZWOOD:

2 Q. How about the big district, L.A. Unified School
3 District? Have you had any other interactions? You
4 mentioned Anthony Garcia. Is there anybody else at the
5 L.A. Unified School District that you've had interactions
6 with?

7 A. Only with the people processing the credentials,
8 and that's it.

9 Q. Have you ever had any communications regarding
10 the conditions at Fremont or this lawsuit with anyone
11 from the Department of Education, the State Board of
12 Education or the State Superintendent of Public
13 Instruction Office?

14 A. Yes, with the state audit team that has
15 presently visited Fremont this last past week.

16 Q. And can you describe the circumstances of your
17 interaction with the state audit team?

18 A. They asked for a conference with new teachers.
19 But since I am on vacation, I was visiting the school,
20 taking care of paperwork. I found out that there was a
21 new teacher meeting -- so I showed up -- where all new
22 teachers are welcome to voice any concerns that you have
23 about Fremont in general. So I did.

24 Q. And who from the state was present? Do you
25 know?

- 1 A. It -- I know the acronym is CDE. I guess it's
2 California Department of Education. I don't know in
3 particular the members of that committee, but they were
4 present.
- 5 Q. Representatives of the CDE were present at that
6 meeting?
- 7 A. Right.
- 8 Q. Anyone else that you can recall that might have
9 been, to your mind, from the state?
- 10 A. No, that was it.
- 11 Q. How many people -- how many CDE representatives
12 were at that meeting, to your knowledge?
- 13 A. I saw four people there from the state.
- 14 Q. Were there any LAUSD representatives at that
15 meeting, to your knowledge?
- 16 A. No. It was only Fremont new teachers.
- 17 Q. And it's safe to assume there were no Local
18 District I representatives there, either; correct?
- 19 A. Correct.
- 20 Q. And do you recall approximately when that
21 meeting occurred?
- 22 A. Wednesday.
- 23 Q. Today being Friday; so the 7th of November?
- 24 A. Yes, sir.
- 25 Q. And was there a presentation made or any

- 1 materials handed out to the participants?
- 2 A. None at all. My understanding of their presence
3 there was to collect information regarding Fremont. And
4 by "information," it was for them to listen to personal
5 accounts of new teachers and what could they do to stay
6 there longer, to better increase Stanford 9 scores and
7 the overall API of the school.
- 8 Q. Let's take the issues one at a time, because I'm
9 not sure I understood what you were saying.
- 10 One of the issues that was discussed was how to
11 increase the API overtime --
- 12 A. Correct.
- 13 Q. -- for Fremont students; correct?
- 14 A. Right. The meeting was only for the school
15 Fremont. It wasn't for District I. It was just for
16 Fremont.
- 17 Q. And one of the issues was how to improve
18 Fremont's API score?
- 19 A. Correct.
- 20 Q. You mentioned there was some other issue about
21 staying longer.
- 22 What was that?
- 23 A. A subcontext to that. That was the overall
24 mission, how to improve the API scores or the API index
25 for Fremont. And one of the items was teacher retention.

- 1 And basically, that's it, teacher retention. And then
2 other people gave their input as to what other
3 possibilities -- what -- other things that could happen
4 to improve those scores and keep teachers.
- 5 Q. What were some of the other suggestions that new
6 teachers made?
- 7 A. Spoke on the administration, that the school has
8 to have administrators that are going to be there for a
9 while and not administrators that are willing to retire.
- 10 Q. Do you have anyone in particular in mind when
11 you say that?
- 12 A. No.
- 13 Q. Are there any administrators that are really on
14 their retirement track as opposed to dedicated to the
15 future of the school, in your mind?
- 16 MS. LHAMON: Calls for speculation.
- 17 THE WITNESS: Correct. I don't really want to
18 answer that.
- 19 BY MR. ROZWOD:
- 20 Q. If you don't think that --
- 21 If you don't have that view in your mind, then
22 you can just say "I don't have that view."
- 23 Do you have that view about any administrator?
- 24 A. Yes, I personally do have that view, but that
25 really has nothing to do with this lawsuit. That's just

- 1 my own personal opinion on the person in the position at
2 Fremont.
- 3 Q. Don't you think it's important to have
4 administrators that are focused on the problems and
5 trying to improve the school as opposed to looking
6 towards retirement?
- 7 A. Yes, that's how I feel, but --
- 8 Q. Wasn't that one of the suggestions that the new
9 teachers made to the CDE representatives to improve the
10 school's performance on the standardized tests?
- 11 A. Yes, it was.
- 12 Q. Do you think that's a fair criticism of any of
13 the administrators at Fremont?
- 14 A. Yes.
- 15 Q. And who in particular do you think it's a fair
16 criticism of?
- 17 A. [REDACTED]
- 18 Q. Anyone else?
- 19 A. Several other [REDACTED] that are
20 just -- have been there for a while and know of the
21 conditions that are going on at Fremont and they just
22 seem to be buying time. Again, this is just personal
23 opinion.
- 24 Q. Buying time just to move closer to retirement?
- 25 A. Yes, so they can get their full money.

- 1 Q. What are the names of those [REDACTED]
 2 A. [REDACTED]
 3 Q. Right. You mentioned the [REDACTED] You also
 4 mentioned several [REDACTED]
 5 A. And [REDACTED]
 6 Q. [REDACTED]
 7 A. Yes.
 8 Q. Any others?
 9 A. [REDACTED] And that's it.
 10 Q. Did anything else get said at this CDE --
 11 A. Yes.
 12 Q. -- audit team meeting?
 13 A. Well, we brought up the issue of overcrowding.
 14 Q. And do you recall who brought it up?
 15 A. No, I can't recall.
 16 Q. Do you recall what was said about this issue of
 17 overcrowding?
 18 A. If we were expected to have our students learn,
 19 we need to have a smaller teacher-student ratio.
 20 Q. Anything else?
 21 A. We, being Fremont, needs to be on a traditional
 22 schedule.
 23 Q. Summer off -- when you say "traditional," you
 24 mean summer off?
 25 A. Yes, summer off.

- 1 Q. I'm sorry to interrupt. Go ahead.
 2 A. We cannot be on a year-round basis. What else?
 3 I can't recall anything off the top of my head at the
 4 moment.
 5 Q. Other than these overcrowding-related issues and
 6 the administrative issues that you've discussed, can you
 7 think of anything else that was raised by the new
 8 teachers at Fremont at this state audit team meeting on
 9 November 7th?
 10 A. Yes. The fact that there is -- there seems to
 11 be no process as to what happens if one submits a
 12 request -- an order request.
 13 Q. What kind of order request are you referring to?
 14 A. Whether it be books, whether it be any other
 15 supplemental materials that are supposed to be provided
 16 for using different funds. And a particular fund that
 17 was mentioned was the Rodriguez fund, which I personally
 18 don't know anything about, but that was a fund that was
 19 mentioned. What else? Better training.
 20 Q. For teachers?
 21 A. For new teachers in particular.
 22 Q. Is that part of the teacher retention
 23 discussion?
 24 A. Yes, that there be a particular orientation for
 25 teaching at Fremont, the ins and outs of Fremont, if you

- 1 will.
 2 Q. Were there any other specific items discussed
 3 under the teacher retention topic?
 4 A. Support from the administrators, whoever they
 5 may be, whether they're new administrators or existing
 6 administrators. And that was pretty much it on that
 7 issue that I can remember.
 8 Q. Did the CDE representatives say anything in
 9 response to these concerns, or were they just kind of
 10 soaking it up and getting the information and comments of
 11 the new Fremont teachers?
 12 A. They were soaking it up and were supposed to
 13 give a presentation at today at 2:00, which is
 14 November 9.
 15 Q. At two o'clock to the Fremont teachers?
 16 A. Yes.
 17 Q. The same group that attended the prior meeting?
 18 A. Yes. And it was a general staff meeting.
 19 Q. So everyone, not just the new teachers, were
 20 invited?
 21 A. Correct, including administrators.
 22 Q. Is this the first --
 23 To your knowledge, is this the first visit from
 24 the CDE representatives to the school Fremont?
 25 A. Yes. They've been here all week since Monday, I

- 1 believe, which would be November 2.
 2 Q. Wasn't that last week? Monday was the 5th.
 3 A. Whatever Monday's date was, I can't remember.
 4 Q. Monday of this week, though, not last week?
 5 A. Yeah.
 6 Q. Do you know why the CDE is conducting its own
 7 audit of Fremont High School?
 8 A. Like I mentioned earlier, apparently Fremont has
 9 failed to meet the requirements of increasing Stanford 9
 10 scores, and that's the main reason why the state audit
 11 team is there, solely based on Stanford 9 scores.
 12 Q. And you got that understanding from attending
 13 this meeting on Wednesday?
 14 A. No. Fremont officials have had staff
 15 development meetings and let us know and advised us or
 16 informed us that the state audit team would be coming
 17 into Fremont.
 18 Q. And who held that -- those staff development
 19 meetings in which the state audit team was discussed?
 20 A. The administration.
 21 Q. Do you know which members of the administration?
 22 A. They were all present, meaning the principal and
 23 all the AP's.
 24 Q. Were any written materials provided to the
 25 people who attended that meeting?

1 A. Yes. There were pamphlets on what to look for
 2 or what the state audit team might look for.
 3 Q. Do you have any of those pamphlets in your
 4 possession?
 5 A. I think so, yes.
 6 Q. If we ask you to provide them to your counsel so
 7 that we could get copies, would you agree to do that?
 8 A. If I do have them, yes.
 9 Q. Will you do that for us?
 10 A. Sure.
 11 Q. Thanks.
 12 MS. LHAMON: You need to file a document
 13 request, and then we can provide them.
 14 BY MR. ROZWOOD:
 15 Q. Do you know what the duties of the department
 16 chairs at Fremont include?
 17 A. No, I do not. I would be speculating if I said
 18 anything.
 19 Q. How about the duties of the various assistant
 20 principals? Do you know what those include?
 21 A. Not off the top of my head.
 22 Q. What would you have to do to determine the
 23 duties of the assistant principal?
 24 A. I do believe there is a printout or a ditto,
 25 which includes what each department -- each AP is in

1 A. I don't believe I know. I'd be speculating.
 2 Q. Do you know who --
 3 Let me ask it this way: Do you know how the
 4 spending decisions are made with respect to the resources
 5 Fremont has available to it?
 6 A. I have no idea.
 7 Q. Do you know who at Fremont is responsible for
 8 facilities and maintenance issues?
 9 A. I have no idea.
 10 Q. Is there a plant manager at Fremont?
 11 A. Yes, there is.
 12 Q. Do you know who that person reports to within
 13 the administration?
 14 A. No.
 15 Q. Who is the plant manager?
 16 A. Mr. Ceja, C-E-J-A. I don't know his first name.
 17 Q. Is Mr. Ceja the sort of top custodial staff
 18 person --
 19 A. Yes, he is.
 20 Q. -- at Fremont?
 21 A. Yes, he is.
 22 Q. And do you know how many other custodial staff
 23 people work under Mr. Ceja's supervision?
 24 A. I have no idea.
 25 Q. Do you know what the work shifts are for the

1 charge of.
 2 Q. That's something that was provided to you at
 3 some point?
 4 A. Not -- I don't know if it was provided for me,
 5 but I recall seeing it somewhere.
 6 Q. It's a printout that's available to you?
 7 A. Yes. If I do the paperwork --
 8 MR. ROZWOOD: Let the record reflect that the
 9 witness's phone is ringing; so we'll go off the record
 10 for a minute.
 11 MS. LHAMON: He's turned it off.
 12 MR. ROZWOOD: Stay on the record.
 13 Q. If you need to take the call --
 14 A. It can wait.
 15 Q. How about the duties for the department chairs?
 16 Are those duties something you could determine from
 17 available paperwork or documents at Fremont?
 18 A. I don't know. I'd be speculating if I said
 19 anything.
 20 Q. That's fair.
 21 Do you know who makes the bell schedule at
 22 Fremont?
 23 A. There might be a committee. But then again, I'd
 24 be speculating again; so I don't know.
 25 Q. Do you know who sets the curriculum at Fremont?

1 plant manager or his custodial staff?
 2 A. I have no idea. I'm a teacher, not a schedule
 3 guy.
 4 Q. I understand. Sometimes some teachers know more
 5 than others. I'm just trying to understand what you
 6 know. It's fair if you don't. No one is going to hold
 7 it against you.
 8 Do you know how often the custodial staff cleans
 9 the restrooms at Fremont?
 10 A. I have no idea.
 11 Q. Do you know how often, if at all, the drinking
 12 fountains are cleaned at Fremont?
 13 A. I have no idea.
 14 Q. Do you know if the custodial staff cleans the
 15 classrooms regularly at Fremont?
 16 A. Regularly -- I would say they would have to, but
 17 from prior knowledge, from my own personal experience, I
 18 don't know if they stick to it.
 19 Q. Would you say there's a procedure for addressing
 20 pest problems at Fremont?
 21 MS. LHAMON: Calls for speculation.
 22 BY MR. ROZWOOD:
 23 Q. Just based on your own personal experience, is
 24 there a procedure for addressing pest problems at
 25 Fremont?

1 A. Particularly pest problems?
 2 Q. Yes.
 3 A. No, I have no idea. I'd be speculating.
 4 Q. Have you ever had pest problems in your
 5 classrooms other than the rodent problems we've
 6 previously discussed?
 7 A. Yes, cockroaches.
 8 Q. Can you describe those incidents for us and
 9 maybe make reference to the map in Exhibit 4?
 10 A. Okay. Going back to Exhibit 4, in room 117, I'm
 11 putting a "C" with a circle around it for the
 12 "cockroaches," and also in room 115.
 13 Q. Do you let your kids eat in class, by the way?
 14 A. No.
 15 Q. Did you ever allow them to eat food or bring
 16 food into your classrooms at Fremont?
 17 A. Yes, only on the condition that they do not eat
 18 it in class.
 19 Q. Do you have any understanding as to what might
 20 have attracted the roaches that you've seen in your
 21 classrooms, 115 and 117?
 22 A. No, I do not. Or no -- I would be speculating
 23 if I did come up with something.
 24 Q. We don't want you to guess. Only if you know.
 25 A. Okay. The instances I saw the cockroaches were

1 early morning, again, very similar to the rat incident.
 2 I opened the door, and there were -- the first time I saw
 3 the cockroaches, there was two of them just hanging out,
 4 where then I proceeded to grab the broom, beat on the
 5 roaches and then just swoosh them outside. And made sure
 6 they were collected. I put them in the trash.
 7 Q. Did you inform any member of the custodial staff
 8 or other staff official regarding your experience with
 9 the roaches on that occasion?
 10 A. Yes. I let the custodian know I picked up
 11 cockroaches and put them in the trash can after beating
 12 on them with the broom.
 13 Q. Did you do that in writing or verbally?
 14 A. Verbally.
 15 Q. And to your knowledge, was there any response to
 16 your communication? Did the custodians do anything in
 17 response to your communication about the roaches?
 18 A. No.
 19 Q. Is that the only occasion where you've witnessed
 20 roaches at Fremont?
 21 A. Like I said, I saw it also in room 115; so it
 22 was in room 117 and room 115.
 23 Q. The occasion you just described -- is that the
 24 only time you've seen them in room 117?
 25 A. Yes.

1 Q. And can you describe the occasion in which you
 2 witnessed roaches in room 115 for us?
 3 A. In room 115, they ran underneath my desk. I
 4 don't personally eat at my desk, either. I saw a
 5 cockroach run underneath my desk, and it's the reason why
 6 many students don't put their backpacks on the ground.
 7 They stay with their backpacks on their backs. That was
 8 the only reason. That's the only time I saw it. I
 9 stepped on the cockroach, and that was the end of the
 10 problem.
 11 Q. And you never saw another roach in room 115?
 12 A. Not this year, no.
 13 Q. At any time, was that the only time you saw a
 14 roach in room 115?
 15 A. Yes.
 16 Q. And did you advise anybody from the custodial
 17 staff about the roach in room 115?
 18 A. Yes. Again, I only did it verbally because I
 19 did not know that there was a procedure to do it written.
 20 Q. Do you have any knowledge whether the custodial
 21 staff took any action or response to your complaint?
 22 A. No.
 23 Q. To your knowledge, did the custodial staff take
 24 any action with respect to your rodent complaints other
 25 than what you've already testified to?

1 A. Other than what I already testified, no.
 2 Q. Do you know if there were any holes identified
 3 in your classrooms, rodent pathways or --
 4 A. If I know, no.
 5 Q. Are there any school policies or policies of the
 6 local district or big district, L.A. Unified School
 7 District, that require teachers or other staff to notify
 8 school officials -- other school officials of problems
 9 with roaches or rodents?
 10 MS. LHAMON: Calls for speculation.
 11 BY MR. ROZWOOD:
 12 Q. Only if you know. I'm asking if you're aware.
 13 A. No, I don't know.
 14 Q. If any such policy exists, you don't know?
 15 A. No.
 16 Q. Is there any school or local district or
 17 L.A. Unified School District policy that you're aware of
 18 that requires teachers to report problems with the
 19 bathrooms on campus?
 20 A. No, I don't know.
 21 Q. Have you ever heard of a custodial request form
 22 or a similar form that can be used for teachers to make
 23 written complaints regarding school conditions?
 24 A. Yes.
 25 Q. Have you ever seen such a form?

1 A. Like I said, I filled it out numerous times, and
 2 nothing happened of it.
 3 Q. It's just one form that you are referring to?
 4 A. Yes.
 5 Q. Can you describe the form for us?
 6 A. It says "Maintenance Request Form," and you fill
 7 out whatever your problem is, what room you're in, who
 8 made the request, and I'm not quite sure if there's room
 9 for a response underneath that.
 10 Q. Have you ever received a school bulletin or
 11 other notice circulated to staff in your teacher's
 12 mailbox regarding any of these issues -- any of these
 13 facility's conditions or issues that we've gone over in
 14 your deposition?
 15 A. No.
 16 Q. Do you know who within Fremont administration is
 17 responsible for recruiting and hiring and firing
 18 teachers?
 19 MS. LHAMON: Assumes facts not in evidence.
 20 There's been no testimony that there is anybody on
 21 Fremont's administration who is responsible for that.
 22 BY MR. ROZWOOD:
 23 Q. Do you know if anybody is responsible for
 24 recruiting teachers at Fremont?
 25 A. Maybe Ms. Hines. I'm not quite sure.

1 Q. On what do you base that hunch or inclination?
 2 A. The fact that I -- I and other people have gone
 3 through the interview process and it had to go through
 4 Ms. Hines.
 5 Q. And do you know if there's someone within the
 6 Fremont administration that's responsible for hiring and
 7 firing teachers other than Ms. Hines?
 8 A. I have no idea.
 9 Q. Do you know if anyone within the Fremont school
 10 administration is responsible for teacher evaluations or
 11 promotions?
 12 A. Could you repeat the question?
 13 Q. Yes.
 14 Is there anyone in particular, to your
 15 knowledge, within Fremont's school administration that's
 16 responsible for teacher evaluations and promotions?
 17 A. Yes.
 18 Q. Who is that?
 19 A. It varies department to department. Each
 20 assistant principal is given a department to evaluate.
 21 My particular department, which is mathematics, is
 22 Mr. Hemmans. I don't think there's much promotion going
 23 on, but more evaluations.
 24 Q. Do you know how the evaluation process works?
 25 A. Roughly.

1 Q. And can you tell us what your understanding of
 2 the process is?
 3 A. How I believe the process is -- it should be
 4 that the administrator in charge of a particular
 5 department would observe a classroom about three times a
 6 year or maybe even a semester. I'm not quite sure if
 7 it's year or semester. Two of those sort of inspections,
 8 if you will, would be unannounced. The third you would
 9 set a date in case you might have a special plan you want
 10 to show them or whatnot. They go over their findings.
 11 They'll rate you on an unsatisfactory, satisfactory and
 12 excellent rating in various different areas. I can't
 13 recall all the areas, and you're supposed to go over it
 14 with the AP before it's submitted; so at least you saw
 15 how you got evaluated.
 16 You sign it, and it goes to the district. If
 17 you're uncredentialed, every year you get evaluated. If
 18 you're credentialed, every two years you get evaluated.
 19 That's how it works.
 20 Q. Have you been satisfied with your evaluations to
 21 date?
 22 A. No, I have not -- I'm not satisfied with my
 23 evaluations. The first year or the first semester -- my
 24 first semester at Fremont, I was observed five times by
 25 my then AP, Mr. Flores, who is now moved elsewhere.

1 Q. Away from Fremont?
 2 A. Away from Fremont into a different position with
 3 the district. And I have an overall excellent evaluation
 4 through him. Everything was timely. That first
 5 semester, everything went great. Again, I entered the
 6 second semester of the school year, and so that's when I
 7 had to do my evaluation.
 8 Q. So you were completely satisfied with
 9 Mr. Flores's evaluation; correct?
 10 A. Right.
 11 With my second evaluation, Mr. Hemmans was to do
 12 my evaluation. He did not observe my classroom once.
 13 The day the evaluation was to be turned into the district
 14 for me not to have a withheld paycheck or withheld job,
 15 for that matter, because you can't go back to work
 16 without your evaluation, he had it done and it was all
 17 satisfactory. And I was not satisfied with that
 18 evaluation.
 19 I don't feel like he measured me to my full
 20 potential. Given the fact that there was no observation,
 21 there's no basis on which he had such findings, nor did
 22 he have any basis to give me recommendations as to where
 23 I need to proceed in my professional development.
 24 Q. Did Mr. Hemmans make recommendations as to where
 25 you needed to proceed with your professional development?

1 A. He says I need to attend more classes and talk
 2 to more people or observe -- do more observation.
 3 Q. And have there been any evaluations since that
 4 evaluation?
 5 A. No.
 6 Q. Other than what you've already testified to, has
 7 Fremont offered you any other opportunities to engage in
 8 staff development or training opportunities?
 9 A. Yes. We have implemented a district -- a
 10 districtwide implementation of staff development has been
 11 made for every Tuesday, I believe, or every other
 12 Tuesday, something related to that, in which we would
 13 come up with a lesson plan that would benefit the school
 14 as a whole. And every Tuesday or Thursday we were to get
 15 in groups with people that are on the same track. That
 16 way you guys can work on them, whether on vacation or
 17 not, and be able to give a presentation to the rest of
 18 the staff.
 19 Q. And the purpose of the presentation is to what?
 20 A. Develop professionally, I guess. Depending on
 21 what lesson -- to share lesson plans basically, depending
 22 on different criteria.
 23 Q. And this happens districtwide?
 24 A. It's supposed to, yes.
 25 Q. And you work together with other teachers at

1 BY MR. ROZWOOD:
 2 Q. Based on your personal interactions, just the
 3 ones you know of, which ones do you think are competent?
 4 MS. LHAMON: Calls for speculation.
 5 THE WITNESS: No, I don't -- it would just be
 6 personnel, and I really don't want to speculate on that.
 7 BY MR. ROZWOOD:
 8 Q. You think Ms. Jones is a competent textbook
 9 clerk; right?
 10 A. Yes.
 11 Q. Can you say that about anybody else that works
 12 at Fremont?
 13 MS. LHAMON: Calls for speculation, just because
 14 he's not in an position to evaluate their jobs.
 15 BY MR. ROZWOOD:
 16 Q. We're not going to draw an inference that the
 17 people you leave off this list are incompetent. We're
 18 just going to say that the people that you've had two
 19 years to interact with leave you with a certain feeling
 20 of competence. We would like to know who those people
 21 are.
 22 MS. LHAMON: Same objection.
 23 THE WITNESS: I object. I don't want to answer
 24 that question. I don't want to drop names or anything.
 25 ////

1 Fremont; correct?
 2 A. Correct.
 3 Q. On the same track as you?
 4 A. Yes, sir.
 5 Q. What about teachers at other schools?
 6 A. I have no idea what they do. I know of only
 7 what Fremont does.
 8 Q. And this is something that occurs on the Fremont
 9 site?
 10 A. Yes.
 11 Q. Do you have any knowledge about the number of
 12 teachers that are fully credentialed versus partially
 13 credentialed --
 14 A. No, I have no idea.
 15 Q. -- at Fremont?
 16 A. No, I have no idea.
 17 Q. Do you know how long the textbook clerk has
 18 worked at Fremont?
 19 A. No. I would only be speculating.
 20 Q. Do you know if she's competent in her job?
 21 A. Yes.
 22 Q. Are there any other school administrators or
 23 employees that you feel are competent in their job,
 24 leaving teachers to one side for the moment?
 25 MS. LHAMON: Calls for speculation.

1 BY MR. ROZWOOD:
 2 Q. I don't think you have that right to object.
 3 MS. LHAMON: You have a right to object, but you
 4 do need to answer the question, if you have an opinion.
 5 THE WITNESS: There are several people in the
 6 front office that do a fairly decent job under the
 7 conditions that we have to work with at Fremont.
 8 BY MR. ROZWOOD:
 9 Q. Who are those people?
 10 A. One would be Ms. Jones. Of course, I say that
 11 because she distributes my check. And there's
 12 Ms. Jones-Pack. She's fairly competent, does her job
 13 pretty competently.
 14 Q. Who is that?
 15 A. I think she oversees the main office. For the
 16 most part, with me, she's done a fairly good job. And
 17 again, this is only based on personal interactions with
 18 these people.
 19 Q. That's exactly what I'm asking you about.
 20 MS. LHAMON: I'm just going to ask you again to
 21 let the witness finish his answer before you ask your
 22 follow-up questions. He was giving you a list when you
 23 asked your next question.
 24 THE WITNESS: And Claudio Jerez, J-E-R-E-Z.
 25 ////

1 BY MR. ROZWOOD:
 2 Q. Anyone else?
 3 A. Off the top of my head, that's it.
 4 Q. And who is Ms. Jerez?
 5 A. Payroll processing.
 6 Q. Do you think the math department chairs and
 7 co-chairs are competent?
 8 MS. LHAMON: Calls for speculation to the extent
 9 that he doesn't know all the co-chairs, because they may
 10 be off tracks and calls for speculation as he's not in a
 11 position to evaluate their job performance.
 12 BY MR. ROZWOOD:
 13 Q. Just with respect to the ones you've interacted
 14 with in your role as a teacher in the math department --
 15 A. As being a math teacher in the math department,
 16 I would see only Ms. Brody as being competent, which is a
 17 co-chair.
 18 Q. And what about the way she does her job makes
 19 you say that she's competent in your experience?
 20 A. She has just become the co-chair and, therefore,
 21 she -- she's very -- she has a very high attention to
 22 detail. That's pretty admirable. If you make a request
 23 with her, she'll do what she can to have it fulfilled.
 24 And again, she has just been in the position no longer
 25 than two months.

1 Q. Can you describe the process by which teachers
 2 identify their textbook needs at Fremont?
 3 MS. LHAMON: Calls for speculation as to other
 4 teachers.
 5 THE WITNESS: Right. I can only tell you what I
 6 do.
 7 BY MR. ROZWOOD:
 8 Q. Okay. What do you do?
 9 A. I get a head count as to how many students are
 10 in my class based on the roster. I double that amount,
 11 only because I need a classroom set and a set at home,
 12 and I submit it to Ms. Brody or the department chair or
 13 co-chair, depending on who is on track and who is not.
 14 From then, depending on what the -- either the co-chair
 15 or the chair would say, then you would proceed down to
 16 the book room and talk to Ms. Jones to pick up books,
 17 given that all the books are in. I personally have
 18 done -- I followed that procedure that I just described
 19 only to find out that three-fourths of a classroom set is
 20 present; therefore, I can't check out all the books I
 21 need or want to check out.
 22 Q. And was this with respect to one class in
 23 particular?
 24 A. Two classes.
 25 Q. Which two classes?

1 A. My Algebra 1 class, which I teach two of, and I
 2 also teach two classes of Algebra 2. Mind you, Algebra 2
 3 classes that have 48 and 46 students.
 4 Q. Have you ever heard of the online surplus
 5 textbook exchange?
 6 A. No.
 7 Q. Do you know how much Fremont spent in the
 8 2000/2001 school year on textbooks or instructional
 9 materials?
 10 A. No. My job is not budgets. My job is teaching.
 11 Q. Do you have any involvement in the process by
 12 which the school allocates money towards textbooks and
 13 instructional materials?
 14 A. I'm not on a budget committee.
 15 Q. I understand you're not on the budget committee.
 16 But do you have any involvement in that process?
 17 A. No. Apparently you need to be on the committee
 18 in order to be involved in the process. I'm not on the
 19 committee; so I'm not involved in the process.
 20 Q. Is there a budget committee at Fremont?
 21 A. I have no idea.
 22 Q. Well, you just referred to it three time.
 23 What is your understanding for your reference to
 24 the budget committee at Fremont?
 25 A. Because I know that there is a budget committee

1 for the bilingual department, and you need to show up to
 2 the bilingual committee meetings in order to have an
 3 input on how the budget goes. Whether as to -- is there
 4 one for the overall school? I have no idea.
 5 Q. Okay. That's fair.
 6 Do you know if the L.A. Unified School District
 7 conducts textbook surveys for textbook needs at its
 8 schools?
 9 A. No, I don't.
 10 Q. Do you know whether the Local District I ever
 11 conducts textbook surveys at any of its schools?
 12 A. That I'm aware of, no, they don't.
 13 Q. Have you ever heard of the textbook replacement
 14 loan fund?
 15 A. No, I haven't.
 16 Q. Is there a math lab at Fremont? Does that make
 17 sense, like a math study hall or something like that
 18 available for math students?
 19 A. No, there isn't.
 20 Q. Are computers used as part of the curriculum in
 21 your Algebra 1 and 2 classes?
 22 A. Not my Algebra 2, but with my Algebra 1 class, I
 23 do -- there is a math computer lab, which basically just
 24 brushes up on basic math skills. And the only reason I
 25 take my Algebra 1 students there is to have them be

1 familiar with their multiplications, with their
 2 percentages, with things that they would be tested on
 3 during Stanford 9. But there is no graphing service,
 4 no -- anything of that sort.
 5 Q. What do you mean, "graphing service"?
 6 A. There are no computers with any graphing
 7 programs. In other words, this is what -- how you would
 8 do certain things on a computer.
 9 Q. Are there enough computers in the math computer
 10 lab for your students to use when you take them there to
 11 build their basic math skills?
 12 MS. LHAMON: You mean, is there one computer for
 13 every student?
 14 BY MR. ROZWOOD:
 15 Q. Maybe you can describe what the availability of
 16 computers is in that context.
 17 A. There are more than enough computers in there,
 18 but not all the computers are equipped with the
 19 program -- with the same program so that all the children
 20 would be on the same page or so that all the children
 21 would be working together cohesively. One computer might
 22 have the program while three others might not. So the
 23 students aren't able to sit next to each other and share
 24 information back and forth.
 25 Q. Okay. Are there enough computers for every

1 is in the computers and what is enough from his
 2 perspective.
 3 BY MR. ROZWOOD:
 4 Q. And now I'm asking a "yes" or "no" question.
 5 Are there enough computers for every student to
 6 use in the math lab? It's a "yes" or "no."
 7 MS. LHAMON: It's not a "yes" or "no" question.
 8 BY MR. ROZWOOD:
 9 Q. Have you ever heard of the school-based
 10 management council --
 11 A. No.
 12 Q. -- or the school site council at Fremont?
 13 A. No.
 14 Q. You testified about the students -- the schools
 15 total student capacity earlier, and you testified that
 16 the basis of your understanding of what that capacity was
 17 was Ms. Hoover's statement to you.
 18 Is there any other basis on which you base your
 19 knowledge on Fremont's total student capacity?
 20 MS. LHAMON: Mischaracterizes the testimony.
 21 THE WITNESS: No.
 22 BY MR. ROZWOOD:
 23 Q. How would you describe the condition of the
 24 restrooms at Fremont?
 25 MS. LHAMON: Vague and calls for a narrative.

1 student to use?
 2 MS. LHAMON: Asked and answered.
 3 MR. ROZWOOD: Maybe I missed it.
 4 Q. Is the answer "yes"?
 5 MS. LHAMON: Again, you can read back the record
 6 so we hear the answer.
 7 MR. ROZWOOD: It's a waste of time. It's just a
 8 one word clarification.
 9 MS. LHAMON: Apparently it's not. His answer
 10 was not a "yes" or "no" answer.
 11 THE WITNESS: Again, there are enough computers,
 12 but the program is not adequate.
 13 MR. ROZWOOD: Move to strike "there are enough
 14 computers."
 15 Q. Please, Mr. Vaca, it's taking a long time to get
 16 through this deposition. One of the main reasons for
 17 that is you're saying an awful lot that's not responsive
 18 to the question.
 19 MS. LHAMON: I disagree with that
 20 characterization. I will ask you to listen to his
 21 answers. You asked him if there are enough computers. I
 22 objected that it was vague as to "enough." You didn't
 23 decide to clarify. Then you asked him a clarifying
 24 question that said could you give me information that's
 25 responsive to that. He gave you information as to what

1 THE WITNESS: Poor, if best.
 2 BY MR. ROZWOOD:
 3 Q. Do you know how often they're cleaned?
 4 A. No.
 5 Q. Do you know whether they're cleaned or not
 6 regularly?
 7 A. No.
 8 Q. Have you ever seen any lines -- students waiting
 9 to use the restroom?
 10 A. Yes.
 11 Q. Looking at Exhibit 4, could you point out where
 12 you've seen the lines?
 13 A. Okay. We're looking at the first floor. Where
 14 it would have a "13," there is a restroom for boys and
 15 girls, and I have seen lines extended into the hallway
 16 and out to where it says "stairs." That's the outside
 17 part of the building. Also, where it's "13" in the "T"
 18 of the same very first floor -- I'm circling them both on
 19 the map -- I've seen lines in both restrooms.
 20 Q. Okay. Are those the only places you've seen
 21 lines to use the restrooms at Fremont?
 22 A. Yes, because those are the only two restrooms
 23 open during lunch and nutrition.
 24 Q. And when during the school day have you seen
 25 these lines?

1 A. Because not both of the restrooms are open at
 2 any given one time, either at lunch or nutrition.
 3 Q. Have you seen the lines throughout -- last
 4 throughout the entire lunch period?
 5 A. Yes.
 6 Q. Have you seen the lines last throughout the
 7 entire nutrition period?
 8 A. Yes.
 9 Q. Are there any other restrooms available for
 10 students to use during lunch and nutrition in the main
 11 building?
 12 A. No. It's an either/or situation. Either the
 13 one next to the library, which is the first one I
 14 mentioned -- either that's open or the one at the "T,"
 15 but not both.
 16 Q. Do you have any understanding as to why the
 17 school does not open and make available for students to
 18 use both of these bathrooms?
 19 A. I've heard things, but they would be
 20 speculations.
 21 Q. What have you heard?
 22 A. Are you asking me to speculate?
 23 Q. No. I'm asking you what you heard.
 24 A. Okay. What I heard was for security reasons,
 25 you can't open all the bathrooms. There are bathrooms on

1 every floor. There are bathrooms out near the
 2 auditorium, but they choose not to open them. They only
 3 open one bathroom.
 4 Q. Are there any other bathrooms available for
 5 students to use outside the main building during lunch
 6 and nutrition?
 7 A. Yes. There's one next to the auditorium where
 8 it would say -- right next to the "118."
 9 Q. Can you make a mark -- circle that location for
 10 us?
 11 A. I've circled it on Exhibit 4.
 12 Q. Have you ever seen --
 13 MS. LHAMON: I'm sorry. Could I ask that, just
 14 for the record, we have some distinction, because now
 15 there will be three restrooms that are all circled. And
 16 there's a distinction drawn between what's open and not
 17 open.
 18 MR. ROZWOOD: You can say whatever you want to
 19 on the record.
 20 MS. LHAMON: I think we should have a more --
 21 MR. ROZWOOD: If you want to make it clearer, go
 22 ahead.
 23 THE WITNESS: I draw a line -- a circle with a
 24 slash going through it as to indicate that that bathroom
 25 outside of the main building is never open. And I can

1 show you it's this bathroom here that is never open.
 2 Those two will be open on occasion. This one is never
 3 open.
 4 BY MR. ROZWOOD:
 5 Q. Are there any other restrooms available for
 6 students to use during lunch or nutrition outside the
 7 main building?
 8 A. To use during lunch and nutrition? No, there
 9 are none.
 10 Q. Are there any other restrooms available for
 11 students to use at any other time outside the main
 12 building?
 13 A. On occasion, I will see a restroom open out near
 14 where the bleachers are. And again, I will draw a circle
 15 with a line through it indicating that it is not open all
 16 the time. It's occasionally open, and it's out here near
 17 where I drew the box for the new bungalows.
 18 Q. And when is that restroom open, to your
 19 knowledge?
 20 A. When the PE baseball coach is present. When he
 21 is not present, it is not open.
 22 Q. Are there any other restrooms available for
 23 students to use at Fremont other than the ones you've
 24 marked on that map?
 25 A. For students at large, yes.

1 Q. Can you mark those on the map?
 2 A. I have. Just the ones at the T's -- those are
 3 the only two bathrooms they can use.
 4 Q. Are there any other bathrooms available for
 5 student use, whether they're unlocked or -- strike that.
 6 Are there any other student bathrooms at Fremont
 7 High School that you haven't marked on Exhibit 4?
 8 A. There are other bathrooms that exist but are not
 9 open.
 10 Q. Can you mark those on the map for us?
 11 A. Again, I will draw a circle and then put a line
 12 across -- through them.
 13 Q. To indicate that they're never open; correct?
 14 A. Yes, sir. And apparently, they all have the
 15 number "13" on them, both on the second and third floor.
 16 That's pretty much it.
 17 Q. Have you seen any serious crime incidents occur
 18 over your two years at Fremont at or around the school
 19 site?
 20 MS. LHAMON: Vague as to "serious."
 21 BY MR. ROZWOOD:
 22 Q. You know, that would support the security
 23 concerns that you heard about.
 24 MS. LHAMON: The question is still vague.
 25 THE WITNESS: Are you asking -- can I ask a

1 question just to clarify my answer?
 2 BY MR. ROZWOOD:
 3 Q. Absolutely.
 4 A. Are you asking whether it's Fremont student
 5 related or community related?
 6 Q. I just think -- you know, I'm concerned about
 7 any incidents that might contribute to a safety concern
 8 that would or could potentially justify keeping some of
 9 the bathrooms closed from time to time. And I just
 10 wondered if you've experienced anything, whether it's a
 11 Fremont student or a community or otherwise, that would
 12 be relevant to that consideration.
 13 MS. LHAMON: To keeping the bathrooms closed?
 14 MR. ROZWOOD: Yes.
 15 THE WITNESS: No, I haven't seen anything that
 16 would require that the bathrooms be closed.
 17 BY MR. ROZWOOD:
 18 Q. Is there a wrought iron fence around the campus?
 19 A. Yes, sir.
 20 Q. And was there always a wrought iron fence around
 21 the campus since you've been there?
 22 A. No, sir.
 23 Q. Do you recall when it was put up?
 24 A. Roughly about a year and a half ago or maybe a
 25 year ago. Sorry.

1 Q. You would say --
 2 MS. LHAMON: You need something to drink, Joel?
 3 MR. ROZWOOD: Let's take a break.
 4 (Whereupon, Mr. Tan left the proceedings.)
 5 (Recess taken.)
 6 MR. ROZWOOD: Let's go back on the record.
 7 Q. Have you ever heard of a something called a
 8 "trouble call log sheet"?
 9 A. Excuse me?
 10 Q. Something called a "trouble call log sheet"?
 11 A. No.
 12 Q. Have you ever heard of or seen an inspection
 13 sheet used by the buildings and grounds workers at
 14 Fremont?
 15 A. No.
 16 Q. Have you ever been aware of any facility
 17 upgrades that have taken place at Fremont while you've
 18 been there?
 19 A. No.
 20 Q. Have you ever -- are you aware of any ceiling
 21 maintenance or reconstruction that has taken place while
 22 you were at Fremont?
 23 A. Other than implementation of the digital high
 24 school, no.
 25 Q. Have you ever had any problems with the

1 temperature in your classroom, either too hot or too
 2 cold?
 3 A. Not personally.
 4 Q. Have you ever had a problem with the lighting in
 5 any of your classrooms?
 6 A. Thanks to windows, no.
 7 Q. So the lighting never interfered with your
 8 students' ability to learn the subject matter of your
 9 math courses; correct?
 10 A. Correct.
 11 Q. Do you know whether there has been, since your
 12 arrival at Fremont, a schoolwide deep cleaning of the
 13 school site ever?
 14 A. No.
 15 Q. Do you know whether Fremont has ever been
 16 painted or any of the buildings have ever been painted
 17 since you've arrived?
 18 A. Patchwork painting, painting here and painting
 19 there, but never an overall sweep.
 20 Q. Is there a policy on photocopying at Fremont?
 21 MS. LHAMON: Calls for speculation.
 22 BY MR. ROZWOOD:
 23 Q. If you know.
 24 A. There is, but it's -- it's inefficient.
 25 Q. What is the school policy at Fremont on

1 photocopying?
 2 A. You must have -- whatever you're going to
 3 photocopy, needs to be submitted along with a request
 4 form through either Title I or the bilingual department.
 5 And in theory, you're supposed to give it two days for
 6 them to return the full photocopied set. And again,
 7 that's only in theory. But in practicality, that has
 8 never worked. I've waited as far as back as, I think, a
 9 week and a half or two weeks in order to receive
 10 photocopy material that I submitted.
 11 Q. Are there any other photocopiers or duplicating
 12 machines available for teachers to use outside the
 13 Title I and bilingual programs?
 14 A. There's only one, and it's in the library. And
 15 it often breaks down, because so many teachers use it.
 16 Q. Is there any limit to the number of copies that
 17 the teachers are permitted to make on the library copy
 18 machine?
 19 A. No. But a courtesy is extended to those who
 20 have fewer copies. Then an interruption of copies should
 21 be made for them.
 22 Q. Is there any limit to the number of copies
 23 teachers are to make on the bilingual copier machine?
 24 A. I'm not quite sure.
 25 Q. Are you aware of any copy limitations with

1 respect to the Title I copy office?
 2 A. There's supposed to be none.
 3 Q. There's supposed to be no copying limits?
 4 A. Right.
 5 Q. And how are you aware of these aspects of the
 6 school policy of photocopying at Fremont?
 7 A. The way I was aware of the situation was through
 8 asking around, through networking.
 9 Q. You were never provided with a written statement
 10 of a policy on copying at Fremont?
 11 A. No.
 12 Q. You mentioned before the Stanford 9 exam.
 13 A. Yes.
 14 Q. Do you have information available to you about
 15 how well your students did on that exam?
 16 A. If I look for it -- if I ask certain counselors,
 17 I'm sure I could get that.
 18 Q. It's not automatically provided to you; correct?
 19 A. No.
 20 Q. "No," it's not provided to you?
 21 A. No, it's not provided for me.
 22 Q. Have you ever inquired about the performance of
 23 your students on the Stanford 9?
 24 A. Yes.
 25 Q. And do you know how they performed?

1 A. It varies.
 2 Q. Do you know how they performed relative to other
 3 classes at Fremont?
 4 A. No.
 5 Q. Do you know how they performed relative to other
 6 students at other schools in the district?
 7 A. No. I just know the overall scores.
 8 Q. Is there a minimum number of -- strike that.
 9 Is there a local school -- strike that.
 10 Is there a local district or LAUSD policy on the
 11 minimum number of instructional days required in a school
 12 year within the district?
 13 MS. LHAMON: Calls for speculation.
 14 BY MR. ROZWOOD:
 15 Q. If you know.
 16 A. I know that there is. Year round has one set
 17 number as opposed to traditional year. But what those
 18 numbers are, I'm not quite sure.
 19 Q. Is there a local district or a LAUSD policy on
 20 the minimum number of instructional minutes required of
 21 classes within the district?
 22 A. You said "minutes"?
 23 Q. Yes.
 24 A. I don't know. I'd be speculating.
 25 Q. That's fair.

1 Do you know if there's a local district or LAUSD
 2 policy on under what circumstances textbooks should be
 3 made available for students to take home to use with
 4 their homework?
 5 A. Can you repeat the question?
 6 MR. ROZWOOD: Can you read it back, please?
 7 (Record read as follows:
 8 "QUESTION: Do you know if there's a
 9 local district or LAUSD policy on under what
 10 circumstances textbooks should be made
 11 available for students to take home to use
 12 with their homework?")
 13 THE WITNESS: No.
 14 BY MR. ROZWOOD:
 15 Q. Are you aware if there's any local district or
 16 district policy relating to the provision of textbooks to
 17 students in academic classes at Fremont?
 18 A. No.
 19 Q. With respect to your declaration we marked as
 20 Exhibit 1, do you have personal knowledge of every fact
 21 stated in this declaration, something you actually know
 22 from your own personal experience?
 23 MS. LHAMON: You should take a moment to read
 24 the declaration again.
 25 ////

1 BY MR. ROZWOOD:
 2 Q. It says in paragraph one:
 3 "I make this declaration based on my own
 4 personal knowledge."
 5 And I'm just wondering if that statement is
 6 true.
 7 MS. LHAMON: You can read the declaration again.
 8 THE WITNESS: Yes. This is all personal facts.
 9 MR. ROZWOOD: I'm going to mark as Exhibit 5 a
 10 document bearing Bates stamped numbers DT-LA 32446
 11 through DT-LA 32452, and it looks like it's double-sided
 12 pages on this document.
 13 (Whereupon, Defendants' Exhibit 5
 14 was marked for identification.)
 15 BY MR. ROZWOOD:
 16 Q. Do you have a copy of Exhibit 5 before you?
 17 A. Yes, sir.
 18 Q. Have you ever seen this document before?
 19 A. No. This is the first time I've actually had
 20 this in my hand.
 21 Q. Can you read under "background" on the first
 22 page where it says:
 23 "The district's textbook policy requires
 24 that each student will have a textbook for
 25 class and home use in the four core subjects

1 of English, history, math and science."
 2 Do you see that?
 3 A. Yes, sir.
 4 Q. With respect to your math classes, has the
 5 district been in compliance with this policy?
 6 A. No.
 7 Q. Has it ever been in compliance with this policy
 8 during your two years at Fremont?
 9 MS. LHAMON: Well, the policy is dated
 10 February 16, 2001. Do you want to limit the question to
 11 that date and forward or to the whole time he's been at
 12 Fremont?
 13 BY MR. ROZWOOD:
 14 Q. I think it's fair to ask at any time you were
 15 there, has it ever met this standard for textbook
 16 distribution with your experience at Fremont?
 17 A. Not completely.
 18 Q. You see where it says in the next sentence:
 19 "In order to move towards this goal,
 20 senior high schools are directed to target
 21 the expenditure of 2000/2001 textbook and
 22 textbook carryover funds from previous years
 23 for the purchase of basic Algebra 1
 24 textbooks as a first priority."
 25 Do you see that?

1 A. Yes.
 2 Q. Are you aware that Fremont has made an effort as
 3 described in this document to target certain textbook
 4 funds toward the purchase of Algebra 1 textbooks as a
 5 first priority?
 6 A. Am I aware that this effort has been made?
 7 Q. At Fremont, yes.
 8 A. Yes.
 9 Q. And what -- what in your experience does the
 10 effort consist of at Fremont?
 11 A. Brand new textbooks have been ordered, which
 12 scrap the old textbooks they bought the previous year.
 13 So a whole brand new different textbook, yes. Many of
 14 them had been ordered, but ordering doesn't mean that we
 15 received them. If you want to refer back to Exhibit 1 --
 16 Q. Okay.
 17 A. -- I can -- I also stated that my classroom --
 18 my academic year started in July. I didn't fully receive
 19 all my books until about -- in paragraph 5, it says --
 20 you can read that for yourself. So it had to have been
 21 about a month and a half, almost two months as to where
 22 the books had been ordered, but yet we had not received
 23 them.
 24 Q. Do you have any understanding as to why the
 25 delay?

1 A. No.
 2 MR. ROZWOOD: I'll mark as Exhibit 6 a document
 3 that bears Bates stamped Nos. DT-LA 30427 through 30432.
 4 (Whereupon, Defendants' Exhibit 6
 5 was marked for identification.)
 6 BY MR. ROZWOOD:
 7 Q. Do you have a copy of Exhibit 6?
 8 A. Yes, sir.
 9 Q. Do you recognize this document?
 10 A. Yes.
 11 Q. What is it?
 12 A. It is a book -- it's the form in which -- it's
 13 the text order card, as you see at bottom.
 14 Q. Okay. "Teacher's Textbook Order Card"?
 15 A. Yes.
 16 Q. And is that your name on the top, "J. Vaca"?
 17 A. Yes, sir.
 18 Q. And the title that is being ordered on this form
 19 is Algebra 1?
 20 A. Yes, sir.
 21 Q. And do you know who completed this form?
 22 A. Yes, sir. I filled it out. One of my
 23 students -- I gave them the book count, and he retrieved
 24 the books for me, or they retrieved the books for me. I
 25 cannot recall which students did that particularly, but

1 they did.
 2 Q. Can you explain, looking at the various pages of
 3 Exhibit 6, when you filled out these cards and how long
 4 it took to receive the ordered textbooks for each one of
 5 these sheets?
 6 MS. LHAMON: Can I just make an objection that
 7 the second page, which is stamped DT-LA 30428, has no
 8 teacher's name or room number on it. It's not clear to
 9 whom it refers.
 10 MR. ROZWOOD: Sure.
 11 Q. Mr. Vaca, do you have that page in front of you?
 12 A. Yes, sir.
 13 Q. Is that your handwriting?
 14 A. No.
 15 Q. Do you know whose handwriting it is?
 16 A. No.
 17 Q. Do you recognize the information contained in
 18 this card at all?
 19 A. Apparently they're just numbers. They could
 20 pertain to book numbers.
 21 Q. Does page 2 of Exhibit 6 look familiar to you
 22 with respect to your own textbook ordering -- with
 23 respect to your own prior textbook orders at Fremont?
 24 A. Only in the sense that it's the same card and I
 25 would fill out the same information, except I would put

1 my name on both -- if this is to be the back side of
 2 page 1, which the two numbers sort of coincide, then I
 3 would have my name on there.
 4 Q. What numbers coincide from page 1 to page 2?
 5 A. If you're looking at LS -- at the bottom,
 6 between the words "textbook order form" and "book room
 7 copy," it says "LS 12855." And if you look at the top of
 8 the page, it says "LS 12856"; so I'm assuming it's the
 9 back of the card.
 10 Q. Let's just look at the first page.
 11 Did you fill out the numbers on this card?
 12 A. No.
 13 Q. It was a student on your behalf?
 14 A. Yes.
 15 Q. Do you recall which student?
 16 A. No.
 17 Q. Do you recall what year this textbook card was
 18 filled out in?
 19 A. Yes. It was my first semester at Fremont, which
 20 is January of 2000.
 21 Q. I can't figure this card out. It says -- in the
 22 first column it says "date, month, year." And then
 23 there's a bunch of numbers. It's in that column.
 24 Can you explain what the significance of those
 25 numbers is to me?

1 A. Basically, the title on each of the columns have
 2 been disregarded, and those are all book numbers. And if
 3 you see at the bottom where it says "total," apparently I
 4 checked out 120 for that class.
 5 Q. Okay. And that's your signature "JV" next to
 6 the number "120"?
 7 A. No, that's -- that is not my signature. That
 8 must be the book room lady's signature or the department
 9 chair's signature.
 10 Q. Okay. Do you recall receiving 120 Algebra 1
 11 textbooks in your first semester in your first year at
 12 Fremont?
 13 A. Yes.
 14 Q. And how long after your arrival did you receive
 15 those textbooks?
 16 A. Two weeks later.
 17 Q. And how many Algebra 1 students did you have at
 18 that time?
 19 A. I had about 120.
 20 Q. Are you aware of any Algebra 1 student that did
 21 not have a textbook available for his or her use in your
 22 class for that semester?
 23 A. Are you now referring to Exhibit 5 or are --
 24 Q. Exhibit 6. I'm not really referring to
 25 anything. I'm just saying, you got 120 textbooks, and

1 you said you had about 120 students. I want to make sure
 2 that no students were left out after the two weeks
 3 passed.
 4 A. Approximately -- I don't recall any of the
 5 information; so I'd be speculating about every single
 6 student. So the majority of them did get textbooks; but
 7 then again, that was for my first semester there of the
 8 year '99/2000.
 9 Q. Okay. Can you turn to the third page of
 10 Exhibit 6, DT-LA 30429?
 11 A. Okay.
 12 Q. And do you see it has your name at the top
 13 there?
 14 A. Yes, sir.
 15 Q. And this is a different author, Merrill
 16 Algebra 1.
 17 A. Yes, sir.
 18 Q. And it has a total of 36 textbooks, again, with
 19 some initials at the bottom there.
 20 Are those your initials?
 21 A. No.
 22 Q. And do you know what class or -- when you
 23 received these 36 books?
 24 A. Yes. If you look on page 4, it would have to
 25 say 1/22/2000.

1 Q. Is that for another Algebra 1 class you had for
 2 the first semester of your first year?
 3 A. No. This is my second semester now. It becomes
 4 my second year.
 5 Q. When did you first arrive? Was it December of
 6 1999?
 7 A. Yes.
 8 Q. And that was at the mid point or the end of the
 9 first semester of the '99/2000 school year?
 10 A. Yeah, you're right, middle of the '99/2000.
 11 Q. Do you want to change any of your prior
 12 testimony on when you received the algebra books set
 13 forth in Exhibit 6, or is it accurate?
 14 A. No. It's pretty much the fact -- I started on
 15 my birth date, which is January 3rd. Apparently I
 16 received the textbooks on January 22nd; so that makes it
 17 roughly about two to three weeks. Apparently this is my
 18 first year's records of my classes. I had four classes
 19 of Algebra 1. And the last final two pages, that's math
 20 investigation.
 21 What ended up happening, like, if you notice,
 22 like you had mentioned, I had 120 textbooks to check out
 23 for my students. And yes, those are the take-home books.
 24 Those are the texts that I assign homework from. But if
 25 you notice the different author, that was my in-class

1 set. And the reason for that was there weren't enough
 2 books at home and books at school. Pretty much, that's
 3 it. That's what's going on with that. Before the
 4 2000 -- no, actually --
 5 Q. Before we get to the next school year, can I ask
 6 you a couple of questions about the first school year?
 7 A. Sure. Cool.
 8 Q. Thank you. The algebra books set forth in
 9 Exhibit 6, the 120 plus the 36 --
 10 A. Right.
 11 Q. Those were made available to you for your --
 12 after January 22, they were available to you and your
 13 students for the rest of the school year --
 14 correct? --'99/2000 school year?
 15 A. For the rest of the semester, yes.
 16 Q. So you only taught the second semester. You
 17 didn't teach the first semester?
 18 A. Right.
 19 Q. So you came in at the start of the second
 20 semester, and it took 19 days, it looks like?
 21 A. Two and a half weeks, yes.
 22 Q. One hundred fifty-six algebra textbooks;
 23 correct?
 24 A. Correct.
 25 Q. And you taught four algebra classes; correct?

1 A. Correct.
 2 Q. And then the fifth class you taught was a Math
 3 Matters?
 4 A. A pre-algebra class.
 5 Q. And can you go over pages 5 and 6 and tell us
 6 how many books you received for the students in that
 7 class?
 8 A. I received 36, which again only accounts for
 9 the -- for the in-class set, not a take-home set.
 10 MS. LHAMON: Just as a point of clarification,
 11 when you say you received 36, are you saying that because
 12 you see that number on page 5 of Exhibit 6, or are you
 13 saying that from your own memory?
 14 THE WITNESS: Because I see that number at the
 15 bottom.
 16 BY MR. ROZWOOD:
 17 Q. And is that an accurate reflection of the number
 18 of textbooks you received.
 19 Let the record reflect you're counting the
 20 number of entries.
 21 A. Yes, sir, 36 entries.
 22 MS. LHAMON: When you say "Yes, sir, there's
 23 36 entries," you're saying it's an accurate count on this
 24 page?
 25 THE WITNESS: Right.

1 MS. LHAMON: I think Ben's question is was that
 2 accurate to what you actually had in your class.
 3 THE WITNESS: Yes. If I ordered 36 books, I
 4 kept them in the class.
 5 BY MR. ROZWOOD:
 6 Q. And how do you know that the number reflected on
 7 this card is the number you actually got in class?
 8 A. I don't have any concrete physical or I don't
 9 have a recollection right now; so I'm just speculating
 10 that that's indeed what I had.
 11 Q. How many students did you have in your
 12 pre-algebra class?
 13 A. Thirty-six or somewhere around that number.
 14 Q. Are you aware of any student that did not have a
 15 textbook available for them to use in class in your
 16 pre-algebra class?
 17 A. To use in class -- these are just take-home
 18 books; so no, I didn't have an in-class set.
 19 Q. So each student was given a book to both use in
 20 class and take home?
 21 A. Right. The same book was to be used for both,
 22 if I assigned them to bring it back.
 23 Q. And are you aware of any student that didn't
 24 have a book to use in class or take home in your
 25 pre-algebra class?

1 A. Only based on memory, no.
 2 Q. And how about -- how many students did you have
 3 in your Algebra 1 classes in your first -- in the
 4 January 2000 semester?
 5 A. I can't remember unless I had the rosters in
 6 front of me.
 7 Q. Okay. Is there something similar that was
 8 filled out for the 2001/2002 school year?
 9 A. Yes.
 10 Q. Now, is this different than the textbook order
 11 form or --
 12 In other words, do you fill this out after --
 13 when the books arrive in your classroom and you sort --
 14 maybe you can describe better to me so I can better
 15 understand how this form is used by the school to track
 16 the textbooks it hands out.
 17 MS. LHAMON: Compound.
 18 MR. ROZWOOD: I apologize.
 19 THE WITNESS: Again, basically, like I said
 20 earlier, I had mentioned I would give the department
 21 chair or co-chair, depending on who was there at any
 22 given moment in time, a rough estimate as to how many
 23 students I had in my class total, and I would multiply
 24 that by two usually. That's what I would do in order to
 25 get the textbooks. Thirty-six is not the number doubled,

1 because I know I had that many students in my class for
2 first period, which is my Math Matters books, which is
3 the last two pages on Exhibit 6.

4 I would take that card. I would have the
5 co-chair or department chair look it over, whether they
6 agreed to it or not of assigning that many books. Then
7 they would initial it. Then I would go with that number
8 to the book room, and I would take out that many books.

9 Q. Okay. So you take this card with you with an
10 initialed number on the total line, and then you'd write
11 in the number of the books in each one of these squares
12 that you received from the textbook clerk; is that
13 accurate?

14 A. Yes.

15 Q. And so the initials by the number would probably
16 be the department chair?

17 A. Yes.

18 Q. And I forget who the department chair is in your
19 department.

20 A. Mr. Hand.

21 Q. Mr. Hand?

22 A. Yes.

23 Q. Was that the department chair at the time of
24 your arrival at Fremont?

25 A. No. He was -- the co-chair was present when I

1 started teaching, and that would have been Mr. Rosales --
2 Mr. Luis Rosales.

3 Q. I'm just trying to authenticate the signature or
4 initials.

5 Do you know whose they are now that we've gone
6 through the process?

7 A. Luis Rosales.

8 MS. LHAMON: And you say that because you
9 recognize that?

10 THE WITNESS: The reason I say that is because
11 that would have to be the co-department chair was
12 present. He was on the same track that was I was on.

13 BY MR. ROZWOOD:

14 Q. Okay. Are you aware of any instances where
15 students were forced to learn from a series of
16 substitutes as opposed to a permanently assigned teacher
17 to their class while -- since you've been at Fremont?

18 A. Yes.

19 Q. Which classes?

20 A. Just yesterday, I was subbing a Spanish class.

21 Q. I mean a series of substitutes, like there's no
22 permanent teacher.

23 A. No. That's what I'm getting at.

24 Q. I'm sorry?

25 A. Just yesterday, I subbed a class which was a

1 Spanish class. Before I was subbing, which is kind of
2 ironic -- I was subbing a substitute who was subbing for
3 a teacher who never shows up. That's one scenario.

4 Q. What Spanish class is that?

5 A. It was Spanish 1, Spanish 2, Spanish 3 and a
6 Spanish for Spanish speakers class, which are supposed to
7 be totally different than the regular Spanish 1 class.

8 Q. So there were three separate Spanish classes?

9 A. Yes.

10 MS. LHAMON: I'm sorry. I thought five.

11 THE WITNESS: There are three different
12 subjects, but five classes of them.

13 MR. ROZWOOD: I'm sorry. That's what I meant.

14 MS. LHAMON: Sorry.

15 MR. ROZWOOD: That's okay.

16 Q. Other than this Spanish class where there's a
17 series of substitutes showing up for the teacher who
18 never shows up, are there any other instances that you're
19 aware of since you arrived at Fremont where students were
20 forced to learn from a series of substitutes as opposed
21 to a permanently assigned teacher?

22 A. Yes. What happens at Fremont, they're very --
23 there are several unfilled positions in which there is no
24 teacher to be able to teach that, no permanent teacher
25 that that would be their class. So in turn, what happens

1 is that various teachers take up what is called
2 "rainbowing." In other words, we would move over and
3 fill that position during the time that we're on
4 vacation. Again, we're offered extra pay for that. But
5 that means you start right -- one day you're at school
6 and you turn in your finals, and then the next day you
7 would have to pick up another class.

8 Q. Like Friday you turn in the test, and Monday you
9 pick up a new class?

10 A. Yeah, you show up for a brand new class. That's
11 one condition that would happen. And if no teacher is
12 willing to take up a class like that, then substitutes
13 would be called -- long-term subs -- they would show up
14 for several weeks at most, and then their assignment
15 would be over and then a new substitute would go in
16 again. I know that would happen -- that has happened
17 twice on "C" track this year.

18 Q. What classes?

19 A. Algebra 1.

20 Q. Do you know what teacher was supposed to -- if
21 there was ever a teacher assigned to teach that class?

22 A. No teachers were assigned to that. Those were
23 the unfilled positions. In other words, if we could get
24 new teachers, they would have those places.

25 Q. Algebra 1?

1 A. And what is known as Algebra 1A1, which is a
 2 two-year algebra program, sort of L.A. Unified School's
 3 remedy for pre-algebra.
 4 Q. Can you think of any other classes where a
 5 series of substitutes was used in lieu of a permanently
 6 assigned teacher?
 7 A. Not concretely and factual.
 8 Q. What semesters did the substitute teachers teach
 9 these classes on "C" track?
 10 A. What semesters?
 11 Q. Yeah. What year, and what semester?
 12 A. It was 2000/2001, and it was -- that happened in
 13 a geometry class and in an Algebra 1 class. And I know
 14 this because my brother was a part of that class.
 15 Q. Was that the second semester 2000/2001?
 16 A. It was the second semester of 2000/2001.
 17 Q. And your brother was in the geometry class?
 18 A. He was in the geometry class, yes.
 19 Q. And did he take geometry the first semester of
 20 that school year?
 21 A. Yes, he did.
 22 Q. And did he have a permanently assigned teacher
 23 for that first semester?
 24 A. Yes, he did.
 25 Q. Do you know what happened to that teacher in the

1 Q. In your first year, the January 2000 semester?
 2 A. No, current year.
 3 Q. Was that a problem that lasted through the
 4 entire school year?
 5 A. No.
 6 MS. LHAMON: Objection. The school year is not
 7 over yet.
 8 BY MR. ROZWOOD:
 9 Q. To date -- I'll qualify it.
 10 Has that problem been resolved to date?
 11 A. Yes. We're on vacation.
 12 Q. So it's not been resolved, to your knowledge.
 13 When you go back, it will be the same problem?
 14 A. No, it was resolved by the time we were on
 15 track. It took about a -- two weeks for students to
 16 share books. And again, that was after the new books had
 17 been ordered.
 18 Q. Okay. So this year, the students had to share
 19 books for two weeks. But after that, they got enough
 20 books for each student to use in class; correct?
 21 A. Correct. Correction -- both class and at home.
 22 Q. They got books to use in class and to take
 23 home --
 24 A. Yes.
 25 Q. -- after two weeks?

1 second semester of the geometry class?
 2 A. He moved to another school. He taught at
 3 another school.
 4 Q. Within L.A. Unified?
 5 A. Yes, he did.
 6 Q. Do you know what school?
 7 A. I think it was Bravo, a magnet.
 8 Q. That was also in District I?
 9 A. No. That was before the District I break up.
 10 Q. And a series of substitutes was then used in the
 11 second semester to teach the geometry class?
 12 A. Yes.
 13 Q. You've described three classes where that's
 14 occurred, to your knowledge.
 15 Are you aware of any others?
 16 A. Not off the top of my head. If I remember, I'll
 17 let you know.
 18 Q. In any of your classes at Fremont, have any
 19 students been asked to share books because there aren't
 20 enough books for each student to use on their own?
 21 A. Yes.
 22 Q. Which classes did that occur?
 23 A. Algebra 1.
 24 Q. Sorry?
 25 A. My Algebra 1 class.

1 A. Right. After, like, we had maybe about a month
 2 and a half left of the school -- of the semester left to
 3 go.
 4 Q. Did you assign homework from the textbooks that
 5 they were able to take home after that two-week period
 6 had passed?
 7 A. Yes.
 8 Q. What did you do for homework before those books
 9 arrived?
 10 A. I would write problems on the board -- about 15
 11 to 20 problems on the board, and I had students copy them
 12 down. And I had them do the homework based on the notes
 13 they had taken in class as examples.
 14 Q. Are you aware of any classes where -- any
 15 academic classes at Fremont where students were not
 16 provided any books at all?
 17 A. Not that I know of. I was too busy -- concerned
 18 with my classroom.
 19 Q. How would you describe the condition of the
 20 books that you've received in your math classes while at
 21 Fremont?
 22 A. Exhibit 6 were poor books. That's why they are
 23 now outdated. They were in horrible condition. Other
 24 students had wrote on them. Through the wear and tear of
 25 students carrying the books, they're going to get

1 damaged, and so these books were very damaged. That was
2 my first year. Second year, books got a little bit
3 better. They were old books, but every time I'd go into
4 the book room, I chose the better looking books so my
5 students could have books that weren't as bad looking.
6 Currently, since we received brand new books, they're
7 spanking brand new. Our class is the first class to open
8 them, which is a good thing. So they have gotten better,
9 but it did take about half a semester.

10 Q. When you described the books from the '99/2000
11 school year when you first arrived as "outdated," what
12 did you mean by that?

13 A. What I meant by that -- the district had already
14 authorized for new books to be implemented into the
15 classroom. These books were not on that list; so that
16 means they need to be removed and the new books need to
17 be brought in -- outdated.

18 Q. Were there any problems with respect to your
19 ability to teach the subject matter from those books that
20 arose from the fact that you considered them to be
21 outdated?

22 A. No, because I made the class worthwhile. I
23 pressed the children. I gave a lot of supplemental
24 material -- my own material into the mix. But it wasn't
25 because of the books.

1 Q. Were there any problems created by the fact that
2 the books were outdated, to your knowledge?

3 A. The only problem is that I would not have been
4 in line with the state standard. The State's standard
5 requires that the book be aligned to it. These books are
6 not aligned to the state standard.

7 Q. Can you identify any particular instance of
8 nonalignment between the book you used in the January
9 2000 semester and the state requirements?

10 A. It would be the Math Matters book, which is an
11 integrated approach to pre-algebra. The Merrill and --
12 both Merrill and Glencoe books did not do as much as the
13 new books do, which incorporates each states' standard
14 into each lesson that's supposed to be read.

15 Q. Are you aware of any state standards that were
16 required in the January 2000 semester that were not
17 incorporated into the textbooks you used for those
18 classes?

19 A. No. I'm not a complete expert on the book; so I
20 really wouldn't be able to give you, like, full-on
21 detail.

22 Q. As far as you know, is it possible that the
23 books you used did, in fact, comply with the state
24 standards?

25 A. Possible, but that would be speculation.

1 Q. Have you ever been inside the bathrooms -- the
2 student bathrooms at Fremont?

3 A. Yes.

4 Q. Have you ever seen a stall missing a door?

5 A. Not a stall -- I've seen several stalls missing
6 doors.

7 Q. In the boys' bathroom?

8 A. In the boys' bathroom.

9 Q. And what did you do about that?

10 A. I talked to one of the deans, and I asked what
11 was going on, why did those stalls not have bathrooms.

12 Q. Who did you speak with?

13 A. With Dean Flores at the time.

14 Q. And what did Mr. Flores tell you?

15 A. Possible security risks and he left it at that.
16 He really didn't go any further into that.

17 Q. To your knowledge, were those doors ever
18 replaced?

19 A. They're still not replaced. I've gone into the
20 same restrooms, and they're still not there.

21 Q. How many stall doors are missing, to your
22 knowledge, in the bathrooms -- in the boys' bathrooms at
23 Fremont?

24 A. In one particular bathroom, all of them were
25 missing.

1 Q. How many is that?

2 A. Four stall doors.

3 Q. And how about the other bathrooms? How many are
4 missing in those?

5 MS. LHAMON: Calls for speculation to the extent
6 he doesn't know about the locked bathrooms.

7 THE WITNESS: Right. Again, I'm only talking
8 about the two bathrooms that are open, either during
9 lunch or nutrition. The one closest to the library, if
10 you're looking at --

11 BY MR. ROZWOOD:

12 Q. Exhibit 4?

13 A. -- Exhibit 4, that would be closest to where it
14 says the word "stairs" towards the library. That's the
15 one with all four stall doors missing. And I can't
16 recall how many of the stall doors are missing from the
17 one closest to the "T" in the intersection of the
18 hallway.

19 Q. The classrooms that you've had an opportunity to
20 teach in, have they all had air conditioning, to your
21 knowledge?

22 A. The ones that I was assigned personally, they
23 did, except for a moment -- except room 117, in which
24 there are pipes that ran hot water to the third floor.
25 And the reason I know this is because I asked the

1 custodial -- the janitor what was going on, which made
2 the room incredibly hot. That was one incident where the
3 air conditioning did not work, but the room was just
4 constantly hot.

5 Q. How long did it take to fix the air conditioning
6 on that occasion?

7 A. It wasn't fixed by the time I was gone, and that
8 had happened in the 2000/2001 school year. It must have
9 happened during the second semester.

10 Q. Can you give us your best estimate for how long
11 the air conditioning was down at the end of that
12 semester?

13 A. For four months.

14 Q. The entire semester?

15 A. Yes.

16 Q. And I assume you reported the problem to the
17 custodial staff at Fremont?

18 A. I did.

19 Q. In writing?

20 A. In writing.

21 Q. And to your knowledge, did the custodial staff
22 take any action in response to your complaint?

23 A. Not immediately because after four months, it
24 was still -- it was still not working.

25 Q. And what months was this taking place during?

1 A. From January to May.

2 Q. What I'd like to do is take a short break so I
3 can confer with counsel about scheduling the questioning.

4 Let's go off the record.

5 (Recess taken.)

6 MR. ROZWOD: Back on the record.

7 Q. Other than what's in your declaration, are you
8 aware of any instances where students have had to stand
9 in class because the school does not have enough seats or
10 desks for all the students in the classes?

11 A. In my classroom, that I've seen first-hand, no;
12 but other teachers have told me the same sentiments, the
13 same things.

14 Q. Can you recall any specific teachers that told
15 you that?

16 A. Ms. Erica Knopp, who I had mentioned earlier --
17 she had the same thing. Students so overcrowded that
18 students had to sit on top of other students' desks in
19 order to be able to take notes.

20 Q. What class?

21 A. And she teaches world history.

22 Q. Any other instances outside of your declaration
23 and Ms. Knopp's conversation with you that you're aware
24 of of that problem at Fremont?

25 A. That I'm aware of, that I've heard first-hand

1 accounts, no. But I know that it does exist.

2 Q. Do you know whether the school offers any AP
3 courses?

4 A. It does.

5 Q. Do you know how many AP courses it offers?

6 A. Not off the top of my head.

7 Q. Do you know if it offers more or less AP courses
8 than other schools in the local District I?

9 A. I'd have to speculate.

10 Q. Do you know whether it offers more or less AP
11 classes than other school in the L.A. School District?

12 A. Again, speculation.

13 Q. Does that mean you have no idea?

14 A. I just have no clue.

15 Q. You know those instances we discussed where a
16 series of substitutes were used to teach classes?

17 A. Correct.

18 Q. Do you have any knowledge whether the
19 substitutes that were asked to teach those classes had
20 training in the subject matter?

21 A. One particular fellow, who I took over for --
22 and he's a good friend of mine. He's an English teacher,
23 and he was subbing a math class. Again, as an example,
24 I'm a math teacher, and I was subbing a Spanish class.
25 Because I know how to speak Spanish doesn't give me --

1 I'm not qualified to full-on teach a Spanish class or sub
2 a Spanish class. I can get by, but it doesn't qualify
3 me. But my good friend Mr. Anderson, who is an English
4 teacher, was subbing a math class.

5 Q. For how long was Mr. Anderson subbing for a math
6 class?

7 A. I think about a month.

8 Q. And how long did you sub for the Spanish class?

9 A. Just one day.

10 Q. Are you aware of any other instances where a
11 substitute not specifically trained to teach the subject
12 matter were used to cover for -- in classes where there
13 was no permanent teacher assigned?

14 A. Not per se.

15 Q. You know if multitrack schools have any fewer
16 days than the traditional summer off calendar schools?

17 MS. LHAMON: It's vague as to "multitrack
18 schools," because there's different calendars.

19 BY MR. ROZWOD:

20 Q. Compare Fremont's multitrack schedule to a
21 traditional school schedule.

22 A. Like I said earlier, I don't know the exact
23 number of days, but I know that year-round schedules
24 would give you about a month less of school. That would
25 be on average, like 30 days less, roughly, from what a

1 traditional schedule would be.

2 Q. Do you know if there are fewer instructional
3 minutes in the aggregate as between Fremont's multitrack
4 schedule and a traditional summer off school calendar?

5 A. I don't know, but I would be guessing if I
6 did -- if I gave an answer.

7 Q. To your knowledge, does Fremont offer enough
8 courses for all the students to satisfy their high school
9 graduation requirements?

10 A. Could you repeat the question?

11 Q. To your knowledge, does Fremont offer enough
12 courses for all the students to complete their high
13 school graduation requirements?

14 A. I believe so. I think they would have to
15 because of being part of L.A. Unified School District; so
16 they must meet some kind of requirement.

17 Q. Are you aware of any instances where a student
18 was unable to satisfy their high school graduation
19 requirements because there was a problem with the
20 availability of a required class?

21 A. No, I'm not -- I don't know.

22 Q. Are you aware of any instance where a student
23 was assigned a service class because an academic class
24 was not available?

25 A. Yes.

1 Q. It's not any of the exhibits I've marked so far.

2 It's a --

3 A. I can't recall. I might have. I might have
4 not.

5 Q. You don't --

6 A. Off the top of my head, I can't remember.

7 Q. Did you review the Complaint to prepare for your
8 deposition today?

9 MS. LHAMON: I instruct you not to answer
10 anything that would come from me or from our meeting.
11 But if it's separate from an attorney-client privilege,
12 you can answer the question.

13 MR. ROZWOOD: That's a very vague instruction,
14 anything that would come from you. If he's reviewing the
15 Complaint to prepare for the deposition, it has nothing
16 to do with whether you're there or not.

17 MS. LHAMON: If he received the Complaint from
18 me, he can't answer that question. Or if he received the
19 Complaint from some other source or before I became your
20 attorney --

21 THE WITNESS: I choose not to answer the
22 question.

23 BY MR. ROZWOOD:

24 Q. Based upon -- following your attorney's
25 instruction?

1 Q. What instances are you aware of?

2 A. For instance, a gentleman by the name of Armando
3 Esquivel -- I have him for my Algebra 1 class, and
4 because there is -- he's in his senior year, and he's met
5 most of the requirements. Because there are no electives
6 for him to choose, whether it be astronomy or what have
7 you, he has me again for a second hour as a service
8 worker. So that's one way where there's no academic
9 class for him to have; so he's stuck with me again
10 running errands or actually reviewing his material, being
11 retutored again in my classroom. That's one specific
12 case that I know of.

13 Q. Do you know of any other cases?

14 A. Not off the top of my head.

15 Q. Did Mr. Esquivel tell you that he was taking a
16 service class with you because there was no academic or
17 other electives available for him?

18 A. Yes.

19 Q. Did he tell you he wanted to take another class
20 in particular, but it wasn't available, or did he make
21 the comment generally?

22 A. No, he just made the general comment.

23 Q. Have you seen the Complaint -- the plaintiff's
24 Complaint in this case?

25 A. Is it any of these?

1 A. Yes.

2 Q. Do the -- does Mr. Esquivel in your class have
3 any responsibilities as a service class student?

4 A. The only responsibility is to just show up and
5 be ready to be tutored again. That's it. There is no
6 curriculum for service work. Basically, it's like your
7 own little go-for. Whatever you need, they go for it,
8 pretty much.

9 Q. And do they get a grade in that class?

10 A. Yeah. Depending on if you're satisfied with
11 their service, you give them whatever grade you give
12 them. If you're not satisfied, you fail them.

13 Q. And what types of considerations go into making
14 a determination about whether they perform satisfactorily
15 in a service class?

16 A. It depends teacher to teacher.

17 Q. For you?

18 A. For me, I had him do no service work for me.

19 He's not my brother. I don't ask him to run photocopies
20 for me. He's not my teacher's aide. He doesn't get paid
21 for it. All I did -- basically, I had him finish
22 homework. I gave him more math assignments, just
23 prolonged tutoring. It was a second math class for him,
24 and I made sure he was on top of his material. He's
25 currently attending UCLA Community College; so we

1 reviewed material for his course work that he's taking
 2 there.
 3 Q. UCLA Community College?
 4 A. No -- UCLA Community College.
 5 Q. Do you think that experience for Mr. Esquivel
 6 improved his math skills?
 7 A. Yes. I'm currently still tutoring him, even
 8 though I'm on vacation, every Mondays and Wednesdays in
 9 the school library. He does have SAT prep classes he has
 10 to attend also on those dates; so we take advantage and
 11 review old homework, any questions he might have about
 12 his professors' notes -- review them. I have him do
 13 reading text comprehension questions. I ask him
 14 questions about the notes. And I've seen a vast
 15 improvement in his skills.
 16 Q. Based upon his presence in the service class
 17 with you?
 18 A. Based upon him doing his work and I see him
 19 doing his work during service class, also during
 20 tutoring.
 21 Q. You know -- you know the conditions that we've
 22 been talking about at Fremont, the textbook conditions,
 23 the facilities, the overcrowding, the rodents, the
 24 cleanliness or lack thereof and other consequences of the
 25 multitrack schedule -- all those conditions and all the

1 other ones, do you believe that those conditions or any
 2 of them interfere with your ability to teach and the
 3 student's ability to learn the subject matter of the
 4 course work at Fremont?
 5 A. My ability is one thing. These are obstacles
 6 these students shouldn't have to face. It's almost no
 7 wonder why they get lost in the midst of sort -- a sea of
 8 madness. I challenge any parent to send their kid to
 9 Fremont and have them do all this stuff. These are
 10 hurdles that I have to step over or jump over with my
 11 students in order for me to do my job effectively.
 12 Apparently, there needs to be more training, but
 13 the facilities and the conditions of the school has to
 14 change. That's why so many teachers leave, because
 15 they're appalled at the conditions. If you would look at
 16 the turnover rate of all new incoming teachers, it's why
 17 they leave.
 18 Q. Are you aware of any particular teacher that's
 19 left because of the conditions at Fremont?
 20 A. What's his name? I know of a couple of
 21 teachers, and their names just escape me. It's on the
 22 tip of my tongue.
 23 Q. Can you think of the name of any teacher that's
 24 left because of the conditions at Fremont?
 25 A. English teacher by the name of Blossom. I can't

1 remember his first name.
 2 Q. How do you know he left because of the
 3 conditions at Fremont?
 4 A. We were always talking about it. Myself,
 5 Mr. Anderson, Mr. Blossom were always having lunch, sort
 6 of like a male support group for each other. And he
 7 would constantly tell us about how he just doesn't want
 8 to be there anymore. How disgusted he was on how things
 9 were run, how things looked. Just overall how things
 10 were at Fremont, he was just disgusted with them.
 11 Q. Do you know where Mr. Blossom went?
 12 A. I have no idea. I haven't spoken to him since.
 13 Q. Do you know if he's still teaching?
 14 A. I have no idea.
 15 Q. So you would say that these conditions that we
 16 discussed interfere with the student's ability to learn;
 17 correct?
 18 A. Correct.
 19 Q. And you would say it has an adverse impact on
 20 your ability to teach as well; correct?
 21 A. Yes.
 22 Q. Are you aware of any conditions at Fremont other
 23 than the ones we've already discussed which adversely
 24 affect the ability of students at Fremont to learn?
 25 A. Yes. But those are not going to be covered by

1 the lawsuit.
 2 Q. Such as?
 3 A. Teacher-to-parent relationships or
 4 communication. The school making an outright effort to
 5 incorporate parent or slash community effort or
 6 involvement within the school. Those are some of the
 7 things not covered by the lawsuit, but those are things
 8 that I personally see that would help the students
 9 greatly in their scholastic development or academic
 10 development, for that matter.
 11 Q. Do you think the state should require schools to
 12 engage the community and provide opportunities for
 13 parents to become involved with the school operations and
 14 require that of each school in the state?
 15 A. No, that should be based on the school. School
 16 sites should worry about that, because the school is in
 17 the community. The school should make an effort to
 18 embrace the community as much as possible. Everything
 19 else needs to be demanded through -- by the state. I
 20 mean, books, rats -- those things should be taken care of
 21 by the state, if they're not taken care of by the
 22 district.
 23 Q. But the district should be given the first
 24 opportunity to address the local conditions; correct?
 25 A. Correct.

1 Q. Have you ever seen a student abuse the restroom
2 facilities at the school?
3 MS. LHAMON: Vague as to "abuse."
4 BY MR. ROZWOOD:
5 Q. Like, for example, graffiti or tearing off a
6 soap dispenser or something like that?
7 MS. LHAMON: And compound.
8 THE WITNESS: Not while I've been in there; so I
9 haven't seen a student deface school property.
10 BY MR. ROZWOOD:
11 Q. At all while you've been there?
12 A. In the bathroom, no.
13 Q. Or anywhere else on campus.
14 A. I've seen them. But as soon as I bring it to
15 the attention and give chase, they'll stop.
16 Q. What have you seen the students do?
17 A. An occasional vandal would try to write his name
18 on the board or write his name on the wall. But as soon
19 as I see that happening, I make it be known that it's
20 incorrect. That behavior will not be tolerated, and I
21 give chase.
22 Q. Does that mean you literally chase them?
23 A. Yes.
24 Q. Do you catch them?
25 A. Yes.

1 Q. What happens after you catch them?
2 A. I take them to the dean's office and have
3 discipline take care of that.
4 Q. On how many occasions have you disciplined
5 students for defacing school property?
6 A. Three that I've done.
7 Q. Have you had occasion to discipline students for
8 any other occasion at Fremont?
9 A. No. Actually, yes, for fights, but they're high
10 school kids. They're learning.
11 Q. Can you think of anything else other than what
12 we've listed in your deposition so far that might affect
13 the educational environment for the students in an
14 adverse way?
15 MS. LHAMON: Calls for speculation and for
16 expert testimony.
17 BY MR. ROZWOOD:
18 Q. Just based on your experience, can you think of
19 anything else in your experience that might adversely
20 affect the student's learning environment?
21 A. General lack of resources available to the
22 student. Other than that, I have no idea.
23 Q. Is there any kind of gang presence in the
24 school?
25 MS. LHAMON: Calls for speculation.

1 THE WITNESS: There are, but at every school
2 there is.
3 BY MR. ROZWOOD:
4 Q. Can you describe the gang activity at Fremont
5 based on your experience there?
6 A. Gang activity at Fremont -- there's a Blood gang
7 or a gang that's associated with the Bloods, and there's
8 a Latino gang, and that's pretty much about it. There
9 are no movie-like gang fights. Everything is relatively
10 calm. People know that -- to stay away from these
11 people. Like you mess with people, you're going to get
12 messed with. So if you keep -- mind your own business,
13 nothing will happen. And for the most part, nothing has
14 happened.
15 There have been no cases since I've been at
16 Fremont of on-campus shootings. There have been --
17 that's to my knowledge. No occurrences of gang fights or
18 activities within school grounds. That's it.
19 Q. Have you seen any knife incidents?
20 A. No.
21 Q. Have you seen any fights or gang activity around
22 the school site?
23 A. Gang fights, no, not outside of school. I
24 haven't seen it, no.
25 Q. How about drugs? Is there a drug problem at

1 Fremont, in your experience?
2 MS. LHAMON: Vague as to "drug problem."
3 THE WITNESS: What do you mean by "problem"?
4 BY MR. ROZWOOD:
5 Q. The presence of drugs on school site -- I would
6 consider that a problem.
7 A. Yes, I -- but it's also present at every school.
8 MS. LHAMON: I'm assuming you're talking about
9 illegal drugs, not aspirin?
10 MR. ROZWOOD: Thank you for that clarification.
11 THE WITNESS: Again, my answer is yes, but there
12 are some at every school. There's no school that can
13 escape the drug problem or situation.
14 BY MR. ROZWOOD:
15 Q. Why do you say that?
16 A. Because it's apparent -- ask your children.
17 They know there are drugs on campus. You've seen the
18 commercials.
19 Q. And there's nothing that the government can do
20 about that?
21 MS. LHAMON: Calls for speculation.
22 BY MR. ROZWOOD:
23 Q. You said there's no way to escape it.
24 A. I'm not a research specialist, or I'm not a drug
25 advocate or antidrug advocate. I'll leave that to the

1 people running the programs.
 2 Q. Do you think it adversely affects the education
 3 environment for the students at Fremont?
 4 MS. LHAMON: Calls for speculation.
 5 Q. Do you think it adversely affects the
 6 opportunity --
 7 A. I wouldn't know. I'd be guessing.
 8 Q. You don't know what you think? I'm asking you
 9 what you think.
 10 A. I don't know if it adverse -- the use of drugs
 11 by a few students is a corporate to why many students are
 12 low performing.
 13 Q. That's fair.
 14 How about drug sales versus just drug use? Have
 15 you had an experience with any kind of drug selling at
 16 Fremont?
 17 A. No, I have not.
 18 Q. Looking at the list of problems or conditions
 19 that we've discussed in your deposition, which do you
 20 think should -- if there was a limited resource should be
 21 solved first?
 22 MS. LHAMON: Incomplete hypothetical.
 23 BY MR. ROZWOOD:
 24 Q. To prioritize, what's most important to fix
 25 first for you?

1 MS. LHAMON: Same objection. There's been no
 2 testimony that there is one thing that's most important
 3 to fix first.
 4 MR. ROZWOOD: I didn't say there was.
 5 Q. I'm asking you to give us that testimony.
 6 MS. LHAMON: If there is one -- it's an
 7 incomplete hypothetical.
 8 THE WITNESS: I can't really answer that
 9 question. There are too many things involved. If you
 10 keep the number of teachers and the number of books at
 11 the same levels that they are now but you just alleviate
 12 overcrowding, then, yeah, many of the problems would be
 13 solved. If you choose to keep the same number of
 14 people -- it becomes a vast majority of hypotheticals.
 15 If you keep one variable constant, then you have to
 16 change all the other variables. It's just too vague to
 17 answer. We'll be here all night. I want to go home.
 18 BY MR. ROZWOOD:
 19 Q. So all of these problems are inter-related;
 20 correct?
 21 A. Yes.
 22 Q. Do you think that public schools in California
 23 should limit the number of emergency teaching
 24 credentialed teachers as a percentage of their overall
 25 teaching population at each school? Do you think that it

1 should be limited to a certain percentage of the faculty
 2 at each school?
 3 A. I don't think I formulated an opinion on that
 4 yet.
 5 Q. Like no more than 20 percent of the teachers at
 6 a given school should be on an emergency credential --
 7 that's a rule that maybe the state could put into force.
 8 Do you think that's a good rule?
 9 MS. LHAMON: Asked and answered.
 10 MR. ROZWOOD: It's a more specific question on a
 11 specific 20 percent guideline. Maybe it helps to make it
 12 more concrete for the witness.
 13 MS. LHAMON: If you can formulate an opinion on
 14 that, then you can answer it.
 15 THE WITNESS: I think that question is just too
 16 random on the basis that you need to fill teaching
 17 positions. Obviously, if you move a veteran teacher into
 18 a school they did not want to be at, that teacher might
 19 not perform their job well. Would you want to work in a
 20 building that you don't like? Let's say you earn tenure
 21 at this building and you move higher up and then all of a
 22 sudden they tell you to move over to another building.
 23 You wouldn't want to.
 24 I say you need to put in the bodies that are
 25 willing to work there, credentialed or uncredentialed.

1 They need to be there. Get rid of deadweight teachers,
 2 but don't put in teachers that don't want to be at that
 3 school. You'll do someone a greater disservice than
 4 putting someone who is uncredentialed and wants to work
 5 in the inner city. Let's say if we're talking about
 6 Fremont, it's best that way. Put teachers there who want
 7 to teach, who want to be there, not teachers who are just
 8 going to be deadweight.
 9 MR. ROZWOOD: I'm going to let you ask your
 10 questions, Ms. Floyd. If you want, you have the
 11 documents that you need --
 12 MS. FLOYD: Absolutely.
 13
 14 EXAMINATION
 15 BY MS. FLOYD:
 16 Q. I have a document to be marked as Exhibit No. 7.
 17 (Whereupon, Defendants' Exhibit 7
 18 as marked for identification.)
 19 BY MS. FLOYD:
 20 Q. Mr. Vaca, do you recognize this document?
 21 A. Yes, ma'am.
 22 Q. What is this document?
 23 A. Again, it's very much the same one as the
 24 previous exhibit, and it's a book card.
 25 Q. To the left there's an entry under date, month

1 and year. It says "7-01."

2 Is this your book card for this school year --
3 your textbook card for this school year?

4 A. Yes, ma'am.

5 MS. LHAMON: I just want to make an objection
6 for the record that I've never seen this document before.

7 BY MS. FLOYD:

8 Q. Now, to the right of July 01, there is a number
9 there, "44."

10 What does that number represent?

11 A. That represents that initially I checked out
12 44 books.

13 Q. Okay. And just to the right of that, there's
14 initials there "RB."

15 Do you know whose initials those are?

16 A. Yes. That's Ms. Brody. I don't know what her
17 first name is, but "B" stands for "Brody."

18 Q. And do you know why she initialed the card there
19 next to the number "44"?

20 A. Yes, because I presented that's how many books
21 to check out. What had happened -- what happened this
22 year was there was a large influx of newer teachers that
23 came in. I had to limit the number of books that I could
24 check out so that the newer teachers who were going to be
25 permanent could check out more books. So I initially

1 BY MS. FLOYD:

2 Q. Do you know, to your knowledge?

3 A. Because that was the number I submitted to her
4 to check out again a second time.

5 Q. And why did you check out 46 books in August?

6 A. More people had checked into my class; so I
7 needed the take-home section of the books.

8 Q. Okay. The 44 books that were issued to you in
9 July, were these classroom books, or were these take-home
10 books, or were they used for both purposes?

11 A. On occasion, it depended on who the student
12 was -- usually I kept them as a classroom text, and the
13 second set of books was to be the take-home books.

14 Q. Okay. When you referred to the second set of
15 books, you mean the books that were issued to you in
16 August?

17 A. Yes.

18 Q. During the period of time that you did not have
19 the second set of books, did the students have books to
20 take home for homework?

21 A. No, they did not.

22 Q. And so did you assign homework at that time
23 during that period of time?

24 A. Yes, I did.

25 Q. And how did you assign the homework?

1 checked out 44 books.

2 Q. And the 44 -- is that based on some estimate?

3 A. Yes.

4 Q. An estimate of what?

5 A. Based on the class set of books that I needed,
6 and it was 44. I overestimated this semester by eight
7 books. I had 36 students; so I overshot it by eight
8 books in case there was going to be new people checking
9 into my class.

10 Q. So in July of this year, you were issued
11 44 books, but you had 36 students enrolled in your class?

12 A. Right.

13 Q. And then the next line below, 8-01 -- "August
14 01," there's a number "46."

15 Does that represent the number of books that
16 were issued to you at that time?

17 A. That was when I was going to check out the new
18 books, but I didn't bother changing the time. But yes, I
19 did get 46 books.

20 Q. And the initials there, "RB" -- those are
21 Ms. Brody's initials again?

22 A. Yes.

23 Q. And why did she initial this number of books at
24 this time?

25 MS. LHAMON: Calls for speculation.

1 A. As I stated previously, I wrote problem sets on
2 the board in conjunction with having a series of dittos
3 of each of the sections from the book -- the problem sets
4 from the book. And I handed it to the students; so they
5 had to write down problems from the board. Not only
6 that, but I also gave them pamphlets of information,
7 problem sets for them to do it on.

8 Q. And where did you get the problem sets from?

9 A. From Ms. Brody and --

10 Q. And why did Ms. Brody give you problem sets?

11 A. Because not enough books had come in at the
12 beginning of the year.

13 Q. She told you that?

14 A. Yes, those were her exact words.

15 Q. But do you know when the books actually arrived
16 at Fremont?

17 A. I have no idea.

18 MS. FLOYD: I have another document here to be
19 marked as Exhibit No. 8.

20 (Whereupon, Defendants' Exhibit 8
21 was marked for identification.)

22 BY MS. FLOYD:

23 Q. Do you recognize this document?

24 A. Are you asking me have I seen this before?

25 Q. Yes.

1 A. No.
 2 Q. At the top there, it says:
 3 "Textbooks may be checked out from the
 4 textbook room using the following
 5 procedures."
 6 You've been to the textbook room at Fremont,
 7 haven't you?
 8 A. Yes, ma'am.
 9 Q. How many times have you been to the textbook
 10 room at Fremont?
 11 A. Are you asking me how many times have I gone
 12 there to check out books or how many times have I gone
 13 there on social visits to Ms. Jones?
 14 Q. How many times total, regardless of the purpose,
 15 have you been to the textbook room?
 16 A. Maybe 20, 30 times.
 17 Q. Have you seen any procedures posted or available
 18 in the textbook room regarding textbook procedures or the
 19 issuance of textbooks?
 20 A. Not any procedures posted or anything like that.
 21 No, I have not noticed that.
 22 Q. I'd like you to review this document. Take a
 23 look at it and tell me whether or not these are the
 24 textbook room procedures in place at Fremont.
 25 MS. LHAMON: Calls for speculation.

1 And while he's reviewing it, I'm also going to
 2 object that I've never seen this document before.
 3 THE WITNESS: Like I said, this is the first
 4 time I saw this. But the rough outline of what I had
 5 mentioned earlier, as to you have the textbook card, you
 6 show -- write down the number of books that you'll need,
 7 show it to the department chair, have them sign it and
 8 then go back to the textbook room.
 9 BY MS. FLOYD:
 10 Q. So is there anything here listed on this
 11 textbook procedures document that is not actually a
 12 textbook procedure that you've observed?
 13 A. That I've observed -- No. 3. This is assuming
 14 that enough textbooks are available for all students.
 15 Also No. 9.
 16 Q. No. 9?
 17 A. Uh-huh.
 18 Q. Why No. 9?
 19 A. Because of the interaction I have with my
 20 students, I didn't put textbook covers on the books that
 21 they'd take home. I just let them know that they were
 22 responsible for the conditions of the books. For my
 23 in-class books that I did receive this year, I do -- I
 24 did put covers on them.
 25 Q. Okay. The document references Ms. Linda Jones

1 in paragraph 6.
 2 Is she the textbook room clerk?
 3 A. Yes, ma'am.
 4 Q. And do you recall if Ms. Jones has ever
 5 explained to you textbook procedures when you've come to
 6 the textbook room?
 7 A. Yes.
 8 Q. And do you recall what she told you?
 9 A. Pretty much what I had described to you, take
 10 the number, give it to your chair coordinator, come back
 11 here after she's initialed it, then I'll give you your
 12 books. Then make sure that -- if a kid's name matches a
 13 list that she provides you, then don't give them a book.
 14 But if their name is not on that list, do give them a
 15 book, and that was it.
 16 Q. Has she ever given you any material regarding
 17 textbook procedures, written material?
 18 A. Not that I remember.
 19 Q. Do you recall ever seeing written material
 20 regarding textbook procedures elsewhere on campus?
 21 A. No.
 22 Q. Have you ever complained about the availability
 23 or lack of availability of textbooks at Fremont to anyone
 24 at Fremont with the administration?
 25 A. With administration?

1 Q. Yes.
 2 A. No. But I have expressed my concerns to my
 3 department chair, and she agrees with my concerns. Not
 4 all books showed up when they were supposed to show up.
 5 Q. When did you voice your concerns to your
 6 department chair?
 7 A. Second day of school when I inquired about
 8 books.
 9 Q. And this was Ms. Brody?
 10 A. Yeah.
 11 Q. And what specifically did you tell Ms. Brody?
 12 A. "Ms. Brody, where are our books?"
 13 She said, "Well, they're on call, and they
 14 haven't gotten here yet." She made several phone calls,
 15 and I don't know what happened after that.
 16 Q. Okay. But she responded to your concerns?
 17 A. Yes.
 18 MS. FLOYD: I have another document to be marked
 19 as Exhibit 9.
 20 (Whereupon, Defendants' Exhibit 9
 21 was marked for identification.)
 22 BY MS. FLOYD:
 23 Q. Have you ever seen this document before?
 24 A. Yes, ma'am.
 25 Q. This is titled "John C. Fremont High School

1 Maintenance Request."
 2 You earlier referred to a maintenance request
 3 form earlier today in your testimony; correct?
 4 A. That's correct.
 5 Q. Is this the maintenance request form you were
 6 referencing?
 7 A. Yes, ma'am.
 8 Q. Okay. And you indicated that you submitted
 9 written requests with respect to windows -- a window
 10 condition?
 11 A. Right.
 12 Q. Can you tell me some of the other things that
 13 you have used this form to report?
 14 A. Doors coming off their hinges, the rodent
 15 problem I spoke of earlier, which I only made one written
 16 request -- for the majority, that was the most part --
 17 those were the different instances, but I did do several
 18 request forms for the door and for the window.
 19 Q. For anything else?
 20 A. For anything else? No, that's pretty much about
 21 it. That's the bulk of the maintenance request stuff.
 22 MS. LHAMON: I've also never seen this document.
 23 I'll make the same objection.
 24 BY MS. FLOYD:
 25 Q. I'd like to refer your attention to Exhibit 1,

1 A. Because it -- if there were more seats, that
 2 would mean I could accept more students there, which is
 3 totally illogical, because I couldn't house the ones that
 4 I had there already. So that would assume I still have
 5 more room in my class for more kids if I'm asking for
 6 more chairs.
 7 Q. Up above at lines 11 and 12, you wrote -- you
 8 declare:
 9 "In addition, I have had to bring two
 10 tables and about nine chairs in from other
 11 rooms at the school."
 12 A. Uh-huh.
 13 Q. Where did you get these two tables and nine
 14 chairs from?
 15 A. Like I said earlier, I do scavenger hunts for
 16 things that I need for my classroom. I needed chairs and
 17 tables. I looked around other classrooms. I asked
 18 permission from the teachers. Were they using certain
 19 tables? Were they using chairs that they didn't need?
 20 Did they have any chairs that they didn't need? And they
 21 donated several chairs, obviously, nine of them, and two
 22 large size tables.
 23 Q. And did you inform Ms. Brody that you brought in
 24 the two tables and nine chairs from the other rooms at
 25 school for your class?

1 paragraph 3, line 9. You declare:
 2 "Those classes have both trickled down to
 3 about 46 students in each class now, but
 4 there are only 36 chairs with desks in my
 5 classroom."
 6 A. Yes.
 7 Q. (Reading):
 8 "Several students sit at my desk,
 9 which I have moved to the back of the
 10 classroom. In addition, I have had to bring
 11 two tables and about nine chairs in from
 12 other rooms at the school."
 13 Did you ever communicate to custodial staff that
 14 there was a need for additional desks and/or chairs in
 15 that classroom?
 16 A. No, because if you continue to read on, that
 17 very same paragraph, line 16:
 18 "I have asked my department co-chair for
 19 more seats, but the co-chair told me that if
 20 I got more seats in my classroom, I would be
 21 assigned more students."
 22 Q. And which co-chair was that?
 23 A. Ms. Brody.
 24 Q. And did she tell you -- did she give you a
 25 reason why that would occur?

1 A. No, in fear of having more students be put in my
 2 class, because if you would see earlier, there are 46
 3 students in a class, but only 36 chairs. Where do I put
 4 the other ten or nine students?
 5 Q. Earlier when we went through your book card, you
 6 indicated that you have 36 students in your class.
 7 Are we talking about two different classrooms
 8 here?
 9 A. Right. If you had noticed, it says Algebra 1,
 10 and I made a definitive statement that it was --
 11 Algebra 2 class is what I'm talking about.
 12 Q. Now, with respect to Ms. Brody's statements that
 13 if you got more seats in your classroom, you would be
 14 assigned more students, did you talk to any other staff
 15 member on campus about Ms. Brody's statement?
 16 A. No.
 17 Q. Did you complain to the administration about
 18 that policy, if you want to call it a "policy"?
 19 A. No, because it really wasn't a policy. It was
 20 more of a personal conversation she and I had. I had
 21 brought up the question of "Should I ask the custodial
 22 staff about bringing in more chairs?"
 23 And she says, "No." And then she goes on to
 24 tell me "If you get more chairs, that means you can have
 25 a bigger capacity." And that's exactly not what's going

1 on.

2 Q. To your knowledge, did Ms. Brody tell any other
3 math teachers the same thing with respect to if they
4 asked for more chairs, then they would be assigned more
5 students?

6 A. That would be speculation.

7 Q. To your knowledge.

8 A. It was just a personal conversation between her
9 and I. I doubt that she had the same with others.

10 Q. And when did this conversation take place?

11 A. I cannot recall.

12 Q. Now, you earlier testified with respect to
13 Title I.

14 A. Uh-huh.

15 Q. And do you have an understanding of what Title I
16 is?

17 A. Other than what I said earlier about being
18 federal money given to schools of a great number of
19 underprivileged kids, socioeconomic by nature, that's
20 pretty much it. For resources, not textbooks -- but
21 supplemental resources for their education. That was my
22 basic understanding.

23 Q. And on what basis do you believe that to be true
24 about Title I?

25 A. Through the department meeting or the staff

1 A. Yes, ma'am.

2 Q. How do you recognize this document?

3 A. I recognize this document as one of the things
4 that Title I -- during the Title I presentation at the
5 staff development meeting, as to what the CDE --
6 California Department of Education needed to be done.
7 Apparently, it's a uniform complaint procedure that --
8 there are procedures as to how to go about doing formal
9 complaints, and you're supposed to start at the bottom
10 up. If you jump any rung in the ladder, if you will, it
11 will be sent back down to the school and the appropriate
12 administrators. That's pretty much it, as far as I can
13 remember.

14 MS. FLOYD: I have another document to be marked
15 as Exhibit 11.

16 (Whereupon, Defendants' Exhibit 11
17 was marked for identification.)

18 BY MS. FLOYD:

19 Q. Do you recognize this document?

20 A. Pretty much, I can't say that I do. In other
21 words, I don't remember receiving this little handout in
22 school.

23 Q. Okay.

24 A. But apparently, it's the same procedures, except
25 in a form of a brochure or a pamphlet or something.

1 meeting held earlier where Ms. Guinn, the coordinator for
2 Title I, spoke up about the obligations of Title I.

3 Q. And when was the staff meeting?

4 A. Shortly before the CDE, the California
5 Department of Education, stepped into Fremont last week
6 or two weeks ago.

7 Q. So this was fairly recent?

8 A. Right.

9 Q. And did Ms. Guinn provide you any materials
10 regarding Title I?

11 A. She did, but they were minimal. Calculators
12 that really didn't fulfill the need of my students --
13 certain functions that my students needed were not
14 available through the calculator, whether it be taking
15 square roots or taking the square of things or taking
16 different roots, just math functions of a calculator.
17 Another that -- I think they provided scratch paper,
18 pencils, those kind of things, classroom library. That's
19 pretty much it.

20 MS. FLOYD: I have another document to be marked
21 as Exhibit 10.

22 (Whereupon, Defendants' Exhibit 10
23 was marked for identification.)

24 BY MS. FLOYD:

25 Q. Do you recognize this document?

1 Q. But the information contained here in this
2 brochure is material that Ms. Guinn covered in her
3 workshop that you attended?

4 A. Yes.

5 MS. LHAMON: The question is overbroad. Are you
6 asking if every phone number was given out?

7 BY MS. FLOYD:

8 Q. I'm asking if the uniform complaint
9 procedures --

10 A. Is the information that she covered?

11 Q. Yes.

12 A. Yes.

13 MS. FLOYD: I have another document to be marked
14 as Exhibit 12.

15 (Whereupon, Defendants' Exhibit 12
16 was marked for identification.)

17 MS. LHAMON: I've never seen this document as
18 well.

19 BY MS. FLOYD:

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. And how do you recognize this document?

23 A. Again, during the meeting -- I mean, excuse me.

24 During the staff development meeting that was held, I
25 vaguely remember Ms. Guinn, because it was a long day and

1 it was a long meeting and -- Ms. Guinn covering these
 2 things as part of her presentation about what Title I was
 3 doing.
 4 MS. LHAMON: I'd like to note for the record
 5 that the document we have as Exhibit 12 is a 24-page
 6 document that appears to be incomplete and out of order.
 7 And the individual pages have page numbers at the bottom.
 8 The first page begins at 8, the second page is 7, behind
 9 it is 6 and the final page is 37. I'm not sure if there
 10 are some pages missing or if there's some reason that the
 11 pages are inconsistent and out of order.
 12 BY MS. FLOYD:
 13 Q. Ms. Vaca, do you remember the form in which
 14 Ms. Guinn presented this information at the staff
 15 development meeting the other week?
 16 A. Yes. I think they were overhead pronounce --
 17 she just swapped them back and forth. I can't remember
 18 exactly which each one -- what the schpiel was on each
 19 thing.
 20 Q. This information was presented in an overhead
 21 slide form?
 22 A. Right, about several days before the State
 23 Department was entering the school.
 24 MS. FLOYD: And lastly, I have a document to be
 25 marked as Exhibit 13.

1 (Whereupon, Defendants' Exhibit 13
 2 was marked for identification.)
 3 BY MS. FLOYD:
 4 Q. This is the year-round instructional school
 5 calendar for 2001 and 2002.
 6 And you are a track C teacher; correct?
 7 A. Correct.
 8 Q. To the best of your knowledge, does this
 9 calendar accurately reflect your 2001/2002 instructional
 10 calendar for the year?
 11 A. I don't know about accurately. If it was
 12 different color coded, as it should be -- you don't know
 13 which track is what. I mean, only because I have
 14 personal knowledge of when I go on vacation and when I do
 15 not go on vacation, then I would be able to decipher it.
 16 But if you're looking at it, you can't tell which is "A"
 17 track, which is "B" track and which is "C" track. It's
 18 not accurately labeled.
 19 (Whereupon, Mr. Tan re-entered the proceedings.)
 20 BY MS. FLOYD:
 21 Q. Do you have calculators for use in any of your
 22 classes that you're teaching for this school year?
 23 A. Yes, only because I required my students to go
 24 out and purchase their own calculators.
 25 Q. Did Ms. Guinn discuss the availability of

1 supplemental materials during her Title I presentation?
 2 A. No.
 3 Q. Do you have any knowledge of the availability of
 4 calculators for use in your classrooms at Fremont high?
 5 A. Yes, but only because -- again, it wasn't
 6 through any entry packet or orientation packet provided
 7 by the school. But it was more because I went forth and
 8 I looked for things that my students would need. I'd go
 9 out looking for things. I'd ask people where can things
 10 be found. They don't give me a presentation of if you
 11 are looking for these items, these are the people you
 12 should speak to to make your chase a little bit easier.
 13 You're just -- for most people, you're just given a key
 14 and said "This is where things are. Have a good day."
 15 Q. So who did you ask about the availability of
 16 calculators?
 17 A. Other teachers. Some teachers have no idea as
 18 to how to respond. Other teachers were rather helpful in
 19 instructing me on where to go.
 20 Q. And where did they instruct you to go?
 21 A. To go to Mr. Ross, who runs the math computer
 22 lab upstairs on the third floor.
 23 Q. And what are you supposed to do once you go to
 24 Mr. Ross?
 25 A. Let him know what I need and he'll help me as he

1 sees fit, whether it's to go talk to other people,
 2 whether it's something he can provide for me right there
 3 and then. It depends. It's relative.
 4 Q. Paragraph 6 --
 5 A. Exhibit 1; right?
 6 Q. Exhibit 1.
 7 A. Okay.
 8 Q. -- line 5, you declare:
 9 "Before the books arrived, the school
 10 didn't provide me with even one calculus
 11 book to use to make photocopies for my
 12 students. I had to teach from old math
 13 books that I used in college."
 14 A. Right.
 15 Q. Did you eventually get calculus books?
 16 A. Eventually I did. But again, this was my
 17 first -- I was still in the second semester of teaching
 18 any subject, uncredentialed, teaching an AP class. I
 19 don't know how the school district feels about that. So
 20 I wasn't even provided textbooks -- one clear calculus
 21 book. There were several textbooks in the textbook room,
 22 but there weren't enough for a full-on class. There
 23 wasn't even 12. That semester, I had six calculus
 24 students, and there wasn't 12 of one particular book; so
 25 I had to wait my turn until the magnet program had enough

1 books to give up so that I could take some from them.

2 Q. And why did you have to wait?

3 A. Because, again, there were not enough textbooks
4 for students to take home and for students to have a
5 classroom set. And again, I only had a class of six
6 students for AP calculus.

7 Q. So the magnet program was using all the
8 available calculus books at Fremont high at that time?

9 A. There were textbooks in the textbook room, but
10 not enough for a classroom set and a home set. And
11 again, it was only 12 books.

12 MS. FLOYD: I have nothing further.

13 MR. ROZWOOD: Okay. What I'd like to do is
14 state an objection for the record to plaintiffs'
15 counsel's demand for witness fees of an employee of a
16 represented party in this case. We provided them at our
17 request. We'll reserve our rights to obtain a refund if
18 and when it's determined that such fees are inappropriate
19 under the circumstances. I'd also like to state for the
20 record that we requested the witness to complete a form
21 W9, and that request has been denied and we reserve the
22 right to demand that form at a later date.

23 And other than that I would just --

24 MS. LHAMON: Before you do that, I want to make
25 an objection on the record that counsel for the district

1 our subpoena in time for depositions of particular
2 witnesses that we receive those documents in advance of
3 the deposition. And I will ask for an expedited
4 production of those documents, and I think that it is
5 absolutely appalling that the documents materialized just
6 in time for Mr. Vaca's deposition.

7 MS. FLOYD: Well, the district continues to
8 produce documents and locate documents that are
9 responsive to plaintiffs' subpoena for business records.
10 Again, district's counsel provided copies of the
11 documents today. District's counsel only recently,
12 within a very short period of time, obtained these
13 documents and forthwith provided them to counsel of
14 record here today. The district feels that it has done
15 nothing wrong or improper with respect to producing these
16 documents today.

17 MS. LHAMON: We can disagree.

18 MR. ROZWOOD: It's unclear that all these
19 documents are responsive. But I think if they are
20 responsive to the business records subpoena, they should
21 be produced through the deposition officer. I haven't --
22 I haven't even considered it, and I can state for the
23 record I didn't see them before you did, Ms. Lhamon.

24 Having said all that, can we enter into a
25 stipulation?

1 has produced several documents as exhibits in this
2 deposition that are responsive, I believe, to our
3 business record subpoena that I've never seen. I think
4 it's completely inappropriate to be using those documents
5 for the first time today.

6 And I think it's completely inappropriate to
7 have shown those documents to the state. I don't know if
8 counsel for the state also received a copy before I
9 received one. But I don't know pursuant to what
10 conversations counsel for the state received these
11 documents or saw these documents before I saw them today.
12 And I certainly should have received these documents with
13 a production from the district in response to my
14 subpoena.

15 MS. FLOYD: And in response to that, the
16 district's production of documents is ongoing. The
17 district has only recently come into possession of these
18 documents, and the district simply showed up today with
19 the documents in hand for purposes of providing them to
20 all parties present, which did in fact occur. The
21 documents were simply photocopied by counsel for the
22 state for the purpose of providing them to all counsel
23 and parties present today during the deposition.

24 MS. LHAMON: Well, I'll ask if that the district
25 suddenly materializes documents that are responsive to

1 MS. FLOYD: With that said, the district is
2 preparing these documents for formal production through
3 the deposition officer, and all parties will receive
4 documents Bates stamped as the district has been doing
5 throughout the discovery process.

6 MS. LHAMON: I'll appreciate that. Thank you.

7 MR. ROZWOOD: Thank you.

8 Can we enter into a stipulation that copies of
9 documents attached to this deposition will be used as
10 originals; and that the original of this deposition will
11 be signed under penalty of perjury; and that the reporter
12 will be relieved of her responsibilities under the
13 applicable statutes for maintaining the original
14 deposition transcript; and that the original be delivered
15 to me at my office.

16 And that the witness will have 30 days from the
17 date of the court reporter's transmittal letter of the
18 copied deposition transcript to sign and correct and make
19 any changes to that deposition; and that Mr. Vaca or his
20 counsel will notify all parties in writing of any changes
21 to that deposition; and if there are no such changes
22 communicated within that period of time, that any
23 unsigned, uncorrected copy may be used for all purposes
24 in this litigation or any proceeding related thereto as
25 if signed by the deponent.

1 MS. LHAMON: So stipulated.
 2 (Discussion held off the record.)
 3 MS. LHAMON: We just had an off-the-record
 4 conversation. I'm stipulating that the original will not
 5 go to counsel for the state. The original of this
 6 deposition should go to counsel for the plaintiffs and
 7 counsel for Mr. Vaca, which is me. And counsel for the
 8 State can order a copy if they so choose.
 9 MR. ROZWOOD: As I said off the record, we've
 10 paid for this deposition. We've paid for this transcript
 11 to be prepared, and we request that the reporter deliver
 12 the original transcript to us.
 13 MS. LHAMON: The reporter should send the
 14 transcript to the witness as a standard practice in any
 15 deposition and has been our practice in this case up to
 16 date.
 17 MR. ROZWOOD: Anything else?
 18 THE REPORTER: The only thing I can do in this
 19 situation is do it by the Code.
 20 MR. ROZWOOD: I think that's correct.
 21 MS. LHAMON: That's fine.
 22 THE REPORTER: Does anybody need a copy?
 23 MS. LHAMON: Yes. We order a certified copy and
 24 an ASCII.
 25 MR. ROZWOOD: And the portion of the stipulation

1 with respect to Mr. Vaca's review and making any changes
 2 within 30 days of the date of the transmittal letter with
 3 the certified copy still stands?
 4 MS. LHAMON: That's right. And also the portion
 5 that relieves the reporter of her responsibilities still
 6 stands.
 7 MR. ROZWOOD: She can't. She has to keep the
 8 original, and that's part of the duties under the
 9 statute; so we'll leave -- so we're going to change that
 10 portion of the stipulation so she complies with the
 11 statute obligations with respect to that.
 12 MR. ROZWOOD: Anything else? Anybody else wants
 13 to add anything?
 14 THE REPORTER: Did you need a copy, Ms. Sievers?
 15 MS. SIEVERS: No.
 16 THE REPORTER: Counsel, did you need a copy?
 17 MS. FLOYD: Yes, please, and a mini transcript.
 18 (Whereupon, the deposition concluded
 19 at 5:28 p.m.)
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DECLARATION

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 4
 5 I hereby declare I am the deponent in the within
 6 matter; that I have read the foregoing deposition and
 7 know the contents thereof, and I declare that the same is
 8 true of my knowledge except as to the matters which are
 9 therein stated upon my information or belief, and as to
 10 those matters, I believe it to be true.
 11 I declare under the penalties of perjury of the
 12 State of California that the foregoing is true and
 13 correct.
 14 Executed on the day of 2001, at
 15 , California.
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JOEL VACA

1 I, DENISE A. ROSS, a Certified Shorthand
 2 Reporter for the State of California, do hereby certify:
 3 That prior to being examined, the witness named
 4 in the foregoing deposition was by me duly sworn to
 5 testify as to the truth, the whole truth, and nothing but
 6 the truth pursuant to Section No. 2093 of the Code of
 7 Civil Procedure;
 8 That said deposition was taken before me at the
 9 time and place therein set forth and was taken down by me
 10 in shorthand and thereafter reduced to typewriting via
 11 computer-aided transcription under my direction;
 12 I further certify that I am neither counsel for,
 13 nor related to, any party to said action, nor in anywise
 14 interested in the outcome thereof.
 15 IN WITNESS WHEREOF, I have hereunto subscribed
 16 my name this day of 2001.
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Denise A. Ross
 CSR No. 10687