

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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

Plaintiffs,)

vs.)

No. 312236

STATE OF CALIFORNIA, DELAINE)
EASTIN, STATE SUPERINTENDANT)
OF PUBLIC INSTRUCTION; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF WILLIAM J. BRAND
Los Angeles, California
Wednesday, January 8, 2003
Volume I

Reported by:
ANGELICA M. SCOTT
CSR No. 10076
JOB No. 876794

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COUNTY OF SAN FRANCISCO

1 ELIEZER WILLIAMS, a minor,)
2 by Sweetie Williams, his)
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5 Plaintiffs,)
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7 vs.) No. 312236
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9 STATE OF CALIFORNIA, DELAINE)
10 EASTIN, STATE SUPERINTENDANT)
11 OF PUBLIC INSTRUCTION; STATE)
12 DEPARTMENT OF EDUCATION;)
13 STATE BOARD OF EDUCATION,)
14)
15 Defendants.)
16)
17 _____)
18)
19)
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22)
23)
24)
25)

Deposition of WILLIAM J. BRAND, Volume 1,
taken on behalf of Plaintiffs, at 555 West Fifth
Street, Suite 3500, Los Angeles, California,
beginning at 10:33 a.m. and ending at 3:56 p.m.
on Wednesday, January 8, 2003, before ANGELICA
M. SCOTT, Certified Shorthand Reporter No. 10076.

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19 SOPHIE A. FANELLI
20 KATAYOON MAJD
21 JOHN NOLTE
22
23
24
25

1 Los Angeles, California, Wednesday, January 8, 2003
2 10:33 a.m. - 3:56 p.m.
3
4 WILLIAM J. BRAND,
5 having been first duly sworn, was examined and testified
6 as follows:
7

EXAMINATION

8 BY MR. ROSENBAUM:
9 Q How are you, Superintendent?
10 A Fine. Thank you.
11 Q Could you please state your full name for the
12 record.
13 A William John Brand.
14 Q And, Superintendent, just for the record, you
15 all experienced some traffic difficulties getting down
16 here from Ventura County?
17 A Yes.
18 Q Have you ever been deposed before?
19 A Yes, I have.
20 Q On how many occasions?
21 A Don't pin me down to it. Maybe three or four
22 times in my professional career.
23 Q And anytime since you've been superintendent?
24 A No.
25

1 Q And do you remember when the most recent
2 deposition took place?
3 A Probably the mid-'90s, early '90s, something.
4 Q And can you tell me generally what the subject
5 matter was?
6 A One had to do with CLAS testing that was going
7 on when I was in Escondido. The other had to do with an
8 incident in regards to a liability incident with one of
9 my administrators at the high school that I was
10 principal in, in Mission Viejo.
11 Q The other two occasions, one or two occasions,
12 did they relate to your activities as an educator?
13 A Yes.
14 Q Can you just tell me what those subject matters
15 were?
16 A In regards to -- excuse me. I missed the first
17 part of the question.
18 Q You told me you've been deposed three or four
19 times.
20 A Yes.
21 Q Once dealing with CLAS testing, right?
22 A Yes.
23 Q Once dealing with a --
24 A Liability situation.
25 Q What about the other one or two?

1 A I just can't remember offhand.
2 Q When you say "CLAS testing," what do you mean
3 by that?
4 A That was a testing state program. It's kind of
5 interesting. I guess I'm old enough to -- no one
6 remembers CLAS testing.
7 Q Oh, CLAS?
8 A CLAS, right. And it had to do with a testing
9 mandate from the state department in regards to some
10 kind of testing in the area of English and mathematics
11 that would be used by districts for accountability.
12 Q What did you think of CLAS?
13 A At the time I thought it was -- the idea behind
14 state-mandated testing was excellent but CLAS tests I
15 thought was very inappropriate.
16 Q Because?
17 A Well, they didn't get the input that they
18 needed from the community, parents, students. It was
19 really created by educators, and I thought that was the
20 reason for the difficulty. The testing, I thought, was
21 excellent.
22 Q When you say they didn't get the input, you
23 mean in terms of the development?
24 A The development of the test, right. I think
25 they could have picked other types of means to evaluate

1 what they were trying to get to.
2 Q You're a big believer in multiple measures?
3 A I didn't say that I was a big believer in that.
4 MS. KOURY: Objection.
5 BY MR. ROSENBAUM:
6 Q Is that true?
7 A Well, I think you'd have to define what
8 multiple measures means to you.
9 Q Not just one test but a number of different
10 tests to determine student's ability; is that right?
11 A Yes, I believe I am. I don't think that all
12 school districts fit in the same mold.
13 Q I take it you're generally familiar with the
14 procedures that one follows in depositions?
15 A I think so.
16 Q And you've had a chance to discuss them with
17 Mr. Ramos?
18 A Yes.
19 Q I'm going to briefly review them, but if at any
20 point you've got any questions, you just feel free to
21 let me know. Okay?
22 A Okay.
23 Q This is a deposition in a case called Williams
24 versus the State of California. The intent here is to
25 determine if you have some information that's relevant

1 to the litigation. Do you understand that?
2 A Yes.
3 Q And it's not my intent to try to trick you or
4 deceive you but just to get your best and fullest answer
5 to the questions I'm asking. Do you understand that?
6 A Yes.
7 Q So if at any time you don't understand one of
8 my questions or you want them clarified or you want a
9 word or phrase clarified, please do that or ask me to
10 restate the question and I'll be glad to do that. Do
11 you understand that?
12 A Yes.
13 Q Otherwise I'm going to assume you're answering
14 this question as fully and as capably as you possibly
15 can. Do you understand that?
16 A Yes.
17 Q At the beginning of the deposition a few
18 moments ago, the reporter administered an oath to you.
19 Do you understand that?
20 A Yes.
21 Q And I know you know that even though we're in
22 an informal setting here, you're testifying under the
23 same pains and penalties of perjury as if we were in a
24 formal court of law. Do you understand that?
25 A Yes.

1 Q And at the end of the deposition -- you've
 2 received in the past a little booklet with the lawyer's
 3 questions and your answers and any other comments by
 4 lawyers. Have you received that in the past?
 5 A I don't recall.
 6 Q That's what's going to happen.
 7 A Okay.
 8 Q The reporter is going to type up or print out
 9 my questions, your answers, any comments from any other
 10 counsel, and you'll have a chance to review your
 11 answers. Do you understand that?
 12 A Yes.
 13 Q And you're free to change any answer that you'd
 14 like to. Do you understand that?
 15 A Yes.
 16 Q But I want you to understand that either myself
 17 or any other counsel is free to draw any inferences we
 18 think are appropriate from changes in your answers,
 19 including adverse inferences. Do you understand that?
 20 A Okay.
 21 Q So, again, it's important that you answer these
 22 questions as fully and as fairly as you possibly can.
 23 A I'll do my best.
 24 Q Any reason we can't go forward?
 25 A No.

1 Q At any time, Superintendent, you want to take a
 2 break, you need a pause, just let me know. I'll be glad
 3 to accommodate you.
 4 A Okay.
 5 Q Superintendent, tell me what your present
 6 position is.
 7 A Superintendent of the Santa Paula Union High
 8 School District.
 9 Q And can you briefly let me know what your
 10 employment background has been? How long have you been
 11 superintendent?
 12 A Seven years under Santa Paula. I'm a 38-year
 13 educator.
 14 Q I'm sorry. Go ahead.
 15 A I've been a high school principal in two
 16 different high schools.
 17 Q Which ones?
 18 A Charter Oak School District.
 19 Q Where is that?
 20 A In Covina. And I opened a new high school in
 21 Mission Viejo, California; Trabuco Hills High School.
 22 Q Could you spell that for the reporter.
 23 A T-r-a-b-u-c-o, Hills. And I was assistant
 24 superintendent in Escondido Union High School District,
 25 in charge of educational services.

1 Q Let's get some dates. When were you the high
 2 school principal at Charter Oak?
 3 A 1980.
 4 Q And for what period of time?
 5 A 1980 to 1983.
 6 Q And at Trabuco Hills?
 7 A 1984 to 1992.
 8 Q And then you were the assistant superintendent
 9 at Escondido?
 10 A From 1993 to 1996. And then came to Santa
 11 Paula in '96, '97.
 12 Q And prior to being a principal at Charter Oak,
 13 that takes us back 22 years; is that right?
 14 A Isn't that amazing?
 15 Q What?
 16 A It's amazing, isn't it?
 17 Prior to that I was assistant principal, I was
 18 an activities director, a teacher, and a coach.
 19 Q At Charter Oak?
 20 A Whittier Union High School District.
 21 Q What did you coach?
 22 A Water polo and swimming.
 23 Q There are still water polo teams?
 24 A Yeah. In Whittier, actually, they were pretty
 25 good.

1 Q What about before that?
 2 A I was a student and a salesperson.
 3 Q Why did you go into education?
 4 A Well, I went into education because every one
 5 of my wife's family were educators, and they said the
 6 only reason I can date this young lady is I had to be a
 7 teacher, so I decided I better do that. It's always
 8 been a goal. At that time --
 9 Q I've been asking that question a lot. That's
 10 the first time I got that answer.
 11 A At that time I had a dream to be a coach. I
 12 had -- it was a great era of -- to be a coach in and
 13 that was the reason for that.
 14 Q And your educational background?
 15 A Yes. I have a -- I went to Long Beach State
 16 College and I have a bachelor's and master's from Long
 17 Beach and a doctorate of education from Western Colorado
 18 University.
 19 Q Did you teach courses at any point?
 20 A I did teach initially when I first started my
 21 career.
 22 Q What courses did you teach?
 23 A Social sciences area. I was the department
 24 chair in history and social science, in Whittier.
 25 Q You know what I mean when I use the phrase

1 "fully credentialed teacher"?
 2 A Yes.
 3 Q What's your understanding of what that means?
 4 A Exactly what you said, fully credentialed
 5 teacher.
 6 Q You were fully credentialed?
 7 A Yes.
 8 Q Prior to coming here this morning,
 9 Superintendent, did you review any documents relating to
 10 this case?
 11 A Just the ones that you sent me and the one -- I
 12 checked my master schedule for some questions that you
 13 might have.
 14 Q When you say that I sent you or we sent you,
 15 you mean a notice of deposition?
 16 A Yes. Is that what it's called?
 17 MR. RAMOS: Yes.
 18 THE WITNESS: Yes.
 19 BY MR. ROSENBAUM:
 20 Q And you also looked at a master schedule, you
 21 said?
 22 A Yes. I looked at our master schedule, which is
 23 a teaching schedule.
 24 Q For the high school?
 25 A Yes.

1 Q Anything else?
 2 A No.
 3 Q Have you seen any documents at any point
 4 relating to the Williams case, so far as you know?
 5 A You'd have to define what you mean by
 6 "documents."
 7 Q Okay. Do you know what a complaint is in a
 8 lawsuit?
 9 A Uh-huh.
 10 Q You're saying yes?
 11 A Yes, I do know.
 12 Q You have to help the reporter.
 13 A Yes, I do know what a complaint is.
 14 Q Have you seen a complaint in the Williams case?
 15 A No, I have not seen the complaint. I have seen
 16 the Web page, though. I have looked at the Web page.
 17 Q And do you know what a declaration is?
 18 A I'm not sure I know legally what a declaration
 19 is.
 20 Q Okay. It will say at the top, "Declaration of
 21 Bill Brand," and then there will be a number of
 22 paragraphs that you make certain statements generally
 23 relating to a case. Have you seen any document like
 24 that relating to this case?
 25 A Only if it was on the Web page -- under

1 www.decent school, I think is the Web page that I looked
 2 at. Is that correct? Is that the Web page?
 3 Q Yeah. Have you seen any -- any other -- let's
 4 put aside the Web page. Any other materials relating to
 5 this case that you're aware of?
 6 A Yes.
 7 Q What else have you seen?
 8 A I read the depositions of Nick Rodriguez.
 9 Q Any others?
 10 A And I skimmed the one declaration from one of
 11 the students.
 12 Q Help me understand this. You skimmed the
 13 declaration or the deposition?
 14 A Deposition.
 15 Q Okay. When did you read Mr. Rodriguez's
 16 deposition?
 17 A At least a year ago.
 18 Q And what was the occasion that caused you to
 19 read that?
 20 A Initially I was in shock.
 21 Q Why?
 22 A That he made those comments. And so I wanted
 23 to find out what he was saying.
 24 Q And when you say you were in shock, what did
 25 you mean by that?

1 A Well, the things that he addresses in there are
 2 things that I don't think are fully truthful. I don't
 3 think it was meant in the sense of Mr. Rodriguez sharing
 4 things that he was lying, but I'm saying to you that I
 5 assure you that his comment, in regards to textbooks and
 6 a few other things, were not accurate.
 7 Q And did you have any discussions with Mr.
 8 Rodriguez about his deposition?
 9 A Only once.
 10 Q And when was that?
 11 A It seems like a year ago.
 12 Q And this was before or after you read the
 13 deposition?
 14 A Probably after.
 15 Q And how did that happen? Did you call him up
 16 and say, "I'd like to meet with you" or did he come to
 17 your office or did you go to the campus? What happened?
 18 A I called him in my office. And, again, this is
 19 from memory. I'm hoping this is correct. I don't mean
 20 to sound ambiguous about this, but I think it was in my
 21 office, and I just asked him, you know, what was, you
 22 know, his intent on this and what happened. And he
 23 explained to me that he had someone that he was familiar
 24 with that asked him to meet with him, and he did.
 25 Q Okay. And did you ask him what the basis of

1 his statements were?

2 A No.

3 Q How long would you say the discussion took?

4 A Oh, five or ten minutes.

5 Q Did you say to him, "Give me any information
6 that you have that support those statements"?

7 A No, because I had already found that out.

8 Q What does that mean?

9 A Well, Mr. Rodriguez's concern was based on not
10 having a textbook in a class that had a textbook and he
11 wanted a particular textbook that was ordered for him by
12 the school administrator, but it wasn't there at the
13 time at the beginning of the year. And it was very
14 logical why it wasn't there at the beginning of the
15 year, because he was a first-year teacher and just
16 ordered it. So it takes a while to get textbooks. But
17 for that particular class, and for every other math
18 class in Santa Paula, textbooks are available to
19 students, and they have textbooks to use at home as
20 well. So I was disappointed that that was an issue.

21 Q Did you ask him about any statement in his
22 deposition in particular?

23 A No.

24 Q Did you ask to see any declaration that was in
25 this case?

1 A No.

2 Q Did you ask anybody to see any of the
3 declarations that were filed in this case?

4 A No.

5 Q Any reason why not?

6 A Well, Nick is a superstar. Nick Rodriguez is
7 an absolute superstar with great potential as a teacher,
8 and somebody that we're grooming to teach our highest
9 level math classes and take leadership in the
10 mathematics department. It was just a clarification
11 meeting, from my standpoint.

12 Q You regard him as an impressive educator?

13 A Very much so. Great potential for the future.

14 Q He's been a straight shooter with you as far as
15 you know?

16 A Oh, yes.

17 Q And at any point -- maybe you just answered
18 this, and if you did, just say, "Counsel, I already said
19 this." You asked him for any clarification as to why he
20 made those -- any of the statements in the deposition?

21 MS. KOURY: Asked and answered.

22 BY MR. ROSENBAUM:

23 Q You already answered that for me?

24 A Yes.

25 Q Okay. And did he say anything in this meeting?

1 MS. KOURY: Objection. Asked and answered.

2 MR. ROSENBAUM: Go ahead. Help me out here. I
3 don't remember your answer.

4 MR. RAMOS: You can answer but the objection
5 has been noted.

6 THE WITNESS: Okay. Yes, he just basically
7 said that he was doing this as a favor to somebody that
8 he was familiar with and that was in the process of
9 becoming an attorney, maybe in law school. I'm not sure
10 exactly who that person was, but it was a person from
11 the area that he knew and I think went to high school
12 with.

13 BY MR. ROSENBAUM:

14 Q Did he say anything else that you recall?

15 A No.

16 Q And have you had any subsequent discussions
17 with him?

18 A No.

19 Q Was anyone else present at this meeting?

20 A No.

21 Q This meeting took place in your office?

22 A As I recall.

23 Q Now, you also told me that you looked at one of
24 the students' depositions?

25 A Yes. Nellie. And I don't have Nellie's last

1 name off the top of my head. Works for me, she's a
2 wonderful young lady, honor student and outstanding
3 person and --

4 Q Person of high integrity?

5 A Absolutely. Senior this year.

6 Q Did you ever discuss her deposition?

7 A Never.

8 Q I take it you didn't spend a lot of time
9 reading that deposition; is that right?

10 A No, I didn't.

11 MS. KOURY: Objection. Mischaracterizes his
12 testimony.

13 BY MR. ROSENBAUM:

14 Q And how long would you say you spent looking at
15 her deposition?

16 A Five, ten minutes.

17 Q Did you at any point attempt to investigate any
18 of the statements that she made in her deposition?

19 A No.

20 Q Any reason why not?

21 A I didn't pull anything off the deposition. I
22 really couldn't quite understand the logic of the
23 deposition.

24 Q Did you seek any clarification about anything
25 she said?

1 A No.
 2 Q Any reason why not?
 3 A I didn't see anything that was offensive.
 4 Q And have you ever talked to her about the
 5 deposition?
 6 A No.
 7 MS. KOURY: Objection. Asked and answered.
 8 BY MR. ROSENBAUM:
 9 Q So far as you know, does she know you looked at
 10 the deposition?
 11 A As far as I know, I don't think she does.
 12 Q Now, you also told me that you visited the Web
 13 page decentschools.org?
 14 A Yes.
 15 Q When did you do that?
 16 A I know it's been there much longer, but it
 17 seemed to become very public approximately three or four
 18 months ago, and I think the communication came from
 19 CSBA, you know, the regular mailing that I get from
 20 CSBA. They listed a Web site, and that's when I looked
 21 into it.
 22 Q Did they mention the Williams case?
 23 A Yes.
 24 Q And that was the first you had heard of the Web
 25 site, so far as you remember?

1 A Seems like.
 2 Q And did you look at the Web page on more than
 3 one occasion?
 4 A Maybe. I can't be defined on it. It could be
 5 maybe one or two times. I didn't spend much time with
 6 it.
 7 Q How much time would you say you spent?
 8 A As I said, five or ten minutes with Nellie's
 9 deposition.
 10 Q I'm sorry. Oh, that's -- I appreciate that.
 11 You checked out the Web page and you looked at Nellie's
 12 deposition as part of the Web page?
 13 A Yes.
 14 Q You got to that?
 15 A Yes.
 16 Q And is that how you got to Rodriguez's
 17 deposition?
 18 A No. I had a copy of Rodriguez's deposition.
 19 Q Do you recall who supplied you with that?
 20 A I don't recall.
 21 It might have come from your firm, Anthony.
 22 I'm not sure. Can you remember?
 23 MR. RAMOS: I don't recall.
 24 THE WITNESS: Yeah, I don't either.
 25 BY MR. ROSENBAUM:

1 Q That you looked at a hard copy from --
 2 A It was a hard copy with his.
 3 Q And regarding the Web page, besides Nellie's
 4 deposition, did you look at any other entries?
 5 A No.
 6 Q Any reason why not?
 7 A I didn't think we were involved in any negative
 8 way whatsoever.
 9 MR. RAMOS: For clarification --
 10 BY MR. ROSENBAUM:
 11 Q You're not involved in any negative way,
 12 Superintendent.
 13 MR. RAMOS: For clarification, I think it was
 14 Ms. Spiata who supplied Mr. Rodriguez's deposition.
 15 MR. ROSENBAUM: Thanks.
 16 Q Do you have an understanding, Superintendent,
 17 as to whether you're going to be a witness in this case?
 18 A No, I don't have an understanding.
 19 Q Anybody from Santa Paula, so far as you know,
 20 going to be a witness in this case?
 21 A I'm not aware.
 22 Q Have you had discussions -- I'm not interested
 23 in the content of the discussions, but have you had any
 24 discussions with Mr. Ramos about this case?
 25 A Yes.

1 Q On how many occasions?
 2 A Five? Four or five maybe.
 3 Q Has he given you any papers or materials
 4 relating to this case, besides the notice of deposition?
 5 A Nothing that I can think of offhand.
 6 Q And have you talked over this case with anyone
 7 else in his firm? Again, I don't want the content. I
 8 just want to know.
 9 A Not in any detail at all.
 10 Q Have you had any discussions with anybody on
 11 your staff about this case?
 12 A Only the other principal involved, Mr. Gaitan,
 13 who's been deposed. However, because of the need to
 14 provide materials last spring to your firm, there were
 15 several people that were gathering information.
 16 Q Mr. Gaitan is the principal at Santa Paula?
 17 A Santa Paula High School.
 18 Q And besides Mr. Gaitan, have you had any
 19 discussions with anybody on your staff about the case?
 20 I'm not interested about collecting materials, but
 21 substantive discussions.
 22 A Nothing in the sense of the dialogue that I had
 23 with my attorney. Nothing. Everybody's aware of it, of
 24 course, because it's a very public case.
 25 Q And how do you know everybody's aware of it?

1 A Well, the information that an administrator
2 gets from CSBA, it accents on every -- the Journal,
3 EdCal comes out, it's in there, practically on a regular
4 basis.
5 Q And have you seen Ms. Koury before today?
6 A I don't believe so.
7 Q Anybody from the law firm of O'Melveny & Myers,
8 as far as you know?
9 A No, I haven't.
10 Q Or anyone from the state attorney's general
11 office in relation to this case?
12 A No.
13 Q Have you had any discussions with anybody in
14 the Department of Education about this case?
15 A No.
16 Q Or anybody else?
17 A No.
18 Q Do you have an understanding, Superintendent,
19 about the purpose of the Williams case?
20 A Generally.
21 Q Tell me what that is, please.
22 A It addresses the idea of certain conditions in
23 certain schools affecting learning environments for
24 certain types of students.
25 Q Do you know what those conditions are?

1 A They have to do with instructional materials,
2 facilities, et cetera.
3 Q Do you know what et cetera is?
4 A Well, I would imagine it has to do with class
5 size, cleanliness, other things in that area.
6 Q Anything else?
7 A Not offhand.
8 Q Do you know who's being sued?
9 A I'm under the impression the State Department
10 of Education is.
11 Q Do you know if any district -- are you aware
12 that no districts are being sued?
13 A No, I'm not aware of that.
14 Q Are you aware that no schools are being sued?
15 A No, I'm not aware of that.
16 Q It's just the State of California and the
17 department.
18 A Okay.
19 Q Okay. Are you aware that no one's saying that
20 the districts are ultimately responsible for the
21 conditions that we're talking about, that it's
22 ultimately the State's responsibility? Did you
23 understand that?
24 A I'm not aware of that.
25 Q Are you aware that it's the State of California

1 that's suing the school districts, not the plaintiffs,
2 the Williams plaintiffs?
3 A I'm not aware of any of those questions that
4 you just asked.
5 Q And are you aware that one of the purposes of
6 the lawsuit is to make sure the districts like yours get
7 the resources they need so they can provide the
8 necessities of an education?
9 A I'm not aware of that.
10 Q Why don't you tell me, Superintendent Brand,
11 generally what your duties and responsibilities are.
12 A Well, as superintendent, my particular
13 responsibilities deal with addressing the issues of the
14 board and the vision of the board and implementing those
15 particular visions in the school system. I do oversee
16 administration and classified and certificated teachers.
17 Q And on occasions do you bring your visions to
18 the board for their response?
19 A Yes, I do.
20 Q You've done that, in fact, haven't you?
21 A Yes, I have.
22 Q And how many schools do you have responsibility
23 for?
24 A We have one comprehensive high school and one
25 alternative high school.

1 Q That's Renaissance; is that right?
2 A That's Renaissance High School. And an --
3 that's an alternative high school. And we do have an
4 Adult Ed program, approximately 1700 students total.
5 Q The Adult Ed is 1700?
6 A The whole district is 1700.
7 Q Santa Paula is about 1600?
8 A The comprehensive high school has about 1,550
9 students attending today.
10 Q Help me understand, Superintendent, if we had
11 to have break it down, it's about 85 percent Hispanic?
12 A 83 percent.
13 Q And what percent is white? About 14?
14 A Probably 16 percent. Then there's a 1 percent
15 other, if I'm doing my math correct.
16 Q You better. What grades does Santa Paula High
17 School include?
18 A 9 through 12.
19 Q And are -- the student numbers, do they break
20 down about equally for 9, 10, 11, and 12?
21 A Ninth grade is always your largest class, and
22 then there's an attrition that does take place. But we
23 have one of the lowest dropout rates in the county. Our
24 graduating class will run from 300 to 350 students.
25 Q Do you calculate dropout?

1 A Absolutely.
 2 Q How do you do it?
 3 A Well, there's a state formula that's used.
 4 Q And that's what you follow?
 5 A Yes.
 6 Q What is your dropout rate?
 7 A It's less than 1 percent.
 8 Q Now, are you involved, Superintendent Brand,
 9 with issues of developing the district's budget?
 10 A Yes, I am.
 11 Q How would you characterize your duties and
 12 responsibilities in that regard?
 13 A In regards to creating the budget or -- would
 14 you be a little more defined?
 15 Q Let's start there.
 16 A I work with the executive director of business
 17 and administration services in preparing the budget for
 18 the board.
 19 Q And what's -- it's a her, right?
 20 A Yes.
 21 Q What's her name?
 22 A Her name is Francine Torrigiani,
 23 T-o-r-r-i-g-i-a-n-i.
 24 Q And when does that process typically start?
 25 A We actually have a calendar that -- it takes a

1 full year to do this, and we have several meetings with
 2 a budget advisory committee, as well as budget workshops
 3 and so on. The finalization is at the end of June for
 4 implementation July 1. The mandate of the budget is
 5 very clear from the standpoint that we have to have a
 6 budget through the county office by a certain date.
 7 Q Do you know what that date is?
 8 A I would think it would be the first week in
 9 July.
 10 Q And you work closely with your executive
 11 director in this project?
 12 A I work in the end of the budget. I'm not the
 13 nuts and bolts figure-type involvement. I'm at the end
 14 of the bottom line.
 15 Q For the current school year, what is the budget
 16 of your district?
 17 A It's approximately 14 or \$15 million.
 18 Q And can you tell me generally where you get
 19 that money, what's the breakdown?
 20 A Obviously it's state and federal funds and
 21 revenue growth. We do have many grants that are
 22 implemented and categorical funding.
 23 Q You have a reputation of being a good grant
 24 writer, right?
 25 A We've been very fortunate, yes.

1 Q But when you were hired, that was one of the
 2 things that was said about you, is that you're a hot
 3 shot when it comes to grants?
 4 A I don't think that was said, but I have access
 5 to some very good grant writers that have been very
 6 successful.
 7 Q What percent of your budget do you get from the
 8 state?
 9 A I'm not aware of an exact figure.
 10 Q Can you give me your best estimate?
 11 A I would hate to because I wouldn't want to --
 12 Q You don't -- well, let me strike that.
 13 What percent of your budget do you raise
 14 yourself, either through grants or seeking donations,
 15 that sort of activity?
 16 MS. KOURY: Objection. Vague, ambiguous.
 17 BY MR. ROSENBAUM:
 18 Q Go ahead.
 19 A We don't have fund-raisers from that
 20 standpoint, but the grants probably would be less than 4
 21 or 5 percent.
 22 Q The swimming pool at the high school, that was
 23 funded by outside sources; is that right?
 24 A That was funded by a combination of a
 25 partnership that I'm very proud of.

1 Q And who is that a partnership with?
 2 A That was a partnership with the YMCA, the city
 3 of Santa Paula, Ventura College, the high school and
 4 elementary district.
 5 Q And it's --
 6 A And citizens in the community as well.
 7 Q And it's a state-of-the-art swimming pool,
 8 right?
 9 A It's a very, very fine swimming pool.
 10 Q If you hadn't been able to put together this
 11 partnership, would you have been able to construct the
 12 pool?
 13 MS. KOURY: Objection. Calls for speculation.
 14 It's also an incomplete hypothetical.
 15 MR. RAMOS: If you can rephrase your question,
 16 please.
 17 BY MR. ROSENBAUM:
 18 Q Sure. Tell me the reason that you tried to put
 19 together this partnership with respect to the pool.
 20 A Well, Santa Paula High School is a community
 21 high school and the town of Santa Paula is -- evolves
 22 around the high school, and the facilities from the high
 23 school are used by our community. If the swimming pool
 24 would have been closed, there would not have been a
 25 community swimming pool for the entire city of Santa

1 Paula. It's the only pool in town.
 2 Q Was there any state educational money that went
 3 into the construction of this pool?
 4 A We were only -- very fortunate that one other
 5 partner that I forgot to mention was the Jack
 6 O'Connell -- our wonderful senator, now state
 7 superintendent -- was able to also contribute. It was
 8 approximately \$80,000.
 9 Q Out of his own pocket?
 10 A No. Out of the state budget money.
 11 Q How much did the pool cost?
 12 A Cost approximately \$400,000.
 13 Q This \$80,000, that was not part of the usual
 14 monies you got to run your district; is that right?
 15 MS. KOURY: Objection. Leading.
 16 THE WITNESS: No.
 17 BY MR. ROSENBAUM:
 18 Q Is that right?
 19 A That's true, it was not.
 20 Q Now, when you say "revenue growth," what do you
 21 mean by that?
 22 A Has to do with enrollment. New students to the
 23 district.
 24 Q Is your district getting bigger?
 25 A We are growing gradually.

1 Q Do you have plans to expand the high school?
 2 A Well, we have some projects on board, some new
 3 developments, but at this point they haven't started
 4 yet, so we're in the talking process now.
 5 Q Are those projects about bringing portables
 6 into the campus?
 7 A No. They're about homes being developed in
 8 the --
 9 Q Tell me what that means.
 10 A Well, we're a soar community, a city --
 11 Q I'm sorry, what?
 12 A Soar, s-o-a-r. And so growth is not quite as
 13 prevalent in that type of community as in others and --
 14 but there are some housing developments that are -- have
 15 to go in front of the voters. And if they're approved,
 16 then that would bring new homes into Santa Paula. With
 17 the new homes, of course, comes student population.
 18 Q Do you have plans on the table as to what you
 19 would do if this increase in population occurs?
 20 A At this time we have tentative ideas. We have
 21 no plans because there has been no approved plan for
 22 housing yet.
 23 Q Would those tentative ideas -- would they
 24 include portables or would they include new buildings
 25 for the school?

1 A They would -- if the full growth were to take
 2 place in Santa Paula, they would probably include a new
 3 high school. We have a transition plan in mind if that
 4 were to take place. If the development were minimal,
 5 then Santa Paula High School could accommodate all new
 6 growth. We're very much understaffed in utilization.
 7 We have room probably for 4 or 500 more students.
 8 Q On the campus?
 9 A On the campus, existing campus.
 10 Q The buildings are already there?
 11 A Yes.
 12 Q And do you know where the funding would come
 13 from for the new high school?
 14 MS. KOURY: Objection. Calls for speculation.
 15 MR. RAMOS: Exactly. If we could define the --
 16 BY MR. ROSENBAUM:
 17 Q Have there been discussions as to where the
 18 funding would come from for the new high school?
 19 A No.
 20 Q Do you have, in your own mind, ideas as to
 21 where that new funding for the new high school would
 22 come from?
 23 A Only ideas.
 24 Q What are they?
 25 A There would be combinations of several. There

1 would be a state -- would be some state funding,
 2 possibly bond issues as well.
 3 Q Has there been any discussions with anyone at
 4 the state about that?
 5 A None.
 6 Q Or about a bond?
 7 A No. There's nothing concrete that's taken
 8 place in the city.
 9 Q Now, you're aware, I take it, that there are --
 10 there's discussion in Sacramento about budget cuts.
 11 A Yes.
 12 Q And that includes budget cuts in the area of
 13 education?
 14 A Yes.
 15 Q And have you had any discussions with Mr.
 16 O'Connell about those cuts?
 17 A No.
 18 MS. KOURY: Objection. Vague, ambiguous.
 19 BY MR. ROSENBAUM:
 20 Q Or with anybody at the state level?
 21 MS. KOURY: Same objection.
 22 THE WITNESS: No.
 23 BY MR. ROSENBAUM:
 24 Q Have you -- tell me again, please, the name of
 25 the woman who's your executive director.

1 A Francine Torrigiani.
 2 Q Torrigiani?
 3 A Yes.
 4 Q Have you had discussions with Ms. Torrigiani
 5 about the impact of these budget cuts?
 6 MS. KOURY: Objection. Vague, ambiguous.
 7 THE WITNESS: Yes.
 8 BY MR. ROSENBAUM:
 9 Q On more than one occasion?
 10 A Yes.
 11 Q Have any memos been prepared regarding them?
 12 A No.
 13 Q Have you given any directives to Ms. Torrigiani
 14 about planning for the budget cuts?
 15 A No.
 16 Q Tell me what the nature of the discussions with
 17 her have been.
 18 MS. KOURY: Objection. Vague and ambiguous,
 19 overbroad.
 20 THE WITNESS: It's been basically talking about
 21 being conservative this time. Obviously it affects
 22 negotiations with our personnel, and so we -- the
 23 direction at this point is to be sure that we're looking
 24 at this year and two years down the road. However, the
 25 district is very solvent, and we could withstand some of

1 their reductions, but at this point the governor hasn't
 2 made any. It's all speculation.
 3 BY MR. ROSENBAUM:
 4 Q Have there been any discussions with Ms.
 5 Torrigiani as to what it means to be conservative
 6 concretely?
 7 A Well, it's just a philosophy that I have as a
 8 superintendent, that you run your district very
 9 conservatively financially, and we've done that, and
 10 it's -- right now we have over 6 percent reserve.
 11 Q Is there a teachers union at Santa Paula?
 12 A Yes.
 13 Q And you have negotiations with them about
 14 salary schedules?
 15 A And contract, uh-huh.
 16 Q Are those negotiations ongoing, or are they
 17 going to take place sometime soon?
 18 A They've already started this year, and they are
 19 ongoing every year, and I sit at the table.
 20 Q I'm not interested in the confidential
 21 discussions, but I want to know generally if the budget
 22 cuts have been discussed.
 23 A None.
 24 Q Okay. Is the teachers union seeking a raise?
 25 A They wouldn't be a teachers union if they

1 didn't. Of course they are. We all want that, don't
 2 we?
 3 Q Have you done any projecting if there's a
 4 3 percent cut or a 5 percent cut or a 2 percent cut,
 5 what that would mean in terms of your programs?
 6 A No.
 7 MS. KOURY: Objection.
 8 BY MR. ROSENBAUM:
 9 Q What percent of the money that you get from the
 10 state, Superintendent, would you classify as
 11 discretionary monies, you spend any way the district
 12 wants?
 13 A I couldn't give you a percentage.
 14 Q Who's your state senator?
 15 A Jack O'Connell.
 16 Q Of course he is. Who's your assembly person?
 17 A Hannah-Beth Jackson.
 18 Q And has Assembly Person Jackson talked to you
 19 about the cuts at all?
 20 A No.
 21 Q Do you get regular briefings from CSBA about
 22 the cuts?
 23 A As part of their meetings. But at this point,
 24 again, it's premature. We haven't received anything
 25 other than what you read in the newspaper.

1 Q Okay. If there were a 3 percent cut, would
 2 that affect any of your operations?
 3 MS. KOURY: Objection. Calls for speculation.
 4 It's an incomplete hypothetical. It's also vague and
 5 ambiguous.
 6 MR. RAMOS: You can answer.
 7 THE WITNESS: Obviously it would affect it,
 8 when you're taking money away. However, as I said, we
 9 have been very solvent. Even with the 3 percent cut we
 10 would have a 6 percent reserve.
 11 BY MR. ROSENBAUM:
 12 Q Are you familiar with a piece of legislation
 13 entitled the "No Child Left Behind Act"?
 14 A Oh, yes.
 15 Q And what's your understanding of that act as it
 16 relates to your duties and responsibilities?
 17 A Well, it's a mandate that has to be enforced
 18 and -- by the school districts.
 19 Q What's your understanding as to what the nature
 20 of that mandate is?
 21 A Any school in the school district receiving
 22 federal funds has to follow No Child Left Behind
 23 guidelines and regulations.
 24 Q And what are the regulations or provisions that
 25 you understand you would be charged with enforcing?

1 A Well, any of the programs that we take the
2 funding from, categorical programs that we accept money
3 from.

4 Q And is there anyone on your staff whom you've
5 placed in charge of dealing with compliance with this
6 law?

7 A Yes.

8 Q Who's that?

9 A Director of educational services.

10 Q Who's that?

11 A His name is Joe Jauregui, J-a-u-r-e-g-u-i.

12 Q Do that again for me.

13 A J-a-u-r-e-g-u-i.

14 Q Did you give Mr. -- is it Mr. or Dr.?

15 A Mr.

16 Q Did you give Mr. Jauregui any directions or
17 instructions with respect to this law?

18 A I asked him to be our expert in that particular
19 area; however, we're waiting for the federal government
20 to really define many of the issues that are up in the
21 air right now.

22 Q Such as?

23 A Such as our legal responsibilities and
24 notifications and other areas.

25 Q Are you familiar with the provisions relating

1 your understanding. I know you're not a lawyer. Would
2 you, in your judgment, be in compliance today with
3 respect to the provisions?

4 MS. KOURY: Calls for speculation, also a legal
5 conclusion.

6 MR. ROSENBAUM: No, it's not.

7 MS. KOURY: It's also vague and ambiguous.

8 MR. ROSENBAUM: Hardly.

9 Q Go ahead.

10 MR. RAMOS: I also agree that it does call for
11 a legal conclusion.

12 BY MR. ROSENBAUM:

13 Q I want to be real clear, Superintendent Brand.
14 I know you're not a lawyer. I'm not asking you to be a
15 judge or a lawyer. I just want to know, as a
16 professional educator and superintendent of this school
17 district, in your judgment, would you be in compliance
18 with the law?

19 MS. KOURY: Same objection. Also, it's an
20 incomplete hypothetical since the statute still has not
21 been implemented. The regulations haven't been
22 mandated.

23 MR. RAMOS: I agree with the objection.

24 BY MR. ROSENBAUM:

25 Q Go ahead.

1 to highly qualified teachers?

2 A Yes.

3 Q Do you have an understanding of what that
4 phrase means?

5 A Yes.

6 Q What's your understanding?

7 A Fully credentialed.

8 Q And if that law were to be -- well, it is in
9 operation but I mean -- are you in compliance with that
10 law today as you understand it, with respect to highly
11 qualified teachers?

12 MS. KOURY: Objection. Vague and ambiguous.

13 MR. RAMOS: If we could take a small break
14 right here.

15 MR. ROSENBAUM: Let him answer the question
16 first.

17 MR. RAMOS: It's to talk to you, not for his
18 answer, so we can clarify that because the issue with
19 the No Child Left Behind and also what a qualified
20 teacher is -- under No Child Left Behind -- is still not
21 defined.

22 MR. ROSENBAUM: I'm just interested in his
23 understanding.

24 Q You're not a lawyer, Mr. Brand. That's why you
25 look relatively cheerful here this morning. I just want

1 MR. RAMOS: The legal definition has not been
2 determined yet, and there are still some ambiguities.
3 For him to say in his opinion or if he thinks, that's
4 fine.

5 MR. ROSENBAUM: Mr. Ramos, just make your
6 objection. You're not supposed to testify.

7 Q Superintendent, what's your answer?

8 MS. KOURY: For the record, my objection still
9 stands.

10 MR. ROSENBAUM: I'm sure it does.

11 Q Go ahead.

12 MR. RAMOS: I am going to advise him not to
13 answer the question as you've phrased it.

14 BY MR. ROSENBAUM:

15 Q Superintendent, what percent of the teaching
16 force at Santa Paula is fully credentialed?

17 A I actually wrote that down in my notes. We
18 have 71 certificated staff members, and 13 of the 71 are
19 noncredentialed teachers in programs in the university
20 system, which means it's 19 percent. However, all of
21 those 13 are in a university level program.

22 Q And so that, by my math, 58 of them are fully
23 credentialed; is that right?

24 A That would be right.

25 Q And are you familiar with the phrase "Emergency

1 Credential"? You're saying yes?
 2 A Yes, ma'am.
 3 Q And just for the record, Superintendent, tell
 4 me what your understanding is of what that phrase means.
 5 A Well, that means that somebody that is in a
 6 credential program but does have a degree in that
 7 particular area was and is given a credential to
 8 teach -- or an emergency credential to teach with a time
 9 limit upon it.
 10 Q And when you say "a degree," you mean a college
 11 degree?
 12 A College degree.
 13 Q And of the 13 who are not fully credentialed,
 14 how many of them are emergency credentialed, as you
 15 understand that phrase?
 16 A I have five on emergency credential.
 17 Q Do you know what subjects they teach?
 18 A I don't have that offhand.
 19 Q Do you know if they teach ELLs?
 20 A They do not.
 21 Q And just for the record, what's an ELL?
 22 A English Language Learners.
 23 Q And then you also have eight teachers who are
 24 not emergency credentialed but are not fully
 25 credentialed?

1 A Yes. I have one in a pre-intern program and
 2 seven that are in the university intern program. And of
 3 the seven, two are on leave.
 4 Q And "on leave" means that they will return and
 5 teach, that's your expectation?
 6 A Yes.
 7 Q You're saying yes?
 8 A Yes.
 9 Q And the pre-intern, is that a he or a she; do
 10 you know?
 11 A It's a female.
 12 Q And what does she teach?
 13 A She is on a pre-intern single subject English.
 14 Q And does she teach ELLs?
 15 A No.
 16 Q And does she teach AP or honors classes?
 17 A This year she has, for the first time, an
 18 advanced placement course in English.
 19 Q And the five emergency credential teachers we
 20 were talking about -- I might have asked you this and I
 21 apologize if I did. Do you know what subjects they
 22 teach? Can we find out?
 23 A Yes, I do have that.
 24 Q What's that? What are they?
 25 A We have English, science, science, English, and

1 mathematics.
 2 Q Do you know what math class they teach?
 3 A Business math, Algebra I.
 4 Q And how about the two English teachers?
 5 A Tenth grade English, ninth grade English.
 6 Q Are there other ninth grade English teachers
 7 besides this teacher?
 8 A Yes.
 9 Q Are there other tenth grade English teachers
 10 besides that teacher?
 11 A Yes.
 12 Q Do either of these English teachers who are
 13 emergency credentialed teach AP or honors classes?
 14 A No.
 15 Q And how about the math teacher, does that
 16 person teach AP?
 17 A No.
 18 Q Or honors?
 19 A No.
 20 Q And the science teachers, what grades do they
 21 teach?
 22 A Ninth and tenth.
 23 Q And are there other ninth and tenth grade
 24 science teachers besides these teachers?
 25 A Yes.

1 Q How many others?
 2 A Approximately?
 3 Q Yeah.
 4 A Five to six.
 5 Q What science courses do they teach?
 6 A They teach ninth and tenth grade. That's
 7 biology, physical science level courses.
 8 Q Are there other biology teachers besides those
 9 teachers?
 10 A Yes.
 11 Q And other physical science teachers?
 12 A Yes.
 13 Q And do they teach AP or honors classes?
 14 A No.
 15 Q Now, we've done five emergency credentialed,
 16 one pre-intern, and then you have seven university
 17 interns, two who are on leave.
 18 A Yes.
 19 Q And of the five university intern teachers,
 20 what do they teach?
 21 A Health Ed, science, foreign language, Special
 22 Ed, English, Special Ed.
 23 Q Two Special Ed, one English, one foreign
 24 language, one science, and one Health Ed; is that right?
 25 A Yes.

1 Q And what's the foreign language?
 2 A Foreign language is Spanish.
 3 Q Incidentally, I notice as you're answering
 4 these questions, you're referring to a sheet?
 5 A Yes. A seniority list of credentialed teachers
 6 and their areas.
 7 Q You brought that with you today?
 8 A Yes, because I knew you were going to address
 9 that, so I wanted to be sure that the information was
 10 correct.
 11 Q I appreciate that.
 12 During a break, Mr. Ramos, if we could make a
 13 copy of that, I'd appreciate that.
 14 MR. RAMOS: Sure. I also believe it was
 15 produced.
 16 MR. ROSENBAUM: Okay.
 17 Q And you also brought some notes with you?
 18 A I only brought notes addressing the areas that
 19 you said you were going to be addressing, some follow-up
 20 information.
 21 Q Okay. And any of the university interns, do
 22 any of them teach AP courses?
 23 A No.
 24 Q Or honors courses?
 25 A No.

1 Q Any of them teach ELL students?
 2 A No.
 3 Q The numbers you gave me, 71 percent and --
 4 A 71 total certificated.
 5 Q I'm sorry. You're right. The ratio that you
 6 talked to me about, which is actually 81 percent to 19
 7 percent? Am I getting that right?
 8 A I had 19 percent. The 13 teachers represent 19
 9 percent of the 71 certificated.
 10 Q Yeah. That's what I meant. What was it last
 11 year, the percentage breakdowns between fully
 12 credentialed and not fully credentialed?
 13 A It was probably a little less because we have
 14 hired new teachers this year.
 15 Q What was a little less?
 16 A Oh, one or two.
 17 Q I mean the 81 percent was less or the 19
 18 percent was less?
 19 A The 19 percent was less probably, yeah.
 20 Q So you've added some teachers?
 21 A We added some teachers this year.
 22 Q And this year you added some -- did you add any
 23 fully credentialed teachers?
 24 A Yes.
 25 Q How many?

1 A I don't have the approximate number. The total
 2 we added this year was approximately 11. These are
 3 figures off the top of my head.
 4 Q Okay.
 5 A And of those I want to say we probably had two
 6 or three that were not fully credentialed.
 7 Q Two or three who were not fully credentialed.
 8 A Not, yes.
 9 Q I take it, Superintendent, you are involved
 10 with the hiring of teachers?
 11 A Yes.
 12 Q And with the retention of teachers?
 13 A Yes.
 14 Q Are you involved with the availability of
 15 textbooks?
 16 A Yes.
 17 Q And with the condition of textbooks?
 18 A Yes. Let me make it clear, though, the word
 19 "involved" in the sense I'm aware of those. I don't
 20 purchase them; I don't order them. The departments
 21 order them; administration follows through with their
 22 requests. But all our textbooks are state approved and
 23 in line with the standards.
 24 Q Have you reviewed the standards, by the way,
 25 yourself?

1 A Yes.
 2 Q In all the areas?
 3 A Yes.
 4 Q Are you involved with ELL programs?
 5 A Again, I'm not implementing the ELL programs.
 6 I'm aware of them. I obviously understand the mandates
 7 of them, but that's a site issue more than the district
 8 level.
 9 Q What does that mean?
 10 A Well, I'm not doing the day-by-day observation
 11 and evaluation of the ELL or any of the teachers on
 12 site.
 13 Q What about conditions of facilities, are you
 14 involved with those?
 15 A The director of maintenance and operations is
 16 on my cabinet and is one of my classified
 17 administrators, and on a weekly basis we meet and
 18 discuss situations that need to be addressed.
 19 Q When you say "on a weekly basis," your cabinet
 20 meets or --
 21 A Yes, my cabinet meets.
 22 Q When do you meet?
 23 A Every Monday morning.
 24 Q Are you involved with the issues relating to
 25 standards-based assessments?

1 A Yes, I'm aware of them.
 2 Q Are you involved with -- what does that mean?
 3 A Well, I don't -- again, district superintendent
 4 doesn't evaluate teachers. He takes the recommendations
 5 from the site administration. So I'm aware of that form
 6 of evaluation.
 7 Q What about -- you know what the Stanford 9 is?
 8 A Yes.
 9 Q Do you know what the California Achievement
 10 Test is?
 11 A Yes. CAT 6.
 12 Q CAT 6?
 13 A Yes.
 14 Q You know what the high school exit exam is?
 15 A Yes.
 16 Q Are you involved with any of those programs?
 17 A Only from the standpoint of a vision.
 18 Q What does that mean?
 19 A For the exit exam, the vision of needing to be
 20 sure that all our students get through that exit exam.
 21 Q When you say "get through," you mean pass it,
 22 right?
 23 A Pass it.
 24 Q Do you think they all can?
 25 A It's a challenge. We have some obstacles,

1 obviously, and especially being a high school district,
 2 we're getting our kids in the ninth grade. But we're
 3 working on it very, very hard and also creating some
 4 very unique programs that are -- that will be models, I
 5 think, in the state.
 6 Q It is your belief that all your kids can pass
 7 that exam?
 8 A Absolutely.
 9 Q That's true of any kid in the state, isn't it?
 10 A Excuse me?
 11 Q That's true of any kid in the state? They all
 12 can pass it if they --
 13 A I believe if we do what we need to do, we can
 14 get kids through. Obviously some students may need some
 15 accommodations.
 16 Q When you say, "Do what we need to do," what do
 17 you mean by that?
 18 A Well, I think it's a situation that we have in
 19 education right now that that has to be the priority.
 20 Without a high school diploma, the quality of the life
 21 of that individual is going to be very, very low. So it
 22 has to be the forefront of education right now, and so
 23 the schools have to have a program, a model that
 24 students will go through. And, unfortunately, if
 25 they're not passing it initially, they need to be put

1 into a model to remediate their lack of skills in
 2 certain areas.
 3 Q It's your core of belief as a professional
 4 educator that these kids could do it if they're properly
 5 supported; isn't that right?
 6 A It is definitely true. I wouldn't be in
 7 education if I didn't believe that.
 8 Q Are you involved in the hiring, retention of
 9 counselors?
 10 A Yes.
 11 Q What's the nature of your involvement with
 12 respect to that?
 13 A I interview all certificated employees before
 14 we recommend them to the board.
 15 Q You know what detracking is?
 16 A Yes.
 17 Q That's your vision, isn't it? Part of your
 18 vision?
 19 A Yes. In fact, we were written up in "TIME"
 20 magazine because of the detracking issue. When I
 21 arrived in 1996, we had standard classes. These are
 22 low-level classes that lead to nowhere. And we
 23 eliminated all the standard classes in the school and
 24 created college prep, honors, and AP classes and opened
 25 up access for students to more rigorous curriculum.

1 Q Do you know, Superintendent Brand, the numbers
 2 of kids in the state of California in high schools that
 3 are in standard classes as you've described it?
 4 A No.
 5 MS. KOURY: Objection. Calls for speculation.
 6 BY MR. ROSENBAUM:
 7 Q Do you have a sense of what the percent would
 8 be?
 9 MS. KOURY: Same objection.
 10 THE WITNESS: It would just be a guess. I have
 11 no idea.
 12 BY MR. ROSENBAUM:
 13 Q There are some, though, right? Many?
 14 A Again, it would be a guess.
 15 MS. KOURY: Objection. Misleading.
 16 BY MR. ROSENBAUM:
 17 Q Let's just do some defining here. When you
 18 talk about standard classes that lead to nowhere, what
 19 does that mean?
 20 A Well, these are classes with skill levels
 21 presented to students that they should have learned in
 22 K-8 system, and they're not challenging. They're not
 23 kinds of things that the students will be able to use in
 24 a productive way to get jobs after high school or go
 25 on to colleges and so on. And, unfortunately, students

1 start believing that they cannot do these things, and it
2 becomes kind of a blueprint for them. And they walk in
3 and they realize, oh, I'm in a low class so I start
4 acting like a low-level student and discipline becomes a
5 problem, et cetera and so on. And my passion for this
6 was in Escondido, when I did the same thing in
7 Escondido, we eliminated those classes.

8 Q The self-esteem is a big part of student
9 achievement; isn't that right?

10 A I believe it is.

11 Q Why do you think that?

12 A You support kids and you let them know that
13 there's hope, a light at the end of the tunnel, they can
14 be successful. But you have to have the support. You
15 can't just say, "Tomorrow you're going to be an honors
16 student." You have to support them. And we do that by
17 tutoring; we have extensive programs for students in the
18 area of support.

19 I want to share a figure, though, with you.
20 When we eliminated standard classes, we took 800
21 students and put them in college-prep classes, and that
22 was half of the student body. The breakdown of the
23 grades after the first term, we had 45 percent of the
24 entire school with a 3.0 grade point average. So we
25 raised the bar, and they met it.

1 Q And the kids responded.

2 A Yes. We're very proud of that.

3 Q Part of that support means giving these kids
4 the same sorts of teachers and instructional materials
5 as kids in other districts who are in challenging
6 curriculum programs; isn't that right?

7 MS. KOURY: Objection. Calls for speculation.
8 It's also leading, mischaracterizes his testimony.

9 MR. ROSENBAUM: Oh, come on. This is a
10 professional educator with a vision. That is
11 disrespectful to him.

12 MS. KOURY: It also mischaracterizes his
13 testimony and it's leading.

14 MR. RAMOS: If you can rephrase the question, I
15 would appreciate it.

16 BY MR. ROSENBAUM:

17 Q Wasn't that your vision, sir, that the students
18 in Santa Paula should have the same opportunities in
19 terms of instructional materials and teachers to support
20 them so that they could succeed with the rigorous
21 curriculum?

22 MS. KOURY: Objection. Lacks foundation, it
23 also mischaracterize his testimony. It's leading and
24 vague and ambiguous.

25 MR. ROSENBAUM: It's just an open-ended

1 question.

2 Q Wasn't that your vision?

3 MS. KOURY: An open-ended question would be
4 "What was your vision."

5 BY MR. ROSENBAUM:

6 Q Go ahead.

7 MR. RAMOS: If you would rephrase it, "What was
8 your vision," I would --

9 BY MR. ROSENBAUM:

10 Q Wasn't that your vision?

11 A State the question one more time.

12 Q Wasn't that your vision that if you gave the
13 kids at Santa Paula the source of instructional
14 materials and teacher support the kids in other
15 districts who were in college prep and rigorous
16 curriculum, that your kids would respond positively?

17 MS. KOURY: Objection. Mischaracterizes his
18 testimony. He never testified anything regarding
19 instructional material from other districts or
20 challenges from other districts.

21 THE WITNESS: I would --

22 MS. KOURY: It's also leading.

23 THE WITNESS: I would support her statement as
24 well. My vision was for Santa Paula students, and my
25 vision was that there was a perception in Santa Paula

1 and students couldn't achieve, and that was a perception
2 we worked on and changed. And now we have some
3 state-of-the-art programs, and we have some models that
4 are being used statewide, two award winning programs.

5 MS. KOURY: Can we take a two-minute break?

6 MR. ROSENBAUM: Sure.

7 (Recess.)

8 MR. ROSENBAUM: Back on the record.

9 Q You doing okay, Superintendent Brand?

10 A Yes, thank you.

11 Q When you came in with this vision of
12 detracking, to your knowledge, is there any academic
13 literature that discusses this notion? Doesn't have to
14 use this name, but the ideas that you're talking about.

15 A I'm not sure that I could pinpoint it down to
16 literature. There's -- it's a philosophy, I would
17 imagine, that I read about. At one time I wanted to be
18 a counselor, and I started that vision thinking that
19 vision many, many years ago. But obviously it's not an
20 original idea. I don't want you to think I created
21 detracking.

22 Q Have you read articles or pieces about it?

23 A Yes.

24 Q Do you know any of the persons who have talked
25 about this?

1 A Seems like it was Jeannie Oakes, who was the
2 most recent -- I think she's from -- still at UCLA.

3 Q Have you ever talked with her about these
4 ideas?

5 A No.

6 Q Have you ever heard her speak?

7 A No, I haven't.

8 Q You regard her as an expert in this area?

9 MS. KOURY: Objection. Mischaracterizes his
10 testimony.

11 THE WITNESS: No, I don't. I want to share
12 that. I don't mean to discredit Jeannie Oaks. I don't
13 know her. I don't think anybody's an expert unless
14 they've been a high school principal. That's where you
15 really see and know about achievement.

16 BY MR. ROSENBAUM:

17 Q Now, how did you go about implementing
18 detracking?

19 A It was a long process, and it was a very
20 challenging process. Again, I'm relating only to Santa
21 Paula High School District. I began talking with
22 departments and meeting with teachers and individuals
23 and so on and found a very receptive audience in many of
24 the areas but resistance in many other areas. And the
25 reason for the resistance is very simple. A lot of the

1 criteria that was set up for children or high school
2 students, in my mind, were obstacles for success and
3 access to rigorous curriculum. Detracking to me is only
4 access to rigorous curriculum. That's what the key of
5 detracking is.

6 And the process prior to my arrival was to get
7 into that class, you had to pass this writing prompt,
8 that reading level, et cetera. And I came in and shared
9 my philosophy that the eighth grade teacher should make
10 the recommendation for students on the level of classes
11 for the next year, the ninth grade. And of course
12 that's earthshaking to some teachers.

13 Q What are the feeder schools to Santa Paula High
14 School?

15 A We have one large feeder district, Santa Paula
16 Elementary and three very small districts, Mupu, Briggs,
17 and Santa Clara.

18 Q Can you spell the first one?

19 A M-u-p-u.

20 Q And is it fair to say, Superintendent, that
21 when kids get to the ninth grade at Santa Paula, they're
22 not always prepared to the degree you'd like them to be?

23 MS. KOURY: Objection. Leading, lacks
24 foundation, calls for speculation, also calls for expert
25 testimony.

1 BY MR. ROSENBAUM:

2 Q Go ahead.

3 A We have approximately 75 percent of the
4 students under the 50 percent SAT 9 level coming into
5 the high school district.

6 Q Have you ever conducted any investigation as to
7 any of the conditions of learning at any of the feeder
8 schools?

9 A No, that wouldn't be my responsibility.

10 Q Do you know what the percentage of not fully
11 qualified teachers are in any of those schools?

12 A No.

13 Q Any availability of instruction materials?

14 A No.

15 Q Or the conditions of any of the facilities?

16 A No.

17 Q And you said that -- what percent of kids in --
18 strike that.

19 Do you ask the eighth grade teachers at the
20 feeder schools for recommendations?

21 A Yes.

22 Q And what percent of the kids coming to your
23 school get those recommendations?

24 A You're talking about academic recommendations?

25 Q Yes, sir.

1 A This would be general?

2 Q Yes.

3 A We approximately have -- out of the class of,
4 say, 450 coming into the ninth grade, we would have 125
5 that would be in the honors level. And I'm very proud
6 of that.

7 Q What are the other levels?

8 A That's only college prep and honors.

9 Q And what percent are college prep? Maybe I'm
10 not understanding this. 125 are --

11 A 125 students are recommended for honors ninth
12 grade classes.

13 Q And college prep?

14 A The other 300-plus would be regular
15 college-prep classes. And of course we do have Special
16 Ed students so that would be really less than that.

17 Q That includes the ELL students?

18 A The ELLs come in with defined levels that they
19 would be going into. We have all four levels of English
20 Language Learner program.

21 Q Are there ELL honors courses?

22 A They're not honors. There's SDAIE courses.
23 And once through SDAIE, then they would be in the
24 college-prep classes.

25 Q Are there -- you may give me the same answers

1 you just gave me. Are there ELL AP courses?
 2 A Yes.
 3 Q How many?
 4 A Spanish advanced placement, one class.
 5 Q Any others?
 6 A No. But I do want to share with you that that
 7 particular course, the teacher has had five straight
 8 years of 100 percent pass rate on the Advanced Placement
 9 Test.
 10 Q Do you know how ELL students do on other AP
 11 courses?
 12 A No, I'm not aware.
 13 Q Has there been any investigation to find out?
 14 A No. Most of the ELL students that are
 15 officially in the ELL program were not ready for the
 16 advanced placement courses, other than the Spanish
 17 course.
 18 Q The SDAIE teachers, are any of them --
 19 A SDAIE course.
 20 Q SDAIE classes -- I'm not just doing that for
 21 the reporter's benefit -- any of those classes taught by
 22 individuals who are not fully qualified, fully
 23 credentialed?
 24 A I'm not aware.
 25 Q It's possible; you're just not sure?

1 A And I say I'm not aware because I think they
 2 all are credentialed, but I want to say that I'm leaning
 3 towards hundred percent credentialed. Mr. Rodriguez is,
 4 for example.
 5 Q What percent of your student body is ELL
 6 population?
 7 A It would only be a guess because you're
 8 defining English Language Learners as students that are
 9 officially enrolled in the program and not students that
 10 are English -- English is not their language of home
 11 language, so I would think that probably about 20
 12 percent of the school would be officially in the English
 13 Language Learner program.
 14 Q You mentioned to me that 45 percent of the
 15 kids -- what characterized them when you gave me that
 16 number?
 17 A I was sharing with you that when we eliminated
 18 the standard classes, we did a -- and we do for every
 19 term -- a breakdown of grades, A's, B's, C's, D's and
 20 F's and by subject and core classes and so on. And we
 21 found that our first changeover -- we're taking 800
 22 students that had been in low-level classes and putting
 23 them into college-prep classes and even honors and
 24 advanced placement classes -- that we had 45 percent of
 25 the school with a 3.0 grade point average -- that's the

1 entire school -- and 72 percent of the entire school
 2 with a 2.0 or better grade point average. And the
 3 reason I share that with you is that that was the thing
 4 that everybody was very nervous about, "Well, let's see
 5 when the grades come out." And we found that the grades
 6 were just about the same as before.
 7 Q That would mean 28 percent were C or below C?
 8 A Approximately, yes, if you're using those
 9 figures.
 10 Q What about today, do you know what the
 11 percentage is?
 12 A It's running about the same. I just received
 13 one from our first term, and we're approximately in the
 14 same ball --
 15 Q 45 percent A or B?
 16 A Yeah.
 17 Q 72 percent C or above?
 18 A Yeah. Little higher on the C level and
 19 obviously higher when you're talking about juniors and
 20 seniors. The key is getting students through the tenth
 21 grade for success. That's my 38 years in the business.
 22 We get them through the tenth grade, we can get them
 23 through high school. But that tenth grade is very, very
 24 much a transitional year for us.
 25 Q 28 percent, give or take, D or F; is that

1 right?
 2 A Yes, approximately. I want to be sure you
 3 understand that 28 percent is grades, not 28 percent of
 4 the school D and F students. That means a D in a class
 5 only.
 6 Q Do you know what percent of the school has an
 7 average below C?
 8 A No, I don't.
 9 Q What are the conditions, in your judgment,
 10 based on your experience, Superintendent, that are
 11 necessary to accomplish the goals of the detracking
 12 system?
 13 A Well, first of all, I think there has to be
 14 outstanding instruction. In my mind, it's very simple
 15 to me how we have student success. Outstanding teaching
 16 by fully credentialed teachers and parent and family
 17 support. And with those two elements, I think we can
 18 create student success. Now, as it relates to the
 19 detracking issue, support had to be put into -- had to
 20 give support to the students and encouragement that
 21 "Don't get frustrated if the level seems to be difficult
 22 for you because we have someone there for you, a place
 23 to go for help, and we'll continue to monitor you, and
 24 there will be some light at the end of the tunnel."
 25 Q Where did you get the money to do this?

1 A Various categories. Some obviously
 2 categorical, some from general, the budget, general
 3 budget.
 4 Q Do you have all the money you need to do the
 5 program the way you'd like to do it?
 6 MS. KOURY: Objection. Vague, ambiguous.
 7 MR. RAMOS: You can answer.
 8 THE WITNESS: At this point we have been able
 9 to do our programs with adequate amount of money.
 10 Obviously every district would like more.
 11 BY MR. ROSENBAUM:
 12 Q What would you do if you had more?
 13 MS. KOURY: Objection. Vague and ambiguous,
 14 calls for speculation. It's also an incomplete
 15 hypothetical.
 16 THE WITNESS: I think we would just expand the
 17 programs that we do have here. With the exit exam right
 18 now, it's like an anvil over the top of the high school
 19 district and high school principals and staff and so on,
 20 and it's heavy, heavy weight. And the more individual
 21 instruction that we can provide for the students who
 22 need it in the remediation point of it, the better for
 23 kids. Because most of the -- the majority of students
 24 will pass the exit exam on the first or second attempt.
 25 It's the hangers on, the last group of kids that we

1 really need to put our efforts towards.
 2 BY MR. ROSENBAUM:
 3 Q When you say a heavy weight and animal, what do
 4 you mean by that?
 5 A "Anvil" I was using. It's from a standpoint
 6 that I feel a real responsibility as a school
 7 administrator to get everyone through this examination.
 8 I know it's important for them to have these skills, and
 9 I want them to have a quality of life. In Santa Paula,
 10 the community of Santa Paula, the alternatives are so
 11 negative without education, and I'm very concerned about
 12 that. So it's a passion that I have, for students to be
 13 successful.
 14 Q Okay. And you told me earlier that you have
 15 reviewed the standards, the educational standards; is
 16 that right?
 17 A Yes.
 18 Q And those are the standards in part upon which
 19 the high school exit exam is based?
 20 A Well, the high school exit exam and also the
 21 SAT 9 and now the CAT 6, those are teaching standards
 22 that need to be implemented in core classes.
 23 Q Have you ever investigated, Superintendent, the
 24 degree to which the SAT 9 was -- in fact reflected the
 25 curriculum in your schools?

1 MS. KOURY: Objection. Vague, ambiguous.
 2 BY MR. ROSENBAUM:
 3 Q You know, alignment. Did you ever take a look
 4 at the degree to which SAT 9 was aligned with your
 5 curriculum?
 6 MS. KOURY: Same objection.
 7 THE WITNESS: Well, it's not aligned entirely.
 8 But we do have actual evaluation -- teacher evaluation
 9 forms that have on there the standards are being taught,
 10 and we do ask teachers, when you walk into a classroom,
 11 to have the standard on the board that you're teaching
 12 for that particular lesson.
 13 BY MR. ROSENBAUM:
 14 Q Do you know the degree to which the SAT 9 was
 15 aligned with your curriculum?
 16 A No, I don't.
 17 Q Do you have any estimate, any ballpark figure?
 18 A That would only be a guess, and I wouldn't feel
 19 comfortable about giving a guess on that.
 20 Q How about CAT 6?
 21 A We haven't given a CAT 6 yet. It will come in
 22 the springtime. So we're hoping to see more success
 23 with the CAT 6. We hear it's more aligned.
 24 Q When you say "more success," what do you mean
 25 by that?

1 A Well, because of teaching the standards as our
 2 basis here, the CAT 6 is supposed to be closer to the
 3 alignment of what we're actually teaching in the
 4 classroom in California.
 5 Q Why do you hope it's more successful in that
 6 regard?
 7 A Well, when you get yourself in a national norm
 8 situation, you're talking about the entire United
 9 States, and we're trying to focus in on what is
 10 important in California.
 11 Q So you'd like it to be a hundred percent
 12 alignment?
 13 A Oh, I think eventually it will be.
 14 Q And the reason you'd like it to be a hundred
 15 percent alignment is what?
 16 A So we can assure students and families that if
 17 we're doing our job in the classroom, that your child is
 18 going to pass this and get a diploma and walk down that
 19 aisle and get his cap and gown, et cetera.
 20 Q That's pretty basic stuff.
 21 A Wow. It is so important.
 22 Q And do you know when it's going to be a hundred
 23 percent aligned, the CAT 6?
 24 A No, I don't.
 25 Q Have you heard any information as to when it's

1 going to be a hundred percent aligned?
 2 A No, I don't.
 3 Q How about the high school exit exam, have you
 4 ever investigated the degree to which the information
 5 tested on that exam is aligned with the curriculum you
 6 teach?
 7 A No, I haven't.
 8 Q Do teachers in your school prepare kids for the
 9 SAT -- did they prepare kids for the SAT 9?
 10 A Yes.
 11 Q What did they do?
 12 A We actually had a prep session, that we created
 13 an extended day schedule where we had 20 minutes, part
 14 of the middle of the day, where students received
 15 instruction in math and English. That was for last
 16 year.
 17 Q Had it been done before?
 18 A We had modification kinds of things.
 19 Q What does that mean?
 20 A We had -- we actually had two different models
 21 that we were using. The one that we used last year was
 22 the most successful with the 20 minutes put into the
 23 instructional day. The year before, we gave a sample
 24 SAT 9 test that -- to get an idea of where the kids
 25 were. And then one year -- it's the only year we didn't

1 meet our API, by the way. Everybody felt they were
 2 ready to go, and unfortunately they weren't. We missed
 3 our API by a couple of points. But last year we
 4 improved 20 points on our API.
 5 Q And the year before?
 6 A We missed it by 4 I think. And we made it the
 7 other years.
 8 Q And your ranking's a 3?
 9 A Yes. And -- but similar schools it's very
 10 high, 9 or a 10.
 11 Q It's more like a 7?
 12 A 9 or a 10.
 13 Q Okay. And the 20 minutes -- let me break this
 14 down, but the sample SAT 9 test, all your students got
 15 that?
 16 A 9, 10, 11.
 17 Q And where did you get that sample test?
 18 A I believe it came from Hard Core Brace.
 19 Q And then did the teachers go over the results
 20 with the students?
 21 A We had -- we gave the teachers the results of
 22 the SAT 9 prior so that the teacher actually had, in
 23 their possession, the results of -- of their class, of
 24 the students in those particular areas.
 25 Q And then were they directed to review those

1 results with the students?
 2 A Yes.
 3 Q Do you know how much class time was spent on
 4 that?
 5 A No, I don't.
 6 Q And then, the next year, they -- you were
 7 telling me about this 20 minutes a day?
 8 A That was last year.
 9 Q And what does that mean? 20 minutes a day
 10 every day?
 11 A It was -- it began at second term and it lasted
 12 approximately four weeks. I'm not sure of the time, but
 13 it was built into the middle of the day where a
 14 particular block -- we're on a block schedule, three
 15 blocks a day. Particular time during the day they would
 16 address the SAT 9 and go over that with the students in
 17 the classes.
 18 Q Were students told that "Now it's SAT 9 time"?
 19 A Right.
 20 Q And did students also get instruction in terms
 21 of test taking?
 22 A I would imagine so, yes.
 23 Q Do you know when that was done?
 24 A No, I don't.
 25 Q That may have been in addition to the 20-minute

1 period?
 2 A I think the difference in testing today versus
 3 years ago is students are now aware that there is
 4 accountability with testing. There's a great deal of
 5 accountability with the exit exam, and students are
 6 aware of that. They know that exit exam has to be
 7 passed. We'd love to get that same mind-set with the
 8 CAT 6 coming up and then obviously in the SAT 9
 9 previous, but that's a very big difference in test
 10 taking.
 11 Q That there are high stakes.
 12 A There's consequences, uh-huh.
 13 Q As far as you know -- strike that. You told me
 14 kids did get some instruction in test-taking abilities?
 15 A I would imagine so. We followed the general
 16 format, you know, and asked them to get good night's
 17 sleep. And we actually provided a snack for them, and
 18 we did all we could. We have assemblies for successful
 19 classes, and we gave incentives, anything we could do to
 20 have the students do well on that very important test.
 21 Q And do you know how much time was devoted to
 22 test-taking skills in the classes?
 23 A No, I don't.
 24 Q And you're aware that there were incentive
 25 awards as part of the API system?

1 A Uh-huh.
 2 Q You're saying yes?
 3 A Yes.
 4 Q And teachers could get incentive rewards?
 5 A Yes.
 6 Q Did any of your teachers get them?
 7 A Yes. One year.
 8 Q How many of your teachers?
 9 A One year we received the incentives and we took
 10 half of the funding and gave the teachers a 1 percent
 11 bonus.
 12 Q And do you know if those incentives are going
 13 to continue to exist with respect to the API?
 14 A This year we gave the teachers a 1 1/2 percent
 15 bonus for meeting the API and classified a 1 percent
 16 bonus.
 17 Q Did that money come from the state or --
 18 A General fund.
 19 Q Not from the state?
 20 A Not from the state.
 21 Q And do you know if the incentive part, in terms
 22 of the state payments, whether or not that's going to
 23 continue as part of the API?
 24 MS. KOURY: Objection. Vague and ambiguous,
 25 also calls for speculation. Are you asking him -- well,

1 just state my objection.
 2 MR. RAMOS: If you can rephrase the question, I
 3 think a better question would be, "Do you know if the
 4 governor's going to continue the program."
 5 BY MR. ROSENBAUM:
 6 Q What's your understanding as to the intention
 7 with respect to the program?
 8 A At this time it's up in the air, and that's my
 9 understanding. I'm not aware of one way or the other,
 10 though.
 11 Q Did you do any analysis -- did the district do
 12 any analysis as to how particular teachers' classes did
 13 from year to year?
 14 A Yes.
 15 Q And what were your findings?
 16 A Well, we went to a professional firm called
 17 Data Works, and they broke down all the student
 18 information by subject area and teacher.
 19 Q Do you have a file with that information in it?
 20 A Yes, results.
 21 Q What's it called, "Results of the API"?
 22 A Yeah. Well, it was results of the SAT 9 in a
 23 particular year.
 24 Q And --
 25 A It's desegregating the test scores, is what we

1 do, and this firm does it for us pretty quickly and
 2 rather inexpensively.
 3 Q Were there any findings that you recall from
 4 the investigation?
 5 A Nothing that comes out to me but it was
 6 presented in that way. Beside the student scores there
 7 were certain areas of weakness, and I wouldn't want to
 8 address them right now because I don't remember them off
 9 the top of my head. An example would be if there was a
 10 consensus that we're not doing well in the area of
 11 punctuation, capitalization or something like that, that
 12 came out of the results.
 13 Q Were the results compared as to classes taught
 14 by fully credentialed teachers and not fully
 15 credentialed teachers?
 16 A No.
 17 Q How about regarding ELL students?
 18 A They were also in there.
 19 Q How did they do with respect to the rest of the
 20 student population?
 21 A They were satisfactory, but they were not as
 22 high, of course, as the general population.
 23 Q Do you know what the difference was?
 24 A Not off the top of my head.
 25 Q When you say "satisfactory," what does that

1 mean?
 2 A They were doing very well. And our ELL
 3 population is a hardworking group of young kids. They
 4 want to be successful, and they're trying really hard to
 5 master those skills, but it's a great challenge.
 6 Q Why is that?
 7 A It's a second language. It's like you going
 8 tomorrow to Russia and taking their state test to get
 9 out of high school. You're not going to do real well.
 10 Even with that great degree you have, you're not going
 11 to pass that test.
 12 Q As a professional educator, do you think that
 13 the SAT 9 should be given to ELL students and count as
 14 part of the API?
 15 A Yes.
 16 Q Why?
 17 A Because we don't want to differentiate between
 18 students. It's important that we encourage.
 19 Q Does the district presently have certain
 20 priorities for improvement?
 21 A Yes. Each year we have what we call board
 22 priorities and we go through a process of getting input
 23 from staff and classified and administration and the
 24 student community, and we put a list of priorities down.
 25 And then I take the board through a process, and we come

1 away with anywhere from 15 to 30 priorities each year,
2 and we share that with the faculty and staff at the very
3 first faculty meeting, "These are the board priorities
4 for the year."

5 Q Do you remember what those priorities are?

6 A This year we have approximately 20 priorities.

7 Q Are they written down somewhere?

8 A Yes.

9 Q Where?

10 A District office, and teachers all have copies
11 of them as well. And each one of the administrators
12 turn in midterm reports as to where they are in the
13 process of the priorities.

14 Q And let me see if I understand this. So they
15 get these priorities at the beginning of the year?

16 A Yes.

17 Q And when does the survey take place?

18 A The process starts in June. Or excuse me. In
19 May and June. We finalize them in August.

20 Q Are there other surveys that the district does
21 to learn information?

22 A Survey's not the correct word. We just ask for
23 input. We don't send anything out in a survey.

24 Q Tell me how it works.

25 A Well, we have a priority meeting and we invite

1 administrators, AFT representatives, CSE representatives
2 and so on. We go through that process and we put
3 them -- actually, I use a room like this, and you put
4 your paper, and we say -- you've talked to all your
5 coaches, for example, and the coaches present to the
6 athletic director their priorities, and he'll put all
7 those priorities on the board. Activities directors,
8 assistant principals, AFT president, CSE president, and
9 so on. So we'll have a hundred and some, approximately,
10 and from that, then I'll take the board through a
11 process, and we'll prioritize the priorities and get
12 down to about 15 to 30.

13 Q And are students part of this input process?

14 A From a standpoint of the activity leadership
15 level, students -- we have an ASB leadership director in
16 the process. So she would ask for students -- our
17 student board rep goes and asks students in the classes
18 as well.

19 Q The student board rep goes to individual
20 classes and says --

21 A That's part of the leadership class, yes.

22 Q When you say it's part of leadership class,
23 that's one of their activities?

24 A Yes.

25 Q Is it their responsibility to at least solicit

1 the input from all the students?

2 A I'm not sure all the students would be
3 solicited, but issues from students that they're
4 concerned about, yes, would be presented. However, the
5 students do have -- because we do have a very active
6 student board rep that sits on our board -- the ability
7 for students to come to her on a regular basis and bring
8 up issues on a monthly basis to the board. In fact, we
9 just went through dress code, which is very exciting to
10 go through.

11 Q And that's important, right, getting that
12 input?

13 A Oh, sure.

14 Q Why is that?

15 A It's important because I found that students
16 need to be heard. And if you sit back and relax and let
17 the process take place, the students will come up with
18 the same decisions that you eventually would like them
19 to make. But if you go in and put a wall up there, then
20 it becomes issues. That's what we try to avoid. So
21 it's all about communication, I think, in many of those
22 particular areas.

23 Q It's part of the bind.

24 A I think so.

25 Q And when you talked to me earlier today about

1 self-esteem, part of building a student's self-esteem is
2 to know that his or her concerns are being listened to;
3 is that right?

4 A My philosophy on this at Santa Paula is that if
5 you're not successful at Santa Paula, it's not because
6 we didn't provide everything for you. And that's my
7 number one statement about what we try to do for all
8 students.

9 Q And if I understand you correctly -- and you
10 tell me if I'm wrong -- this providing everything, you
11 regard that as that's your job, right? That's what a
12 professional educator does; is that right?

13 MS. KOURY: Objection. Mischaracterizes his
14 testimony. It's also leading.

15 MR. RAMOS: You can answer.

16 THE WITNESS: I think it is in my professional
17 responsibility to see what is needed and that student
18 success is there.

19 BY MR. ROSENBAUM:

20 Q What is needed for student success?

21 A I shared earlier -- outstanding teaching,
22 parent support, family support. And then from a
23 standpoint -- the final piece in our particular
24 environment, and because of the need for that, tutoring
25 and support line, that would be, I think, the final

1 piece for student's success.
 2 Q And when you tell me "support," does that also
 3 include the textbooks and the instructional materials
 4 that are required in the courses?
 5 A Yes.
 6 Q And why is that important?
 7 A Well, if we're teaching standards that lead to
 8 success on the SAT 9 or CAT 6, passing the exit exam,
 9 then we're doing our job. Without the materials, the
 10 appropriate materials, students obviously aren't going
 11 to learn the right kinds of information.
 12 Q That's pretty obvious stuff, isn't it?
 13 A Yes, I think so.
 14 Q And in terms of facilities, for example, have
 15 you looked at the science standards to see whether or
 16 not labs are required?
 17 A Yes, they are required.
 18 Q Okay. And so students have to have access to
 19 labs in order to be proficient in the standards; is that
 20 right?
 21 A Yes.
 22 Q That's pretty basic stuff too?
 23 A And they have wet and dry labs. Dry lab
 24 meaning some of the labs actually could be performed
 25 with computers and technology.

1 Q But the standards call for both wet and dry
 2 labs availability; isn't that right?
 3 A Right, yes.
 4 Q And part of the job of the schools are to make
 5 sure those wet and dry labs are available?
 6 A In my district, yes, that is true.
 7 Q That's -- if the educational system is going to
 8 put out those standards, then it's got to make sure
 9 those materials and facilities are available; is that
 10 right?
 11 MS. KOURY: Objection. Mischaracterizes his
 12 testimony, also calling for expert testimony.
 13 BY MR. ROSENBAUM:
 14 Q Go ahead.
 15 MR. RAMOS: You can answer.
 16 THE WITNESS: Restate the question, please.
 17 MR. ROSENBAUM: Would you read it back, please.
 18 (Record read.)
 19 MS. KOURY: Same objection.
 20 THE WITNESS: Yes.
 21 BY MR. ROSENBAUM:
 22 Q And why is that?
 23 A Again, the accountability is at the high school
 24 level. And that's the example I gave you a few minutes
 25 ago, in regards to that heavy weight we have over our

1 head right now. If we're expecting the kids to pass the
 2 CAT 6 in science, then we've got to teach the things
 3 that are going to be tested in CAT 6. And if they're
 4 going to -- same in the exit exam program.
 5 MR. ROSENBAUM: Let's take a break for a
 6 moment. Let's go off the record.
 7 (Lunch recess.)
 8 MR. ROSENBAUM: Back on the record.
 9 Q You doing okay, Superintendent?
 10 A Yes, I am.
 11 Q And you know you're still under oath?
 12 A Yes.
 13 Q You told me earlier that you have involvement
 14 in the hiring of new teachers for the Santa Paula High
 15 School District?
 16 A Yes. I interview all new teachers prior to
 17 making the recommendation to the board.
 18 Q Is the principal involved?
 19 A Yes. I'm the last phase of that. It begins at
 20 the department chair level with the panel and then
 21 recommendations to the principal, the top finalist, and
 22 then he recommends to me. So it's like a three-tier
 23 process before we send a teacher to the board.
 24 Q Is there a process that the district uses, to
 25 your knowledge, in terms of letting potential candidates

1 know that there are openings at the school?
 2 A Yes. We do statewide publications for all our
 3 positions. Ed-Join is a very good means. We're getting
 4 a lot of feedback from that particular resource. It's
 5 done by the -- I want to say -- is it the State
 6 Department of Education that has it, or is it the
 7 county? I'm not sure, but all teaching positions can be
 8 listed on that and access -- actually nationally --
 9 openings in California.
 10 Q And then are there job fairs in the area?
 11 A There are job fairs. We do not attend job
 12 fairs. We've had no trouble finding applicants at all.
 13 Because we're such a small district, we're never in need
 14 of more than five, ten teachers on a yearly basis.
 15 Q And there are other school districts in --
 16 you're in Ventura County; is that right?
 17 A Yes.
 18 Q And there are other school districts there?
 19 A Approximately 21 school districts in Ventura
 20 County.
 21 Q And they also seek new hires from time to time,
 22 right?
 23 A Yes, I would imagine.
 24 Q Okay. And is Conejo one of the school
 25 districts in Ventura County?

1 A Yes.
 2 Q And are you aware that Conejo has, in terms of
 3 not fully credentialed teachers, their percentage is
 4 somewhere in the neighborhood of 4 percent? Have you
 5 heard that?
 6 A No, I haven't.
 7 Q To your knowledge, where does your district
 8 fall in terms of the percent of not fully credentialed
 9 teachers with other districts in the county?
 10 MS. KOURY: Objection. Calls for speculation.
 11 MR. RAMOS: If you know.
 12 THE WITNESS: I don't have other than the
 13 percentage we do have, but I couldn't -- I don't know
 14 how it relates to the county at all. But we have 19
 15 percent that fit into that category at this time.
 16 BY MR. ROSENBAUM:
 17 Q Okay. And was there ever a time that the
 18 numbers of not fully credentialed teachers were higher
 19 than they are today, the percentages?
 20 MS. KOURY: Objection. Vague.
 21 BY MR. ROSENBAUM:
 22 Q In your tenure.
 23 A No. I think because this particular year we
 24 had more openings we've had in the past, that that's the
 25 reason for the 19 percent. In the past I think it's

1 been less.
 2 Q Is there a time that the number -- the percent
 3 of not fully credentialed teachers was 28 percent?
 4 MS. KOURY: Objection. Asked and answered.
 5 MR. ROSENBAUM: I'm just making it more
 6 specific.
 7 THE WITNESS: I'm not aware of that figure.
 8 MR. RAMOS: Just for clarification, are we
 9 talking about during his tenure?
 10 MR. ROSENBAUM: Yes.
 11 Q Do you have an opinion, Superintendent Brand,
 12 as to what it takes to attract fully credentialed
 13 teachers to your district?
 14 MS. KOURY: Objection. Vague, ambiguous,
 15 overbroad.
 16 THE WITNESS: Yes. I think we have to be
 17 competitive with salaries. Especially young teachers.
 18 They're fearless. They will move from one spot to the
 19 next spot over several hundred dollars. But, also, I
 20 think obviously atmosphere, environment of the school
 21 district, type of assignment that they're given,
 22 possibility of teaching on the levels that they want,
 23 quickly. Those are all taken into consideration by I
 24 think new hires.
 25 BY MR. ROSENBAUM:

1 Q That's been your experience over the years?
 2 A Yes.
 3 Q And do you base your answer on anything else
 4 besides that?
 5 A I think that encompasses mostly everything.
 6 Q When you say "atmosphere," what do you mean by
 7 that?
 8 A Obviously the environment that you go to work
 9 in every day and classroom environment as well as
 10 community environment and so on. If you're going into
 11 an environment that's not safe, obviously that wouldn't
 12 attract the kind of teachers that you'd -- that probably
 13 go into that particular area. But we have found in
 14 Santa Paula, it's a small community, it's rather quaint.
 15 It's close to the beach. So we've had pretty
 16 outstanding candidates.
 17 Q And when you say "classroom environment," what
 18 do you mean by that?
 19 A Well, I'm talking about what teachers need to
 20 be successful in the classroom when I talk about
 21 classroom environment. We have a very, very safe high
 22 school, and that's the very first criteria for
 23 environment, in my mind. We have a professional
 24 security staff. Teachers are supported in the classroom
 25 with discipline if needed, and we also provide

1 technology and classroom materials for the teachers.
 2 Q When you say "classroom materials," what do you
 3 mean by that?
 4 A Whatever is needed. In the way that each
 5 teacher has technology, each teacher has a set of
 6 class -- textbooks for the class and any other
 7 materials. Everybody has video stations set up in their
 8 classrooms.
 9 Q And when you say "textbooks for the class,"
 10 that means textbooks for the students to take home?
 11 A Yes. And in some cases two sets of textbooks,
 12 actually.
 13 Q Does that attribute to attracting --
 14 A No. I don't think that has anything to do with
 15 it, unfortunately. Those are very positive things, but
 16 I never have been asked that in an interview from a new
 17 teacher candidate.
 18 Q But I want to just be clear. I understood you
 19 to say -- you tell me if I don't understand you
 20 correctly -- that part of what draws fully credentialed
 21 teachers to your district is the classroom environment
 22 that they expect to teach at.
 23 A I think that's one piece of it. As I
 24 mentioned, several other pieces. Salary being probably
 25 one of the most important for young teachers or

1 first-year teachers.
 2 Q And so classroom environment includes
 3 availability of instructional materials and textbooks;
 4 is that right?
 5 A Yes.
 6 Q And it includes technology, you said?
 7 A Yes, I believe it does.
 8 Q That means availability of computers?
 9 A Computers, access to labs, et cetera.
 10 Q And when you're talking about computers, you
 11 mean access to the Internet?
 12 A Yes, we have access to the Internet.
 13 Q What's the ratio of computers to students in
 14 your school?
 15 A Seven to one.
 16 Q And that's part, again, of what you mean by
 17 classroom environment?
 18 A Every classroom has four computers inside with
 19 a teaching station for the teacher, and then we have
 20 five computer labs throughout the school as well, with
 21 25 to 30 computers in each one of those labs.
 22 Q And would environment also include the
 23 availability of a library?
 24 A Very important, yes.
 25 Q Why is that?

1 A Well, that's a resource center as well. We
 2 have -- the term "library" might be a term that's being
 3 phased out a little right now, but we do have a library
 4 with 20 computers in there for student use, as well as a
 5 reading area and research area.
 6 Q When we're talking about classroom environment,
 7 I take it that would include every student has a desk to
 8 sit at?
 9 A Yes.
 10 Q And that's pretty basic, right?
 11 A Yes, that's sure important.
 12 Q And would that also include -- you talked to me
 13 about a safe environment. Would that also include a
 14 clean environment?
 15 A Yes.
 16 Q No rats and vermin present?
 17 A Absolutely not.
 18 Q Would that be a problem if that happened?
 19 A It certainly would be. It would be addressed
 20 immediately.
 21 Q Why would that be a problem?
 22 A It's cleanliness, safety issue. And that's
 23 always -- from a school administrator's standpoint and a
 24 district standpoint, that's always a priority, safety of
 25 students. And obviously if we were aware of something,

1 we would address it immediately.
 2 Q And why do you consider that part of the
 3 classroom environment, the absence of rats or vermin?
 4 A Well, it's a positive, clean, learning
 5 environment. You wouldn't want rats or vermin running
 6 around your home, and obviously we wouldn't want them
 7 running around in the classroom.
 8 Q Why is that?
 9 A Just the cleanliness and the possibility of
 10 disease and other things that go along with that.
 11 Q And, also, it would communicate -- a clean
 12 environment communicates a seriousness about the purpose
 13 of education in the school as a place where that occurs?
 14 MS. KOURY: Objection. Leading,
 15 mischaracterizes his testimony.
 16 BY MR. ROSENBAUM:
 17 Q Is that right?
 18 A Yes. I think it does go along with the whole
 19 possibility of learning environment for students.
 20 Q Why is that?
 21 A Again, because it contributes to all the things
 22 that prioritize education and what's taking place in
 23 that classroom.
 24 Q Where are your salaries in comparison to other
 25 salaries in the county?

1 A We're number 10 in the county.
 2 Q And 10 out of?
 3 A 21.
 4 Q Where would you like to be?
 5 MS. KOURY: Objection. Vague.
 6 THE WITNESS: We'd like to be very competitive,
 7 especially at the beginning level, to attract new
 8 teachers. We are within the top five or six with new
 9 teacher starting salaries. It's important that we
 10 continue to be there. We want to be competitive. Our
 11 goal is not to be the top, but we want to be in the top
 12 five and six, I would think, would be a nice goal for
 13 us. Since I've been there we've been moving steadily
 14 forward.
 15 BY MR. ROSENBAUM:
 16 Q And how much does a starting teacher get?
 17 A 36,000 is starting salary with -- and then it
 18 goes into a scale of -- depending on requirements. A
 19 fully credentialed teacher starting out of UC Santa
 20 Barbara with a credential and master's is probably
 21 making 45,000.
 22 Q And do you know what the number one is?
 23 A Top salary?
 24 Q Yeah.
 25 A Top salary -- this is a ballpark -- 68,000 and

1 then add-ons to longevity and master's and doctorate
 2 degrees and so on.
 3 Q And for beginning teachers, do you know what
 4 number one is in the county?
 5 A The district of number one?
 6 Q Yeah.
 7 A No, I don't.
 8 Q Do you know how close you are in terms of raw
 9 numbers?
 10 A We're actually not far from number one. I
 11 believe the number one salary -- what I've heard -- is
 12 39,000 to 40,000 and we're 36, 37,000. And that will be
 13 one of our goals this year, to try to push that up a
 14 little higher.
 15 Q And where do you get the money to pay teachers?
 16 A Well, it comes from obviously our general
 17 category, but everything that's happening in the way of
 18 funding is largely based on growth and money from
 19 different resources, but the money that comes for
 20 teacher salaries, it comes out of the general fund.
 21 Q And where does the general fund come from?
 22 A Combination of things we talked about earlier.
 23 Q When you told me earlier that teachers are
 24 sensitive to salaries -- remember you told me about that
 25 a couple minutes ago?

1 A Uh-huh.
 2 Q And that they would -- they'll go to where the
 3 higher salaries are. Is that right?
 4 A Yes, I believe it is.
 5 Q I'm just --
 6 A Yeah. The generalization was new teachers
 7 looking for jobs in Ventura County, first-year teachers,
 8 salaries are a very, very important part of that.
 9 Q If they don't find satisfactory salaries in
 10 Ventura County, is it your experience that they'll go to
 11 other counties?
 12 MS. KOURY: Objection. Calls for speculation.
 13 THE WITNESS: I wouldn't have an answer to
 14 that.
 15 BY MR. ROSENBAUM:
 16 Q Do you take surveys of your teachers in terms
 17 of satisfaction?
 18 MS. KOURY: Objection. Vague.
 19 THE WITNESS: I don't understand your question.
 20 BY MR. ROSENBAUM:
 21 Q It's a bad question. Do you inquire of your
 22 teachers as to what they like in the district and what
 23 they don't like in the district?
 24 MS. KOURY: Same objection.
 25 THE WITNESS: Again, it's much too vague to

1 really -- I'm not sure what you're getting at or what
 2 the question is. Whether they like the superintendent
 3 or not like the superintendent or what?
 4 BY MR. ROSENBAUM:
 5 Q It could be that or whether they think the
 6 salary should be higher, the salaries are just fine or
 7 what they --
 8 A The way that we get feedback in that particular
 9 category has to do with negotiations when we sit at the
 10 table. In our contract we have very specific areas that
 11 we cover in the contract: Class size, working
 12 conditions, grievance procedures, et cetera and so on.
 13 And we would hear from the association, negotiating
 14 team, you know, things that obviously there are concerns
 15 from them.
 16 Q Do you know what the -- when you say "class
 17 size," you mean the number of students in the classroom?
 18 A Yeah, uh-huh.
 19 Q You're saying yes?
 20 A Yes.
 21 Q When I say that, it's just because if you say
 22 "uh-huh," it's just hard for the reporter --
 23 A And I don't want to make it hard for you.
 24 Q Do you have an average class size for English
 25 classes at the high school?

1 A Yes.
 2 Q What is it?
 3 A Well, there's two different class sizes we're
 4 talking about. We have all our ninth grade classes at
 5 20 to 1. So it's difficult to say for English. The
 6 school class size is under 25 to 1. We're overstaffed,
 7 actually.
 8 Q Has it been that way throughout the entire
 9 tenure?
 10 A It's been that way since I arrived, yes. And
 11 it's a luxury that obviously is going to be looked into,
 12 but there are ways that we can gradually get back into
 13 line. But right now the class size is well under 30.
 14 Q Are there any classes that have 30 students in
 15 them?
 16 A Yes.
 17 Q Which classes are those?
 18 A You usually find that the core classes in
 19 social studies, unfortunately, get to the mid-30s. And
 20 some of the ninth grade classes possibly have -- we
 21 eliminated 20 to 1 math this year, and so some of those
 22 ninth grade classes will be in the 30 categories.
 23 Q And are there any classes where there are 40
 24 students in the class?
 25 A I'm not aware of any. If there are any classes

1 that are 40 or above, they would have been leveled
2 immediately.

3 Q What does that mean?

4 A Administration would go in and take some
5 students out and put them in other classes.

6 Q Has that happened in your tenure?

7 A That happens every year, every time you have a
8 new schedule.

9 Q And are they put in the same class?

10 A They're put in the same subject. When you
11 level a class, that means that you're taking some
12 students out. You have to find another similar class in
13 another time or with another teacher.

14 Q Could a student be moved from an AP biology to
15 an honors biology?

16 A No. That would not be the same class.

17 Q When you say "same class," you mean exact same
18 class?

19 A Yeah. Same title.

20 Q Has it ever happened that a student's been
21 moved from a class, because there were too many
22 students, to a class that did not have the same title?

23 A I can't answer that. I mean, I would imagine,
24 when you say "ever," obviously that would be very
25 difficult to say. But from a standpoint of a student

1 Q I want to know foundationally. Do you have
2 knowledge of every transfer that's been made in terms of
3 kids in a class that's 40 to 1?

4 A No. I don't have hands-on knowledge. I'm just
5 saying that for a classroom to have 40-plus kids in a
6 classroom, I cannot say that I'm aware of that, that 40
7 students.

8 Q But you don't get paperwork on that and that --
9 and what the actual transfers are not run by you; is
10 that right?

11 A None of that comes through me. It goes through
12 the principal.

13 Q Do classrooms at Santa Paula High School have
14 air conditioning?

15 A No.

16 Q Do any of them have air conditioning?

17 A No, we don't. It's a very old high school.
18 It's a beautiful high school. It's absolutely gorgeous
19 to visit it, but it's a 110-plus years old district, and
20 the classrooms do not have air conditioning.

21 Q Do you know if elementary schools in Santa
22 Paula --

23 A I'm not aware.

24 Q You don't know one way or the other?

25 A No, I don't.

1 going from an advanced placement class to a college prep
2 class, if that's the question, without wanting that
3 transfer to take place, no, we would not do that to that
4 student. Student wanted to be in an advanced placement
5 class, then we would put them in an advanced placement
6 class.

7 Q You have different sorts of math classes?

8 A Yes.

9 Q Has a student ever been moved out of an
10 Algebra I class to another math class that was not an
11 Algebra I class?

12 A No. That would not happen.

13 Q Are you certain that you have personal
14 knowledge of that?

15 A Well, everybody in the school starts in Algebra
16 now. What you are referring to -- possibly might be
17 that -- we have Algebra I, which you just mentioned, and
18 we also have an Algebra I-A and I-B, and that would be a
19 two-year Algebra I class. That has happened, obviously.
20 Because we would hope everybody in the ninth grade,
21 coming into the ninth grade, would be prepared to start
22 in Algebra I or honors geometry in the ninth grade.

23 However, some of the students who do come to us are not
24 ready for that, and we put them in a two-year Algebra
25 program called Algebra I-A and I-B.

1 Q Same thing for the middle schools?

2 A That's K-8. I'm not aware.

3 Q One way or the other?

4 A No.

5 Q When you taught at Escondido, were the classes
6 there air-conditioned?

7 A Some of the schools were. There were five
8 comprehensive high schools offhand, and I remember
9 several of them were. Several that I could remember
10 were. I'm not sure all of them were, though.

11 Q Have you ever heard any concerns that
12 classrooms in some of the high school are too hot?

13 A Well, sometimes in the beginning of September
14 it is difficult. It's very warm.

15 Q What do the temperatures get up to, if you
16 know?

17 A I'm not sure.

18 Q And have you heard specific concerns about
19 that?

20 A Actually, no phone calls from the standpoint of
21 the superintendent getting phone calls from parents, the
22 classroom's too hot, no. Though we have provided
23 heaters in the cold times and fans for, you know, the
24 hot times, if we have them available. But when you open
25 school in September, it is warm. Kids are -- and the

1 same in summer school. Kids are -- sometimes it's
2 warmer. But it's very expensive, air conditioning.

3 Q How expensive is it?

4 A Well, it's prohibitive. I don't have the
5 figure, but it would be very, very expensive.

6 Q What does your summer school program consist
7 of?

8 A Well, we have -- it's a state summer school
9 program, but we have a Golden Bell program that we were
10 awarded six years ago. It's called "Summer School
11 Institute." So all ninth graders coming to us will go
12 into this transition class in the summer, and we talk
13 about study skills and go over how to take notes and how
14 to become a high school student. So that is for the
15 incoming ninth graders. And that's a mandate that we're
16 making for students that have a certain score on their
17 SAT 9 or their CAT 6. And also we have remediation
18 classes for makeup for students as well. And we have
19 offered, occasionally, some original credit classes.
20 However, summer school has to -- it has to be funded and
21 so -- but we have been fortunate enough that we will
22 offer maybe one or two courses that -- to students if we
23 have the numbers for original credit, but not often and
24 not many.

25 Q Because of funding?

1 automatically dropped from summer school. So it's not
2 like you have an access to come whenever you want. You
3 have to put a certain amount of hours in for that
4 student to get credit and for us to be reimbursed from
5 the state.

6 Q Are all ninth grade students, all entry ninth
7 grade students invited to be in the summer school?

8 A Yes. All ninth grade are invited to be in the
9 Summer School Institute, yes.

10 Q And you regard that institute important to
11 achieving the objectives of the school district?

12 A Oh, it's a wonderful program. As I said, it's
13 a Golden Bell Award that's given by the State Department
14 of Education. And the idea is to try to make the
15 transition from eighth to ninth grade as smooth as
16 possible, and we do technology, we have a section of
17 computers, English, math, study skills, and bring in
18 some college counselors from Ventura to talk to kids, so
19 it's a very good program.

20 Q Is it part of your detracking strategy?

21 A No, not so much detracking as much as
22 motivation, trying to make the students feel comfortable
23 about entering Santa Paula High School and letting them
24 know we care and want them to be successful. We have a
25 wonderful teacher that has been doing that for six years

1 A Funding but also even enrollment. We had some
2 advanced math classes and we just couldn't keep the kids
3 in there. It's a real commitment. You're doing a
4 full-year course in six weeks. So you think taking a
5 powerful class -- and I'm talking about an Algebra II
6 math analysis level class. It's really a commitment on
7 the part of the kids. But the students have access to
8 community colleges and so on if they want to accelerate
9 their math and science courses.

10 Q Is that what the summer school is, is six
11 weeks?

12 A Six weeks, four hours a day.

13 Q And approximately how many students attend each
14 year, if there is a general number?

15 A We start with approximately -- "approximately"
16 again -- a thousand plus students and end with about
17 700.

18 Q That's like half your student body; isn't that
19 right?

20 A It's practically all the ninth graders we ask
21 to be in there so -- but, again, summer school is a
22 commitment. And we're working very hard in trying to
23 get a mind-set on the part of the students, the
24 importance of staying in summer school because if a
25 student misses a certain amount of days, they're

1 now and is outstanding.

2 Q Could you tell me the dates of the summer
3 school program?

4 A The regular summer school program -- that's not
5 the Summer School Institute -- begins the Monday right
6 after school. So ballpark, June 20th. The Summer
7 School Institute is a little shorter than that. It's a
8 three- and four-week program. That starts in July.

9 Q And I take it from what you said, but you tell
10 me if I'm wrong here -- there are no plans to add air
11 conditioners to any of the classrooms?

12 A Not at this time.

13 Q In your tenure, have there ever been any plans
14 to add air conditioners?

15 A Not in my tenure.

16 Q Do the classes have permanent heaters?

17 A I'm looking up at the ceiling right now. I --
18 I'm not sure every classroom has. I want to say that
19 they do, but I'm not sure if every single classroom has
20 that.

21 Q Can you give me a percent or would you be
22 guessing?

23 A I would be guessing.

24 Q Are there plans to add heaters to other
25 classrooms?

1 A Well, the only area that we think we really --
2 we have heaters. You need to know that. We have
3 heaters. But the area that we need to work on is our
4 auditorium, but that's going through a modernization
5 program. So we're putting in portable-type heaters to
6 get through drama for another month or so until we start
7 our modernization, but we don't get too many complaints
8 about cold in the classrooms.

9 Q Are the heaters used during the school year?

10 A I'm not sure if the teachers are using them or
11 not.

12 Q Have you gotten any concerns expressed to you
13 about classrooms being cold?

14 A Not classrooms. Only concerns that have ever
15 been addressed to me as superintendent have been in the
16 theater, in the drama. It's an old, big theater and the
17 doors are closed most of the day, and then when the kids
18 come in the afternoon and open it up, it's like an
19 icebox. So we've tried to work with our very old heater
20 and bring in portable heaters as well.

21 Q But I take it you don't know what, if anything,
22 has been said to Mr. Gaitan?

23 A No. Usually it gets to me if it's a real
24 concern.

25 Q To your knowledge, does the State of California

1 A No.

2 Q Do students receive -- strike that.

3 We started talking about this before the break,
4 so if I go back a little bit again, just bear with me,
5 please. Are students surveyed about anything in the
6 school, formally surveyed about anything in the school?

7 MS. KOURY: Objection. Vague.

8 MR. RAMOS: Could you clarify as to writing or
9 what type of --

10 MR. ROSENBAUM: Yeah, that's a fair question.

11 Q I mean, do they get written surveys asking
12 their views on -- this could be on any subject.

13 A As part of the WASC process, Western
14 Association of Schools and Colleges, they're given
15 surveys on -- and broken down into all the categories
16 that you would think of. You know, Internet services,
17 libraries, instruction, textbook, safety, et cetera --
18 cleanliness.

19 Q And did you look at the results of those
20 surveys?

21 A Yes.

22 Q Did you find that useful to you?

23 A Well, they were very complimentary, and
24 obviously a safe campus was the piece that I'm looking
25 for.

1 have a standard as to a rule as to temperatures in
2 classrooms?

3 A I'm not aware of one.

4 Q Does your district?

5 A No.

6 Q Do you?

7 A I don't have any. Comfort level would be the
8 level that I would think.

9 Q What does that mean?

10 A Comfortable for the students and the
11 environment.

12 Q Can you attach any temperatures to that?

13 A No.

14 Q Do you have an air conditioner in your office,
15 by the way?

16 A Yes.

17 Q Do you ever use it?

18 A Yes.

19 Q Have you ever read any -- maybe you already
20 answered that, so bear with me. Have you ever read any
21 documents or papers relating to this lawsuit where
22 concerns have been expressed about temperatures in
23 classrooms?

24 A No, I haven't.

25 Q And nobody's brought them to your attention?

1 Q And they were instructed to you, those results?

2 A Well, the bottom line in that particular survey
3 is that there's a perception that you get about what
4 students think about the high school and what parents
5 think about the high school and what staff thinks about
6 the high school. And the perception was that parents
7 like the high school, kids like being in the high
8 school, and I thought that was complimentary.

9 Q And that's useful to you, right?

10 A I think it is. It gives you a good sign.

11 Q You're not the type of administrator who
12 doesn't want to hear complaints or criticisms; is that
13 right?

14 A I'm the type of administrator that if we do
15 have complaints, we want to address them immediately and
16 resolve them, and safety being number one.

17 Q And you want to know them, right?

18 A I think every administrator would want to know
19 them.

20 Q So you have no objections to students being
21 surveyed as to what's working right in the high school
22 and what's not working right; is that right?

23 MS. KOURY: Objection. Vague.

24 MR. ROSENBAUM: And I mean written surveys. I
25 appreciate Mr. Ramos's point.

1 MR. RAMOS: And, also, what are we talking
2 about?
3 BY MR. ROSENBAUM:
4 Q As to -- you want students surveyed -- and I'll
5 use written surveys, as Mr. Ramos suggests -- as to
6 where they think there are problem areas in the high
7 school and where they think there are successful areas
8 in the high school. Is that fair?
9 MS. KOURY: Objection. Vague as to source of
10 surveys.
11 THE WITNESS: I didn't say that.
12 BY MR. ROSENBAUM:
13 Q I'm asking you.
14 A You said I want. No, I don't want. I'm not
15 asking for any of those. I think that information given
16 to the administration, site administration by students
17 is very useful, and parents.
18 Q And why is that?
19 A So we can address conditions that maybe need to
20 be looked into. But as far as me personally saying yes,
21 let's have surveys, no. But we do have parent
22 committees and involvement from students as much as
23 possible. The leadership classes are very active in
24 bringing situations together.
25 Q If students were uncomfortable in your

1 classrooms, would you want to know that?
2 A Yes. And we try to make it comfortable if they
3 weren't.
4 Q And if students didn't have the instructional
5 materials that were required, you'd want to know that,
6 wouldn't you?
7 A Yes.
8 Q Why is that?
9 A Well, let me share with you, though, students
10 do have their instructional materials at Santa Paula.
11 Q I understand that.
12 A Yeah.
13 Q But my question is, you'd want to know if they
14 didn't have their materials, as a professional educator?
15 A My principal should be informing me of that.
16 Q And you'd want your principal to know that
17 information?
18 A Yes. And we have a process in place that that
19 information would come through from the teachers,
20 through the department chair, through the assistant
21 principals, to the principal, and so on.
22 Q Tell me what that process is.
23 A Well, if we didn't -- for an example, let's
24 talk about textbooks that were needed in a particular
25 class. That we go through an annual process, per the

1 contract, where all new textbooks are previewed by the
2 department, selection is made, parents are brought in to
3 preview it, it's put in the newspaper. Then they're
4 board approved and purchased after board approval.
5 Q You think that that's an important process for
6 a school?
7 A I think it's absolutely important --
8 Q Why?
9 A -- that teachers choose the kind of textbooks
10 they think they can be successful with. I think it's
11 essential that parents see the kind of instruction that
12 we're giving. Today all our textbooks are in line with
13 the standards. They're marvelous textbooks. They
14 really are. Very, very outstanding in most cases. And
15 I think it's also important that the board know what our
16 textbooks are.
17 Q And that there be a process to assure that the
18 textbooks get in the hands of the kids and they can take
19 them home?
20 A Absolutely.
21 Q Why is that important?
22 A Well, several reasons. You obviously need a
23 textbook for the class and if at all possible, for the
24 core classes, and the required textbook you need to
25 finish homework and assist you in assignments and so on.

1 Q And when you say finish homework and
2 assignments, et cetera, you mean they should have the
3 ability to take textbooks and other instructional
4 materials home with them; is that right?
5 A Yes.
6 Q Why is that important?
7 A Again, to finish assignments and be prepared
8 for the next day's lesson.
9 Q To your knowledge, does the State of California
10 have a standard regarding the availability of textbooks?
11 A I'm not aware of one.
12 Q Does your district?
13 A No.
14 Q Does the State of California, to your
15 knowledge, have a standard regarding the recency of
16 textbooks, how up-to-date they are?
17 MS. KOURY: Objection. Vague.
18 THE WITNESS: We work off of a curriculum cycle
19 for textbooks, and there is a printed cycle. And this
20 helps the textbook authors and -- publishers, I guess is
21 the word, instead of "authors" -- let them know what
22 year, what particular core subject is up for adoption.
23 And so departments are sent sample textbooks, schools
24 are sent sample textbooks and so on. And we work
25 through that curriculum cycle.

1 BY MR. ROSENBAUM:

2 Q My question is a little bit different than that
3 but I appreciate that. To your knowledge, does the
4 State of California have a standard regarding how
5 up-to-date a textbook has to be?

6 MS. KOURY: Objection. Vague.

7 THE WITNESS: I'm not aware.

8 BY MR. ROSENBAUM:

9 Q And does your district?

10 A No. The only standard that we have is it's
11 state adopted and meets -- and is in line with the
12 standards.

13 Q To your knowledge, and if you -- let me preface
14 my comment. If you say to me, "Look, Counsel, I just
15 don't know. That's not part of my responsibilities,"
16 but that's obviously a fair answer. My question to you
17 is, do you know if there have ever been textbooks in
18 classes at Santa Paula High School during your tenure
19 which have been more than ten years old?

20 MS. KOURY: Objection. Vague and ambiguous.

21 BY MR. ROSENBAUM:

22 Q If you know.

23 A Well, the question is vague and ambiguous,
24 truthfully, because when you say ten years old, does
25 that mean the textbook has been used for ten years or

1 because -- and I want to defend it a little bit, of the
2 answer. Because sometimes there's a uniqueness that
3 every teacher has in his or her classroom, and the
4 teacher might say, "This is one of my really special
5 things here. I really like using this particular
6 textbook in this particular area to teach this
7 particular unit." And I'm not aware of those little
8 intricacies.

9 Q You're not in a position to know each and every
10 textbook that's used in a class?

11 A No.

12 Q Or the condition of the textbooks?

13 A Only from the standpoint, in the area of
14 conditions, we try to obviously buy textbooks that are
15 needed, and we buy from a cycle. But if a particular
16 set of textbooks is in need of replacement, we would go
17 ahead and buy those too, out of cycle.

18 Q That's the policy, is that right, that you're
19 telling me?

20 A Well, it's also the procedure. Because you're
21 not going to -- if you're a parent and your daughter
22 comes home in ninth grade and brings this textbook home
23 that's all ratted and beat up, there's a perception
24 right then that maybe this isn't the kind of place that
25 you want your daughter to be. So we try to have our

1 was the textbook written ten years ago? What are you
2 saying?

3 Q I'm saying initially written ten years ago, ten
4 years or more.

5 A And if it's on the adopted textbook list from
6 the state, it could be used and meet the standards
7 again. See, with the new cycles we're talking about,
8 we're not talking about textbooks that -- every textbook
9 that meets the standards have been written this year.
10 So it's been a while since the cycle has been in place.

11 Q Fair point. What about 15 years, written 15
12 years, do you know if there ever has been a textbook --

13 A I can't imagine. The only areas of textbooks
14 that that might fit into the category are what are
15 called supplemental text for classes, and this would be
16 books such as "A Tail of Two Cities" and "The Scarlet
17 Letter." We've all read those things. Those are great,
18 great literature that's still required in 9 through 12
19 English classes today.

20 Q What about aside from novel -- I'm -- or
21 similar literature.

22 A I'm not aware of any.

23 Q Would you be in a position to know for certain
24 one way or the other?

25 A No, I would not. And I want to say that

1 textbooks in good working order. And when the students
2 turn them in and they're damaged, we fine them for that.

3 Q And when you say "in good working order," that
4 means there's not graffiti on the pages?

5 A That means that we try not to have those kind
6 of things. I can't say that is in place 100 percent
7 but, yes, I do mean what you generally say.

8 Q And that would mean that pages are not falling
9 out or missing?

10 A Right.

11 Q That would be --

12 A The binder is on, yeah, the cover is there,
13 yeah.

14 Q And why are those important factors? That the
15 binders be on, that the page not be graffiti-filled,
16 that there not be missing pages, why is that important?

17 A All conducive to an active and positive
18 learning environment.

19 Q That's important stuff?

20 MS. KOURY: Objection. Vague.

21 BY MR. ROSENBAUM:

22 Q Go ahead.

23 MS. KOURY: Also mischaracterizing his
24 testimony.

25 MR. RAMOS: If your question is, is that

1 important to a learning environment, I think he can --
 2 MR. ROSENBAUM: That's better put.
 3 THE WITNESS: Yes.
 4 BY MR. ROSENBAUM:
 5 Q Why is that?
 6 A Again, because it's the kind of message we want
 7 to send the kids.
 8 Q Now, you've been very forthcoming, eloquent in
 9 telling me about the sorts of objectives you have.
 10 Sitting here today, can you tell me that in your tenure
 11 for certain, that there have not been textbooks that
 12 have had loose bindings or had graffiti on the pages or
 13 have had missing pages? Do you know for a fact that has
 14 not been true?
 15 MS. KOURY: Objection. Argumentative. Asked
 16 and answered a couple of times.
 17 THE WITNESS: I can't answer that question, but
 18 I would hope there wouldn't be. Obviously I'm not
 19 actively involved. But, again, I go back to the point
 20 if a set of textbooks or textbooks are damaged, we ask
 21 the students to replace them.
 22 BY MR. ROSENBAUM:
 23 Q One of the objectives of the district is to
 24 teach literacy; is that right?
 25 A Oh, yes.

1 Q And what is your understanding what literacy
 2 means?
 3 A Well, in today's definition, it's to pass the
 4 exit exam, isn't it, when you really think about it?
 5 It's not the definition that was used several years ago,
 6 but today I think that's what we're looking at, because
 7 that seems to be the level we're looking at.
 8 Q And do you know what a SARC is?
 9 A Yes, School Accountability Report Card.
 10 Q Yes. In your SARC, are you aware that there's
 11 a statement that there's a high priority upon ensuring
 12 there are sufficient textbooks to support each school's
 13 instructional program?
 14 A Yes. That would be something I would support,
 15 from SARC.
 16 Q Why would you support that?
 17 A Because that's what we've been talking about
 18 and I believe it, that every student should have a
 19 textbook.
 20 Q Are students -- if you don't know this, just
 21 tell me, but do you have personal knowledge as to
 22 whether or not students are told to report textbooks
 23 that are not in good condition in the way we've been
 24 talking about it?
 25 A Report?

1 Q Yeah.
 2 MS. KOURY: Objection. Vague.
 3 THE WITNESS: I'm not sure what that would
 4 mean.
 5 BY MR. ROSENBAUM:
 6 Q Are they told to report to the teacher or the
 7 principal or the superintendent? If you have a textbook
 8 that doesn't have its binding or pages are coming out or
 9 the pages are filled with graffiti, is there a policy in
 10 place?
 11 A I'm not sure what the policy is, but a student
 12 that would accept a book like that would be fined for it
 13 when they turned it back in, so I'm not sure that -- you
 14 know, I don't know. We don't have a written policy, but
 15 I would imagine any student that gets a book like that
 16 would say, "Wait a minute. This binding is broken. Let
 17 me have another book."
 18 Q Would you have a problem with a written policy
 19 like that?
 20 A No. We might even have one at the school site.
 21 I'm just not aware of it.
 22 Q Wouldn't be any hardship on the district?
 23 A Like I say, it might be something that comes
 24 from assistant principals or librarian or something that
 25 I'm not aware of.

1 Q Have you ever heard -- strike that. Are there
 2 any -- to your knowledge, Superintendent -- let me
 3 strike that.
 4 Do you have any personal knowledge as to
 5 whether or not there have been any classrooms at Santa
 6 Paula High School during your tenure where there's only
 7 existing a classroom set of textbooks? You know what I
 8 mean by a classroom set?
 9 A That can't go out?
 10 Q Yes.
 11 A I'm not aware of any. But I want to share that
 12 I did look into the math department. Again, as I
 13 mentioned earlier, that the math department has -- and
 14 I'm saying that every other core subject has a textbook
 15 for every student and one that they take home. In some
 16 cases in math, that they have two sets. You're
 17 referring to possibly an isolated incident, I'm not
 18 aware of that. So I guess my original answer is I'm not
 19 really aware that there is. In supplemental texts,
 20 there always is only one set.
 21 Q What does that mean?
 22 A The supplemental novels and something like
 23 that, there's only -- always just one set of those. We
 24 don't buy hundreds and hundreds of supplemental texts.
 25 We have a set for the classroom that students are given

1 during that particular novel, and then they take it home
2 or leave it there, however the arrangement is. But
3 that's not the core textbook.

4 Q Say I'm reading "Of Mice and Men." Can I take
5 it home?

6 A It would be a teacher policy, individual
7 teacher policy. We would have a set only "Of Mice and
8 Men" for that class.

9 Q And do you know if there are classes, during
10 your tenure at Santa Paula High School, that an English
11 teacher has taught a novel, let's say, "Of Mice and
12 Men," to more than one of his or her classes?

13 A I'm not aware.

14 Q It's possible?

15 A Absolutely possible, sure.

16 Q Why do you only have one set of supplement?

17 A Well, usually the units are very short. You
18 take a novel and you may have it done in two weeks.
19 Advanced placement classes may get it done in two or
20 three days. It just depends. They have anthologies and
21 in the anthologies they have lots of this literature
22 that you're talking about in the anthology, and then the
23 advanced classes or other classes might have the
24 complete novel.

25 MR. RAMOS: Counsel, two-minute break?

1 to have a certain amount of units in the subject matter
2 that he's teaching or she's teaching.

3 Q And when you say "particular courses," am I
4 understanding you right?

5 A Yes.

6 Q Can you give me some examples?

7 A Physical science, very challenging to find
8 physical science people. And that's the area that I
9 think we have been signing off with. I'm under the
10 impression at this time, just off the top of my head,
11 that that's the only area that we've done that in.

12 Q How many teachers have you signed off in, at
13 the present?

14 A Between one and three. I think this year we
15 had more than one but used to be just one that I
16 remember, but I think there's another uniqueness that I
17 can't remember off the top of my head, so it's one, two,
18 or three.

19 Q Tell me what you mean by physical science.

20 A Chemistry, physics. Lots of people can teach
21 life science, biology, because there's no chemistry and
22 physics to go along with that. And to find people that
23 are qualified to teach physical science, you have to
24 have a lot of chemistry in college and physics in
25 college.

1 MR. ROSENBAUM: Sure.

2 (Recess.)

3 BY MR. ROSENBAUM:

4 Q Let me go back one place, Superintendent. Do
5 you know what a statement of need is?

6 A Yes.

7 Q What is a statement of need?

8 A I think you're referring to teachers that need
9 to be hired because no one qualified that we could
10 possibly find in that area.

11 Q Yeah. Have you ever signed a statement of
12 need?

13 A Yes.

14 Q When do you do it?

15 A Seems like it comes in the fall. We take it to
16 the board. I'm not sure of that particular time. I
17 think, if I remember correctly, it was either last part
18 of June or the fall.

19 Q Okay. And do you have a set of criteria that
20 you apply as to when you would sign a statement of need?

21 A Yes. After we've exhausted all our resources
22 in trying to find a particular person, and usually in
23 those particular areas they're very unique areas that
24 finding qualified teachers is very difficult. But to
25 receive one of those particular waivers, the teacher has

1 Q Is chemistry typically a 12th grade course?

2 A Before 12th grade.

3 Q What is it, I'm saying. Is that what you're
4 telling me?

5 A Yeah. You can be 11th or 12th grader in that
6 course.

7 Q How about physics?

8 A Same thing, 11th or 12th grader, just depending
9 how advanced you are.

10 Q You remind me, Superintendent. You've been
11 superintendent of Santa Paula High School for how many
12 years?

13 A Seven years.

14 Q In how many of those years would you say there
15 have been a statement of need filed with respect to the
16 physical science classes?

17 A Again, off the top of my head, six of the
18 seven.

19 Q And that's for between one and three teachers?
20 Or is that going to be more than three?

21 A Never more than three. I think the three is
22 the max, and I think that was just this year.

23 Q And how many physical science teachers do you
24 have in total?

25 A Off the top of my head again, four.

1 Q And what about last year, do you recall what it
2 was then?
3 A It would be about the same figure.
4 Q Three out of four?
5 A No. We have -- no, excuse me. I think I
6 misinterpret your question.
7 Q I might have said it wrong.
8 A You asked how many physical science teachers we
9 have.
10 Q Right.
11 A And I said four.
12 Q And --
13 A And one of those physical science teachers, or
14 two, are on that statement of need that you were talking
15 about earlier.
16 Q Do you fill out a statement of need for every
17 teacher who is not fully credentialed?
18 A We are required to by law. And board approved.
19 Q I'm sorry. What?
20 A And board approved.
21 Q If I said to you, Superintendent, I take it you
22 don't want to be filling out statements of needs; is
23 that right?
24 A Absolutely not.
25 Q Why is that?

1 A We'd like to find qualified people and not have
2 to do that.
3 Q If I said to you, Superintendent, I'm your
4 Santa Claus and you can have anything you want that you
5 think will maximize the likelihood of attracting
6 teachers to the physical sciences at your district so
7 you don't need to fill out a statement of need, what
8 would you want?
9 MS. KOURY: Objection. Calls for speculation,
10 also incomplete hypothetical.
11 THE WITNESS: Well, I'm not sure that that
12 question is appropriate to what you're looking towards.
13 You're looking towards what we could do to fill that in
14 every single year. We're not getting a lot of people in
15 education with the backgrounds in chemistry and physics
16 coming into education. That's the reason for the need.
17 BY MR. ROSENBAUM:
18 Q Do you know -- you told me that there are 21
19 other school districts in the county; is that right?
20 A Approximately, yeah.
21 Q How many of them have high schools?
22 A Probably three-quarters of them.
23 Q And of the three-quarters of the 20 -- we'll
24 call that roughly 15 or 16 schools?
25 A Uh-huh.

1 Q Is that right?
2 A I think so.
3 Q How many of them, to your knowledge, have to
4 use statement of need for the physical sciences?
5 A I don't know.
6 Q Do you know if they all do?
7 A I have no idea.
8 Q Do you ever have any discussions?
9 A No, I don't.
10 Q Well, do you have a judgment as to what would
11 be needed to increase the likelihood of your being able
12 to attract physical science teachers so you don't have
13 to fill out these statements of need?
14 MS. KOURY: Calls for speculation and it's an
15 incomplete hypothetical.
16 MR. RAMOS: Also, asked and answered. I
17 believe it was -- the prior question which he answered
18 was --
19 MR. ROSENBAUM: He told me there was a
20 shortage, but my question is a little bit different.
21 Q And it's not speculation because I'm asking you
22 if you have a view. Do you have a view as to what it
23 would take to maximize the likelihood of attracting what
24 teachers that are out there who teach physical science
25 and for whom you wouldn't require a statement of need?

1 MS. KOURY: Same objections and I think counsel
2 is correct, this has been asked and answered to the best
3 of his ability. Perhaps not the answer you want but it
4 was answered.
5 THE WITNESS: I don't have an answer.
6 BY MR. ROSENBAUM:
7 Q Have you ever given it any thought?
8 A Only from the standpoint what I said earlier.
9 It's difficult to track people with that kind of
10 background in that area. Mathematics is, again, a
11 difficult area, especially the higher level mathematics.
12 And in some cases we're fortunate, in some areas, where
13 we do have areas covered in Santa Paula. Unfortunately,
14 physical science is a little more challenging.
15 Q Are there other areas that are little more
16 challenging?
17 A Special Ed is always a challenge, but we seem
18 to be doing okay in special education.
19 Q Other areas?
20 A Not offhand.
21 Q Do you teach calculus?
22 A Yes.
23 Q Have you ever filled out a statement of need
24 for a calculus teacher?
25 A No.

1 Q For any higher level math courses?
 2 A No.
 3 Q What other courses have you filled out
 4 special --
 5 A I just can't tell you off the top of my head.
 6 I do know that we had, this particular year, more than
 7 the physical science person, but I don't know the areas
 8 offhand.
 9 Q What about ELL teachers?
 10 A No, I'm not aware of any. I'm not aware of any
 11 yet.
 12 Q There could be, you're just not aware of any?
 13 A I'm not aware, yes.
 14 Q How about in the past, are you aware whether or
 15 not --
 16 A No, I'm not.
 17 Q You're not aware one way or the other?
 18 A No.
 19 Q I just --
 20 A I'm really under the impression, again, that
 21 we've only done it in the physical science area, but I
 22 do know this year we had more than one. So there's
 23 other areas, either one or two more areas involved, but
 24 I'm not sure what they are.
 25 Q And for the past, the same answer, you're not

1 sure of other areas?
 2 A Not sure.
 3 Q Now, you may have answered this question before
 4 and if you have, just bear with me. Have you ever heard
 5 or read that students at the Santa Paula High School
 6 District don't have textbooks to take home in the area
 7 in the subject matter of Spanish?
 8 A No, I've not.
 9 Q You've never heard?
 10 A No, never.
 11 Q Or Algebra?
 12 A No, I've not.
 13 Q Or geometry?
 14 A No, I'm not. And the reason I'm not is because
 15 I've checked and they do. Every order in the last seven
 16 years that I've been superintendent and mathematics has
 17 been filled.
 18 Q How about Spanish, did you check those orders?
 19 A Never. Never had anyone ever say that they
 20 have not had textbooks in Spanish.
 21 Q No one's brought it to your attention?
 22 A No one that I'm aware.
 23 Q So you haven't investigated specifically?
 24 A No.
 25 Q Same thing for biology?

1 A No, I'm not aware of any but, again, it's never
 2 been brought to my attention. We have prioritized -- in
 3 fact, I actually have figures of how much money we've
 4 spent in textbooks in the last three years in front of
 5 me here, and it's always been a priority that we have
 6 textbooks for kids and that they be in alignment with
 7 the state.
 8 Q Textbooks to take home?
 9 A Yes.
 10 Q You may have answered this question but if I
 11 said the same question for history, health, or cooking,
 12 would your answer be the same, that you did not make
 13 personal investigations as to whether or not textbooks
 14 existed?
 15 A Well, I know they do exist. As I said, they do
 16 exist and we even have a textbook for Home Ec, but we
 17 don't offer Home Ec anymore.
 18 Q Why is that?
 19 A The teacher that was teaching Home Ec left the
 20 district, and this time we are concentrating more on the
 21 area of exit exam classes.
 22 Q There used to be a course called "Creative
 23 Cooking"?
 24 A Yes. Homemaking, home arts.
 25 Q Sounds like the way I cook. Is that course

1 still offered?
 2 A No.
 3 Q Again, you may have just answered this a few
 4 moments ago, but have you yourself ever undertaken a
 5 specific investigation to determine, for the past seven
 6 years, whether or not all kids in history, health, and
 7 cooking classes had textbooks to take home?
 8 MS. KOURY: Objection. This is vague and
 9 ambiguous. It's unclear whether this is in addition to
 10 what he's previously testified about the process he has
 11 in place to ensure that textbooks are distributed or
 12 something other than that.
 13 MR. ROSENBAUM: I mean specific examination you
 14 did for math.
 15 MS. KOURY: About a particular subject?
 16 MR. ROSENBAUM: Yes.
 17 THE WITNESS: All I can tell you is that every
 18 order, every request through the process has been
 19 addressed since I've been there and purchased in the
 20 area of textbooks. Our students have textbooks. I want
 21 you to know, in every area, every classroom, not even
 22 core, all of them.
 23 BY MR. ROSENBAUM:
 24 Q You've told me that Santa Paula High School
 25 offers science classes?

1 A Yes.

2 Q And they offer -- you told me they offer
3 physical science classes?

4 A Yes. It's a ninth grade class. It's a
5 requirement for ninth graders coming in.

6 Q Are there any science classes taught at the
7 high school that don't have laboratories, in your
8 tenure?

9 A Life science class is a tenth grade class that
10 may not have an actual lab to go with it. Physical
11 science ninth grade may not have a lab that you perceive
12 as a lab where kids are doing experiments and things
13 like that. I'm not sure that is a part of that class.

14 I know that they wander around a lot in the school
15 looking at different things in soil and so on, but when
16 you think of a lab, I think you're thinking of burners
17 and things like that. But we are equipped for labs in
18 our science department, and we do have them.

19 Q In the ninth grade class, the physical lab,
20 you're telling me, however, that there is not a lab that
21 you're aware of?

22 A I'm not sure that there is a lab that goes with
23 the class. You know, if there is a lab that goes with
24 the class, then we do have it, but I'm not aware of it.

25 Q And the tenth grade life science, is that

1 little different because it really depends on the
2 teacher. As I said to you earlier, there's a lot of
3 teachers who prefer the dry lab than the wet lab. I
4 would think it's important the kids get hands-on stuff
5 personally. I think that's a good idea. But I had a
6 science teacher in another school that loved the
7 technology that went along with the labs, and that's
8 part of his -- and very outstanding teacher. His labs
9 were more along dry lab.

10 BY MR. ROSENBAUM:

11 Q Are there state standards, to your knowledge,
12 regarding the requirement of having labs in physical
13 science?

14 A I'm not aware.

15 Q Or district standards?

16 A We don't have any from the district standpoint.

17 Q If I changed that to life science?

18 A I'm not aware of any standards in that area,
19 labs. I don't mean that there may not be. I'm just not
20 aware of them.

21 Q Thank you. Are there state standards,
22 Superintendent Brand, to your knowledge, regarding the
23 availability of bathrooms on high school campuses?

24 A I'm not aware of standards.

25 MS. KOURY: Objection. Vague.

1 zoology?

2 A No. It's a general life science class, and
3 it's life science, and then there's a biology class that
4 goes with that that does have a lab. But, again, I'm
5 not aware what the requirements in the area of labs are
6 in that particular class.

7 Q Do you know if there's a physical lab in the
8 tenth grade? An actual lab?

9 A Yes. Biology has a lab. Biology class has an
10 actual lab.

11 Q And there is a lab in the classroom?

12 A Yes.

13 Q Is that important?

14 MS. KOURY: Objection. Vague. What are we
15 talking about?

16 MR. ROSENBAUM: Presence of labs. Presence of
17 the labs.

18 MR. RAMOS: Important to what?

19 MR. ROSENBAUM: Important to the education
20 mission for the school.

21 MS. KOURY: For what courses are we talking
22 about?

23 MR. ROSENBAUM: Any of the science courses that
24 he's been talking about.

25 THE WITNESS: Well, it's -- the answer's a

1 BY MR. ROSENBAUM:

2 Q How about district standards?

3 A We don't have district standards in bathrooms.

4 Q Are there state standards, to your knowledge,
5 regarding the conditions of cleanliness and sanitation
6 in bathrooms?

7 A I'm not aware of them.

8 Q Or district standards?

9 A Only that we expect our bathrooms to look a
10 certain way and be cleaned on a daily basis and stocked
11 on a daily basis.

12 Q Any written standards in the district?

13 A I'm not aware of them.

14 Q Have you ever heard any concerns expressed in
15 your tenure at Santa Paula High School District
16 regarding the availability of bathrooms?

17 A Well, the availability -- the bathrooms are
18 open and we have several bathrooms that we do not open
19 only because of safety issues and supervision. We have
20 two bathrooms that are open all day long, and then we
21 have approximately four or five others that are
22 available to students on request from security, that we
23 don't open them and leave them open because of
24 supervision. It's an old high school with alcoves and
25 stairways and things along that line. So you visualize

1 the 1950s-looking high school, and there's certain areas
2 that are difficult to supervise, and there are bathrooms
3 from back in the 1950s that we've closed down.

4 Q And the two that are open all day, where are
5 they?

6 A One is in the physical education area, and one
7 is in the main quad area, what we call Cardinal Way.

8 Q And is there an area in the school called the
9 500s area?

10 A Yes. That's a building.

11 Q Is that where one of the bathrooms are?

12 A There are two down there.

13 Q Are they open?

14 A They are now open.

15 Q What do you mean "now"?

16 A Well, we -- they were closed up until probably
17 two or three years ago. We put some money into them.
18 They're outside kind of bathrooms that were very old.

19 We replaced everything inside. And then we just
20 received funding from the state to redo them, so they'll
21 be done this summer, and they'll be open as well. But
22 that's quite a distance from the main campus, the 500s.

23 Q And the funding you got from the state, that's
24 part of what program?

25 A I wrote that down just to be sure. Federal

1 from a cabinet standpoint, of opening another bathroom,
2 and that was done about three or four weeks ago in one
3 of those areas in a hallway. But to do that, we
4 assigned another campus supervisor there to monitor it
5 but --

6 BY MR. ROSENBAUM:

7 Q Why did you do that?

8 A Just to open another bathroom. It must have
9 been brought to the attention of the site person because
10 it was brought up at cabinet and so we addressed it and
11 we said let's give it a try. And I said give it a try,
12 and that's exactly what I mean. If we find incidents
13 that are occurring there or a location we can't
14 supervise, we're going to close it, because of safety.

15 Q Have you ever heard concerns expressed about
16 long lines at bathrooms?

17 A No.

18 Q Or that bathrooms --

19 A But, again, I'm not there. I'm obviously
20 thinking about male bathrooms versus female bathrooms,
21 and I do know that with -- female restrooms seem to back
22 up a little bit more than male restrooms.

23 Q Let me maybe shortcut this. You're not the
24 person who would hear the concerns typically --

25 A No, I wouldn't.

1 renovation and that's going to begin in May.

2 Q Why did you write that down?

3 A It's one of the things that you had on your
4 list of areas that you were going to discuss.

5 Q Okay. And --

6 A I want to become a bathroom expert, see.

7 Q How much money did you get? Is this from the
8 federal government or state government?

9 A Yes, federal. I don't have the figure.

10 Q And the two open bathrooms -- so right now how
11 many bathrooms are open?

12 A We have three sets of bathrooms open on the
13 campus.

14 Q And how many are open all day?

15 A Three. Three sets.

16 Q Three sets meaning six bathrooms?

17 A Yes. Males, females, yes.

18 Q How many stalls are we talking about?

19 A I don't have the figure.

20 Q And have you ever heard any concerns that
21 bathrooms are unavailable, at any point in your tenure?

22 MS. KOURY: Objection. Vague.

23 THE WITNESS: I would imagine so. I mean, it's
24 not something that I can tell you yes, I did and we had
25 addressed them. Actually, we've been talking about,

1 Q -- regarding the conditions of bathrooms; is
2 that right?

3 A I would hear the concerns from parents, though,
4 if they're frustrated through -- going through the
5 channels at school from the AP to the principal. And if
6 it wasn't resolved or addressed, then it would get to
7 me.

8 Q But the channel is not for a student to go
9 directly to you?

10 A It's available but it normally doesn't happen
11 that way. There's a very comfortable administrative
12 team up there, and we have a great campus security
13 system that kids talk to as well.

14 Q Did you ever hear that there were concerns
15 expressed as part of this lawsuit regarding the
16 availability of bathrooms?

17 A I thought it was a part of it because I read
18 your areas of questions so I kind of considered --

19 Q But before you read the areas of questions.

20 A No, I wasn't aware of that.

21 Q Before you read the areas of questions, did you
22 ever hear of any particular concerns regarding the high
23 school as part of this case?

24 A No.

25 Q Nobody brought it to your attention?

1 A No.
 2 Q And if you heard that there were concerns about
 3 the availability of bathrooms, what would you do?
 4 A As administrator, district level
 5 superintendent, I would turn it back to the school site
 6 to have them look into it, find out what and where we
 7 can help out. And if it was a legitimate concern, then
 8 obviously, as we tried to do just a few weeks ago, we
 9 tried to open more. We have more bathrooms. As we say,
 10 it's just in unique alcove places that we don't feel
 11 real comfortable about it. It's -- again, I used this
 12 term earlier. It's about communication. If we know
 13 about it and get involved in it and can address it, I
 14 think we can resolve it.
 15 Q Are there state standards, to your knowledge,
 16 Superintendent, regarding numbers of counselors in high
 17 schools or counselor-student ratios?
 18 MS. KOURY: Objection. Vague.
 19 THE WITNESS: I'm not aware of any numbers.
 20 BY MR. ROSENBAUM:
 21 Q Or are there district standards?
 22 A We don't have any.
 23 Q And you have counselors in the high school; is
 24 that true?
 25 A Yes.

1 Q How many do you have?
 2 A We have three counselors, one outreach
 3 counselor, one UCSB -- UCSB counselor, two guidance
 4 technicians. We are very overstaffed in the area of
 5 counseling and guidance.
 6 Q What's a UCSB counselor?
 7 A Again, because of the profile of Santa Paula
 8 High School -- and the profile I'm talking about is our
 9 student population being what it is, 83 percent
 10 Hispanic -- we have become a hotbed for the UC system
 11 for enrollment for minority students. So we've taken
 12 advantage of that, and we have a great partnership now
 13 with UC Santa Barbara. They actually provide for us a
 14 counselor on site that counsels students in preparation
 15 to enroll in the UC system.
 16 Q How long has that been in place?
 17 A Three years.
 18 Q And that person's job is to answer questions
 19 about UCSB?
 20 A UC, the UC system. Enrollment in a four-year
 21 UC school. Parent workshops, student workshops, checks
 22 transcripts, sits down with students, be sure that
 23 deadlines are met, and works alongside the regular
 24 counselor of the student in that area.
 25 Q When you say "regular counselor," what do you

1 mean by that?
 2 A We take the three counselors and divide it up
 3 in regards to areas and try to get a number of
 4 counselors -- number of students per counselor.
 5 Q And how many do you try to get?
 6 A There's not a specific number that we try to
 7 get. We -- we're running I think around 350 per
 8 counselor.
 9 Q Do you know what the ratio is at other high
 10 schools in the county?
 11 A No. It's much higher, though, I would think.
 12 Q When you say "much higher," do you have a
 13 number in your head?
 14 A No, I don't.
 15 Q Is there an optimum number, in your mind?
 16 A Well, I'm not the person to talk to on this
 17 because I'm not sure that counselors, per se, are the
 18 answer. I think that dedicated people involved in
 19 students is the answer, and in my experience, sometimes
 20 counselors don't go that extra mile, and I'm looking
 21 into that. I had -- the counselors have to justify
 22 getting the counselor that left replaced because I don't
 23 want counselors not to be actively involved in students.
 24 And counselors sometimes can get bogged down and program
 25 changes and all these other things, and that's not what

1 I expect them to be doing. I expect them to get kids on
 2 track and get them through school and on their way off
 3 to positive experiences after high school.
 4 Q Why is that important?
 5 A Again, quality of life. You know, we have four
 6 years to get this student on a track to be successful
 7 and contributing, and that's what I think is our goal
 8 and counseling can be a very important part of that, but
 9 my background -- I've had counseling technicians,
 10 guidance technicians that work beautifully. I've had
 11 counselors that work beautifully, but you have to work
 12 hard.
 13 Q Let me understand the math. There are 1,550
 14 students?
 15 A Approximately, yes.
 16 Q And you talk about three counselors. So why do
 17 you say 350?
 18 A Well, we have certain -- some counselors that
 19 are divided -- we have another -- I said we had an
 20 outreach counselor as well. The division is not so
 21 clean that I said 350 meaning that's emphatic. We have
 22 counselors that do alpha, the regular alphabet. We have
 23 a senior counselor and so on. But I'm approximating the
 24 350 with our counseling. But you're only saying three
 25 and we have more than three.

1 Q What's an outreach counselor?

2 A Alpha, alphabet counselor. You know, A to Z
3 kind of thing. Ninth graders. It's the way the
4 departments divvy up who they see and who they don't
5 see. We have academies at our school that are very
6 important to us, so we have a counselor designated to
7 the academies. Then we have counselors dedicated to
8 seniors and counselors that are dedicated to tenth
9 graders at a certain level and so on. But my 350, 1 to
10 350 is the ballpark that I would use, using our outreach
11 counselor and three other counselors that we have.

12 Q This is my problem. I'm just trying -- an
13 alphabet counselor?

14 A Alpha. Again, you have A to C, students A
15 to C.

16 Q I don't know what that means. Grades A to C?

17 A No, students. Alphabet. Students Adam to
18 Carlson, that's your alphabet. Anybody that fits into
19 that category, that's under your ballpark. She has D to
20 M, so from Diego to Martinez.

21 Q Got it. Got it.

22 A And that's -- grade level.

23 Q Have you ever heard any concerns that there are
24 not sufficient number of counselors in the high school?
25 Let me restate that. Strike that.

1 Q Are you concerned about the availability of
2 that money?

3 A No. We've already -- we had all our dots and
4 T's crossed, and we just got caught up prior to that
5 Prop 47. And once that was passed, we're in line. We
6 should be getting our funding in March. We've had
7 committees; we've already finalized the plans; we're
8 ready to go. We're excited about it.

9 Q How long have you had these plans?

10 A We started the process probably three years
11 ago, and it was a very good process where we got a lot
12 of input. We worked through an architectural firm. We
13 had people sign off on the plans in the auditorium and
14 in the gymnasium and locker room. Our locker room and
15 gymnasium is 1950, so you can imagine what it looks
16 like. It's clean but it's old. So we're really
17 modernizing it. We're taking the auditorium and putting
18 in -- it's a beautiful auditorium, but it needs new
19 toilets and sound area and stage and so on. It's going
20 to be outstanding when it's completed.

21 Q And the bathrooms, the plans?

22 A Actually, the bathrooms are the plans, a real
23 priority, especially in the auditorium. Again, the
24 auditorium was built in the 1930s, so you can imagine.
25 It's beautiful. We have some murals on there that are

1 Would you be in the position to hear student
2 complaints about numbers of counselors or availability
3 of counselors?

4 MS. KOURY: Objection. Vague.

5 THE WITNESS: No, I wouldn't be in the
6 position, but we're not. I want to be sure you
7 understand that.

8 BY MR. ROSENBAUM:

9 Q Are you the person to whom complaints would be
10 presented if there were rats or other vermin in
11 classrooms?

12 A No.

13 MS. KOURY: Objection. Vague as to when you
14 say "you," is it him personally? His staff? And
15 complaints from whom? Students? Someone at the site?

16 BY MR. ROSENBAUM:

17 Q Do you presently have plans for modernization?

18 A Yes.

19 Q What are those plans?

20 A We're modernizing the McMahan gym and the
21 Elkins auditorium.

22 Q Anything else?

23 A No. Those are -- and of course the bathrooms.

24 Q Where are you going to get the money for that?

25 A That's coming from the state.

1 incredibly valuable, which won't be touched. But we
2 will now have 12 stalls in the female bathroom.

3 Q And now what are they?

4 A I think there are two. So that was a part
5 of -- very important part. We wanted to be sure that we
6 had enough bathroom facility to meet the crowd, and that
7 was a part of the architectural plan. In the gymnasium,
8 we also created a -- besides the boys locker room and
9 athletic team area, we created a new area for the girls
10 athletic program that has 30 lockers and two showers and
11 bathrooms for visiting home teams and our own team. We
12 also have a Briden gym, which is the girls' side.

13 Q Sitting here today regarding the bathrooms, how
14 many female stalls are there?

15 A I wouldn't have an idea.

16 Q Same thing for the male stalls?

17 A Yeah, wouldn't have an idea.

18 Q Do you spend a lot of time on the campus?

19 A I visit frequently.

20 Q How frequently?

21 A Frequently. Actually, I have scheduled every
22 Tuesday that I observe classrooms.

23 Q You all went through the WASC process?

24 A Yes.

25 Q And you were given an approval for six years

1 with a review?
 2 A Mid-year review.
 3 Q And has that happened?
 4 A Yes, happened last year.
 5 Q And do you know what the results of that were?
 6 A Very positive.
 7 MR. ROSENBAUM: Let's go off the record for a
 8 minute.
 9 (Pause in the proceedings.)
 10 MR. ROSENBAUM: Back on the record. Let me
 11 mark as Exhibit 1 to this deposition a -- a document.
 12 It is titled "California High School Exit Exam Results
 13 for Mathematics and English Language Arts." It's a
 14 one-page report. Let me have it marked and put in front
 15 of the superintendent.
 16 (Plaintiff's Exhibit 1 was marked for
 17 identification by the court reporter.)
 18 MS. KOURY: Counsel, are you going to ask
 19 questions about this exhibit right now?
 20 MR. ROSENBAUM: Yeah.
 21 MS. KOURY: Could I review it off the record
 22 before you ask the questions?
 23 MR. ROSENBAUM: You sure can.
 24 (Pause in the proceedings.)
 25 BY MR. ROSENBAUM:

1 Q Have you had a chance to -- are you familiar
 2 with that document? Have you seen it before,
 3 Superintendent?
 4 A Are we back on the record?
 5 Q Yeah.
 6 A I have not seen this before, but I am familiar
 7 with the figures generally.
 8 Q Are those figures accurate, as far as you know?
 9 A I'm not aware if they're accurate. I would say
 10 that they're very close to where we were when we filled
 11 out this report, obviously.
 12 Q Okay.
 13 A We're a little better at this point. Because
 14 this is combined -- this would represent the last
 15 spring's exit exam results.
 16 Q And when you say "this," you're looking at
 17 what's been marked as Exhibit 1; is that right?
 18 A Yes, I am.
 19 Q And those are the results for what school year?
 20 A This is a combined 2002. And what this means
 21 is that we put into this the ninth graders that we
 22 tested in 2001, plus the tenth graders in 2002 that
 23 didn't take the test in the ninth grade. And this
 24 represents the class that's under the umbrella of 2004
 25 in the first exit exam class.

1 Q Okay. So that means that 22 percent of the
 2 kids have passed in math, is that right, in your school?
 3 A No. It says 53 percent. All students -- no,
 4 those figures are not correct if you're looking at them
 5 in that way. Our figures approximately today
 6 represent 72 percent of the school -- of the class of
 7 2004 have passed -- oh, I see what you're saying. This
 8 is -- this might be the results of last spring, second
 9 administration of the tenth grade class. This is not
 10 the complete class of 2004 results, I don't think.
 11 That's why they're so low. Because these are the kids
 12 that didn't pass it the first time as ninth graders.
 13 Because we're in the low 70s right now in exit exam for
 14 English and in the mid 50s right now for mathematics.
 15 Q So help me understand this. This reflects the
 16 second administration of the test?
 17 A In looking at this, I'm interpreting it because
 18 the figures are where they are, that these are the
 19 students that did not pass the test in 2001 spring and
 20 are taking it for the second time in the class of 2004.
 21 But they do not represent the school as it sits today in
 22 the exit numbers at this time.
 23 Q Let's break this down. We're still looking at
 24 Exhibit 1, right?
 25 A Uh-huh.

1 Q You're saying yes?
 2 A Yes, I am.
 3 Q And according to Exhibit 1, there were 237
 4 students who took the exam this past spring; is that
 5 correct?
 6 A Again, it's speculation on how that is, but
 7 that could be the figure that took the exam last spring,
 8 with the class being approximately 400, yes.
 9 Q The class is approximately 400, you're telling
 10 me?
 11 A Uh-huh.
 12 Q You're saying yes?
 13 A Yes.
 14 Q And then of this group, 22 percent passed; is
 15 that right?
 16 A Yes. I'm interpreting it that way.
 17 Q In math. And in English Language Arts, 30
 18 percent passed; is that right?
 19 A Yes.
 20 Q And --
 21 A But I have to interrupt you right now. I
 22 apologize for this, but this does not show the students
 23 that took the test the year before that are your top
 24 students in the class. This represents the students
 25 that did not pass the test the first time. An exit

1 exam, if you're on grade level or above, you will pass
2 the exit exam the very first time you take it, as our
3 top students did in this class. So this is not the
4 class of 2004 being represented with these figures. I
5 want to be sure that's on the record.

6 Q So do you know what the percent of your
7 students were who passed the math the first time?

8 A No, I don't. I only know approximately right
9 now what our figures are for the class of 2004.

10 Q Which is what?

11 A Approximately 72 percent have passed the exit
12 exam in English and approximately 58 have passed it in
13 math, of the class of 2004.

14 Q 58 percent in math?

15 A In the math. Approximate figures, yes.

16 Q And what percent in English?

17 A In the 70s.

18 MS. KOURY: Just for the record, that's the
19 third time he's answered that question.

20 BY MR. ROSENBAUM:

21 Q And if 58 percent is your math number now, am I
22 correct, sir, that approximately 36 percent passed the
23 first go-around?

24 A It could be.

25 Q That sounds right to you?

1 Q Why do you say that?

2 A Because we have, again, a date with a diploma
3 riding on it. And if the state determines 2004 is the
4 date that we implement the exit exam, that's what we
5 have to follow and that's why the urgency is here for us
6 to really remediate as much as we can.

7 Q Do you have a recommendation as to whether or
8 not 2004 should remain the date?

9 A Only personal?

10 Q Yes. Based on your experience.

11 A Certainly not representing the district and
12 certainly not representing anything other than myself.

13 MS. KOURY: Objection. Calls for speculation.

14 THE WITNESS: I think we should stay with 2004.

15 BY MR. ROSENBAUM:

16 Q Why is that?

17 A We've told the kids and worked with the kids,
18 and we've been gearing up for this. And I feel that the
19 2004 date, we should keep it there. It will be like
20 talking both sides of your mouth, we didn't really mean
21 it. Or go to 2012 which is No Child Left Behind. Give
22 us 12 years. That would be the best. But if you're
23 saying should we implement 2004, 2005, or 2006, that
24 would be my question.

25 Q Why would 12 years be best?

1 A If -- sounds right, uh-huh.

2 Q And for the ELA -- English Language Arts -- am
3 I correct, sir, that somewhere in the neighborhood of 40
4 percent passed it the first time?

5 A I'm not aware of that.

6 Q Do you have a ballpark figure of how those
7 first ones passed the first time?

8 A No. I think this sheet is very misleading,
9 however, though, and difficult to interpret.

10 Q Well, I'm not agreeing or disagreeing, but we
11 should channel our concerns to the Department of
12 Education.

13 A Well, no. I think we should channel our
14 concerns to the high school district, and we're
15 accepting that challenge. What I'm concerned about is
16 this doesn't represent the picture of what the class of
17 2004 looks like. This represents the picture of the
18 students that are not successful academically right now
19 that need our assistance to get through the exit exam.
20 And that's who we are going to be addressing. But we
21 all know that districts statewide, we fit pretty much a
22 profile of where districts are in the state right now
23 with our figures today. We have a very -- the English
24 Language Learners are running in the 28 to 30 percent
25 right now, so we know it's a big challenge.

1 A Well, that's what they're saying in No Child
2 Left Behind, that within 12 years all students will be
3 at that particular level. That's much more realistic.

4 Q Were you concerned, Superintendent, at the end
5 of the first year that 64 percent of the kids who took
6 the test, the math test, failed?

7 MS. KOURY: Objection. Vague, ambiguous.

8 MR. RAMOS: Where are you getting the 64
9 percent?

10 MR. ROSENBAUM: He testified to that three
11 questions ago. We saw -- he said that 58 percent of the
12 kids that have passed the math, 22 percent passed it
13 this last time. So that's approximately 36 percent the
14 first time.

15 Q Am I getting that right?

16 A Well, that's your figures. I would think that
17 could be it. If we want to say -- we have 50 percent of
18 the class 2004.

19 Q I don't have to tie you to a particular number.
20 Were you concerned about the numbers of kids at Santa
21 Paula who failed the math the first time?

22 MS. KOURY: Same objection.

23 THE WITNESS: Absolutely.

24 BY MR. ROSENBAUM:

25 Q Why is that?

1 A Because it's our responsibility to get them
 2 through, and we have a major challenge ahead of us to do
 3 this, and we're taking it head on and very serious.
 4 Q Did you do any investigation to determine
 5 whether kids who did better, who passed the math exam,
 6 whether or not they had fully credentialed teachers?
 7 A No, we did not.
 8 Q Or what the nature of their instructional
 9 materials were?
 10 A No, we did not.
 11 Q Or anything about the facilities?
 12 A Well, we only know what we have at Santa Paula.
 13 We have adequate facilities; we have instructional
 14 materials; we have powerful teaching taking place.
 15 We're unique because we're a high school district, and
 16 we only had those kids six months that took the first
 17 exit. But I want you to understand that some of the top
 18 students that are in advanced courses aren't passing
 19 this exit exam. This is not an easy examination. And
 20 if you haven't seen it, it's important that maybe you do
 21 take a peak at it. So it's going to take a process for
 22 these students to be sure that this type of material is
 23 being taught throughout their K-12 education for them to
 24 pass.
 25 Q Were there any discussions with the feeder

1 A Not aware.
 2 Q Or in any subject matter?
 3 A No.
 4 Q Do you know if there's been --
 5 A It's not my job.
 6 Q Do you know if anybody's doing that job to find
 7 that out?
 8 MS. KOURY: Objection. Calls for speculation.
 9 THE WITNESS: I'm not aware.
 10 BY MR. ROSENBAUM:
 11 Q Same thing for other courses besides math.
 12 Same questions in terms of the feeder schools, English,
 13 other subjects. Anyone investigate the kids who did
 14 well on the high school exit exam versus the ones who
 15 didn't, whether they had fully credentialed teachers?
 16 MS. KOURY: I'm sorry. Are we talking about
 17 the feeder schools?
 18 MR. ROSENBAUM: Yes.
 19 THE WITNESS: I'm not aware of anything. All I
 20 know and I'd like to share about the feeder schools is
 21 they're taking it very seriously and trying very, very
 22 hard to get the kids to the ninth grade level when they
 23 come to ninth grade. If they come in with ninth grade
 24 level skills, they'll pass the exit exam. That's our
 25 goal.

1 schools at the elementary or middle school level about
 2 the preparation of kids in terms of their readiness to
 3 take the high school exam --
 4 A Yes. We work very closely with them. We're
 5 doing much more serious articulation at this time with
 6 the elementary, our largest feeder at this time. But we
 7 have been meeting with them ongoing. But the
 8 accountability is the high school.
 9 Q Was there ever any investigation, to your
 10 knowledge, to look at the math backgrounds of the kids
 11 who failed the exam in terms of their feeder schools?
 12 A No. We only know their SAT scores.
 13 Q Was there any investigation to determine
 14 whether they had fully credentialed or emergency
 15 credentialed teachers, the kids who passed versus the
 16 kids who failed?
 17 A No.
 18 Q Or whether or not they had textbooks available
 19 to them in their feeder schools?
 20 A No.
 21 Q Sitting here today, do you know if all kids in
 22 the feeder schools to your high school have textbooks
 23 that they can take home in the area of math?
 24 A I do not know, no.
 25 Q Or in English?

1 BY MR. ROSENBAUM:
 2 Q What level are they coming in at?
 3 A Different levels. As I said, we have a
 4 challenge because we have students coming in under the
 5 50 percent level on the SAT 9.
 6 Q 75 percent below; is that right?
 7 A Yes.
 8 Q Has it been that way the last seven years?
 9 A It has been that way the last two years.
 10 Q What about before that?
 11 A I don't have record of that.
 12 Q Has it gone up at all, stayed the same, gone
 13 down?
 14 A It's actually gone up. There's been a change
 15 in administration in the elementary, middle school that
 16 feeds us, and we think there's going to be some real
 17 positive results in there. They need to do the same
 18 thing we're doing in high school. You have to test,
 19 find out where the student is. And if that student
 20 needs remediation, there has to be something that you
 21 could do with that student in the way of a specialized
 22 program. That's what we're doing in high school. We're
 23 creating an exit academy.
 24 Q Maybe you just answered this. You tell me.
 25 How much did it go up, the percent of kids who are below

1 50 percent?
 2 A I don't have that figure.
 3 Q Is it --
 4 A I wouldn't -- I couldn't even speculate. Their
 5 API has gone up, is what I'm basing that on.
 6 Q Do you know how much it's gone up?
 7 A API is 610, I think. The middle school that
 8 feeds us, the large middle school.
 9 Q What was it the year before?
 10 A I don't know but it was an improvement.
 11 Q And that middle school is?
 12 A Isbel, I-s-b-e-l.
 13 Q Do you have personal knowledge specifically as
 14 to what's being done in that school?
 15 A No. Other than my communication with the
 16 superintendent, I don't know hands on.
 17 Q You told me earlier that you've broken down
 18 results for English learners versus the rest of the
 19 population?
 20 A We've broken down everyone that took the SAT
 21 scores and provided them to the teachers.
 22 Q What about the high school exit exam?
 23 A I'm not sure if they've done that with that or
 24 not. We know right now all the students that have not
 25 passed it and what areas they have not passed it in.

1 See, you can pass one area, you don't have to pass it
 2 again. That's one part of it. You don't have to take
 3 the part that you did pass. And we're prepared at this
 4 time, starting in February, to take the students of 2004
 5 that haven't passed and put them in a specialized
 6 program just for exit. And we will be working with some
 7 technology to try to assist them. It's called Plato.
 8 It's P-l-a-t-o.
 9 Q So the subset of kids who have not passed the
 10 high school exam after two administrations -- three
 11 administrations -- will be put in a --
 12 A Special class.
 13 Q Special class. And who will teach that class?
 14 A We have a credentialed teacher in English and a
 15 credentialed teacher in mathematics.
 16 Q A fully credentialed teacher?
 17 A Yes.
 18 Q Any reason why you're doing that?
 19 MS. KOURY: Objection. Vague.
 20 THE WITNESS: Our responsibility is to get
 21 these kids through. And we're using, as I say, a
 22 specialized program called Plato, which has success, and
 23 it is aligned to the exit exam. And so we want these
 24 kids to pass.
 25 BY MR. ROSENBAUM:

1 Q Do you know if other districts are doing that?
 2 A Plato has been used in other districts in
 3 California.
 4 Q How did you learn about it?
 5 A I'm familiar with the program, and the
 6 salesperson has come to our site and talked to us about
 7 it, and I had him present to our site people and our
 8 teachers, and they think it's a very good program that
 9 could lead to students passing the exit.
 10 Q And it's aligned to the subject matters --
 11 A It's aligned to the exit exam.
 12 Q Specifically.
 13 A Yes. It's specific to the exam, exit exam.
 14 Q How long will that class be? That's a vague
 15 question.
 16 First in terms of the class period. Is it a
 17 50-minute --
 18 A It's a regular class period.
 19 Q So they will take a Plato class instead of --
 20 A We're going to call it "Exit math class" or
 21 "Exit English class," but it will be a part of the
 22 master schedule. And they'll take it beginning second
 23 term, and then they'll take the test in the spring. And
 24 if they don't pass it, they'll enroll in summer school,
 25 and then they'll take it again in the fall. They'll be

1 in the class until they pass the test.
 2 Q And are there two classes, an exit math class
 3 and exit English class?
 4 A Yes. That's the only areas that exit covers at
 5 this time, math and English.
 6 Q And so a student who will have failed the exam
 7 on three occasions will have as part of his or her
 8 schedule an exit --
 9 A Class.
 10 Q Well, what I'm trying -- I think my question is
 11 sort of inarticulate there.
 12 Let's assume a student has failed math and
 13 failed English. Will that student have an exit math
 14 class and an exit English class?
 15 A Yes.
 16 Q How many classes does a student have?
 17 A That student could have three or four classes.
 18 We would probably -- and, again, I'm saying "probably"
 19 because I'm not sure exactly how it will be handled, but
 20 they're going to be offered all day long. So we might
 21 take a student that needs both of those and pull him out
 22 of a class that he had signed up for, she had signed up
 23 for second term, and not allow them to take that class.
 24 That's the severity of the program that we're talking
 25 about. It's not something we'd like to do, but we have

- 1 to do because it's our responsibility to get the
2 students through exit.
- 3 Q Why don't you like to do it?
- 4 A It would be great to have students have the
5 freedom to take electives and to go through the kind of
6 program that they had kind of lined out for them, but
7 right now it's high stakes. And you have a diploma
8 riding on it. And I couldn't sleep at night if I
9 couldn't do everything I possibly could to get kids
10 through. And this academy is about as tight as it can
11 get.
- 12 Q What does that mean?
- 13 A Tight in the sense of structure. We're gearing
14 to the exit, we're gearing to skills they have to have
15 in reading and English.
- 16 Q And test-taking skills too?
- 17 A I imagine that would be part of it.
- 18 Q Do you have an idea how much time would be
19 devoted to that?
- 20 A I'm not sure. Actually, the training is taking
21 place in January, and it will be implemented in
22 February. So we're really at the beginning part of it.
- 23 Q Training of the teachers?
- 24 A Training of teachers and administration.
- 25 Q How many teachers?

- 1 A At this time we have two. One in math and one
2 in English.
- 3 Q And would they -- the summer program that you
4 were talking about, same two teachers you expect will
5 teach in that program?
- 6 A I'm not sure. I can't account for the summer.
- 7 Q Now, I --
- 8 A We're going to train more than two teachers,
9 though. We're going to try to get a nucleus of six to
10 eight teachers that are trained in Plato.
- 11 Q Who will those six to eight teachers be? I
12 don't mean their names.
- 13 A They will come out of the core classrooms, the
14 English and math people.
- 15 Q And will they be fully credentialed teachers?
- 16 A Absolutely.
- 17 Q I think you answered this and it just went past
18 me. I'm a student at your high school and in the 11th
19 grade. Will these kids be 11th graders?
- 20 A Yes.
- 21 Q How many subject classes do I have? How many
22 class blocks do I have?
- 23 A We're on a block schedule that does a term, a
24 whole year in a term. So think of it this way: You
25 have six blocks in a year. Three each semester that

- 1 you're familiar with. So a regular student would be in
2 three classes, second term. Now, we have an A period
3 and a B period. So we have actually five classes a
4 student could take. So we'll offer exit classes in our
5 regular blocks, and we'll offer them in the A and B as
6 well.
- 7 Q I know I don't understand this. The class --
8 the exit math -- let's say I'm a kid who's taking an
9 exit math and exit English class. How many classes
10 would I otherwise be taking that I'm not going to be
11 taking? Is the answer two?
- 12 A It could be two.
- 13 Q It could be more than two?
- 14 A No. It would be no more than two, but you
15 would be pulling them out. Let's take a student like
16 your example of two classes that that person would need.
17 That person signed up for three, second term. We would
18 take him out of two of those classes or put him in an A
19 period and a B period if we could accommodate it that
20 way. We try to work around the schedule. But he could
21 possibly be pulled out of two.
- 22 Q And it's a hundred minutes?
- 23 A It's 105.
- 24 Q And how many minutes of class do I have?
- 25 A That's the amount of the block.

- 1 Q My bad question. How many minutes of classroom
2 instruction does a student have at your high school in
3 the junior year total for each day? Is that a bad
4 question? Do I have 500 minutes? Do I have 300
5 minutes? How long is my sentence?
- 6 A It's a long day. In the case of a student that
7 is in an A period, that would start at 7:30 in the
8 morning. And to go -- if that student were in a B
9 period, that student would be out at 3 something. So
10 it's a long day for them.
- 11 Q So they to -- will they get out at 3:30 or
12 3:00?
- 13 A I want to say about 3:05. Don't pin me on
14 that, please.
- 15 Q So they go to school for about 7 1/2 hours?
- 16 A They could. As I said, they could. They could
17 just be in blocks one, two, and three, which start at
18 8:20 and go to 2:20 and in those exit classes. As I
19 said, it just depends on the student and what -- and how
20 the schedule could be accommodated to get the exit
21 classes in.
- 22 Q I know I'm taking much longer than I should on
23 this. If I'm going from 8:20 to 2:20, I'm in school for
24 6 hours. Some part of that time is devoted to lunch.
- 25 A Yes. 30 minutes.

1 Q You don't take them out of lunch --
 2 A No.
 3 Q So they're in school 6 hours, which is 360
 4 minutes. And 30 of those minutes are lunch. So are
 5 they normally in classes for 330 minutes?
 6 A I don't have that figure off the top of my head
 7 daily. Obviously we're over 64,800 minutes per year.
 8 We're closer to 70,000 minutes, but I don't know off the
 9 top of my head how many minutes.
 10 Q But it's conceivable that if they're in an exit
 11 math and an exit English class, 100 of those minutes
 12 would be devoted to those exit classes?
 13 A They could be in school well over 360 minutes
 14 if they're in A and B and in the regular three blocks.
 15 Q Have there been SAT 9 classes?
 16 A There have been the prep sessions that I've
 17 mentioned to you.
 18 Q The 20-minute sessions?
 19 A The 20-minute sessions that we've had. And we
 20 had what we call essential classes, English and math
 21 essentials. These are students that have been put in
 22 those classes. That's a regular part of the day, the
 23 regular school day. It's very similar to the exit
 24 academy that we're going to be starting, but it's not as
 25 concentrated. But these were students that came in very

1 think that would be appropriate. I think you could --
 2 I'm speculating a little bit. You could take them
 3 possibly out of a social science requirement because
 4 they could take it in summer school. You know, these
 5 kinds of things. We would still hope that the student
 6 would graduate on time. That's our goal. But they're
 7 not going to get a diploma if we don't get them in this
 8 exit academy.
 9 Q Social science class meaning what?
 10 A U.S. History, Econ, civics. Those are
 11 requirements in the junior and senior year.
 12 Q They could be taken out of one of those?
 13 A I'm not sure how they're being done. But I
 14 speculate that they could be taken out of one of those.
 15 I don't have in front of me how they're doing it because
 16 they're doing it right now. We administered the test in
 17 November, and we're waiting for the results to get back
 18 right now. So anybody that took the test in November is
 19 being put in that program until we find out whether they
 20 passed it or not. By the way, that's the only school
 21 that I know of that has done this before, so we're
 22 really looking forward to seeing how it works out.
 23 Q That's going to be my next question. Have you
 24 heard -- maybe you just answered it. The exit academy,
 25 is that being done, in sum or substance, anywhere else

1 low in skills, and we had them in a regular English
 2 class and an essentials English class and essentials
 3 English dealt with reading. Again, we're trying all we
 4 can to get the kids up to grade level as quickly as we
 5 possibly can.
 6 Q And they would take essentials class as opposed
 7 to some other class; is that right?
 8 A Possibly elective, yes.
 9 Q For the exit classes, could the exit class be
 10 required in place of a nonelective class?
 11 A It will be required in place of a nonelective
 12 class, yes. If the choice is to take a student out of
 13 a --
 14 Q A physical science class?
 15 A -- a graduation requirement or an elective
 16 class, then we will take them out of the elective class
 17 to put them in an exit class.
 18 Q Is it possible they will be taken out of a
 19 science class?
 20 A No. They won't be taken out of anything that's
 21 required towards graduation.
 22 Q What about a foreign language class?
 23 A Might be. I don't think it would be right to
 24 take them out of foreign language if they're in second
 25 year. If they haven't started their foreign language, I

1 that you know of?
 2 A I'm not aware.
 3 Q Whose idea was it?
 4 A It was a brainstorm.
 5 Q Of yours?
 6 A Yes. I woke up in the middle night and said
 7 let's give it a try.
 8 Q And the 20-minute prep class, was that your
 9 brainstorm too?
 10 A No. That was brought up by the site and site
 11 administration.
 12 Q Has that been done anywhere else?
 13 A I think there's lots of different
 14 configurations that schools have been using for that
 15 idea. And even my exit academy idea, when it gets down
 16 to crunch time, there will be some real innovative ideas
 17 brought forward to try to get the students through in
 18 the last minute here.
 19 Q Tell me what that means.
 20 A I mean, there will be new ideas brought. The
 21 exit academy, I'm calling it that, it was what I thought
 22 would be a good way. But I would imagine when other
 23 schools get their results back and they have a hundred
 24 kids that haven't passed the test, they're going to say,
 25 "What are you going to do with those hundred kids?"

1 That's what I was just thinking, what are we going to do
2 with these hundred kids now? There were only three more
3 times to take the test.

4 Q Has there been any diagnosis to your knowledge,
5 Superintendent, as to why these kids are failing? I
6 hear your brainstorm as to what you're going to do about
7 the kids. And I'm not just referring to your district
8 here. I want to know anywhere in the state that you're
9 aware of, have you heard any analysis as to why kids are
10 failing the high school exit exam?

11 MS. KOURY: Objection. Vague. Also, I believe
12 this has been asked and answered to the extent that he
13 testified they have a data analysis based on the results
14 of the exit exam.

15 THE WITNESS: Yeah. And that's a good answer.
16 I really don't have any pinpoint answer. Obviously we
17 go back to grade level when they come to high school.
18 And in my personal opinion -- again, not as
19 superintendent but my personal opinion -- it's all about
20 reading. Reading is the key for success, in my opinion,
21 in school today. If you can read, you can conquer
22 anything, in my mind, mathematics included, science
23 included. And reading is a weakness that we have to
24 work on in the state of California.

25 BY MR. ROSENBAUM:

1 Q Have you ever seen any analysis of proficiency
2 on the API with certain characteristics of schools?

3 MS. KOURY: Objection. Vague.

4 BY MR. ROSENBAUM:

5 Q Do you understand what I mean? That might be a
6 little vague. Do you understand what I mean? I'll go
7 back.

8 Have you ever seen any analysis, say, these are
9 the characteristics that appear to be correlated with
10 good performance on the API, these are some
11 characteristics of schools that appear to be correlated
12 with poor performance on the API?

13 A Well, I think everyone sees something similar
14 to that. Obviously a lot of them are based on
15 socioeconomic levels of school districts. And I think
16 it is a frustration that some school districts have.
17 The state has put everybody in the same envelope and
18 we're not in the same envelope. But doesn't mean we
19 can't reach the same levels. But, yes, obviously, going
20 back to my criteria I mentioned earlier this morning,
21 powerful teaching, parent support and involvement. And,
22 again, my other point was giving students support on
23 daily instruction is essential.

24 Q And you don't have to repeat what you just told
25 me, but have you seen any specific analysis as to

1 Q Do you know why that is a weakness?

2 A Only in high school. And I have a reason. We
3 just don't teach it in high school. Nobody knows how to
4 teach reading. I mean, we don't have reading
5 specialists. Now, I know they do in K-8, and we will
6 start benefiting from that very quickly here when they
7 start coming through our system. But the old
8 Miller-Unruh law, I think, in high school, dropped out
9 about '98 -- or '88.

10 Q What was that?

11 A That was reading teachers in high school. We
12 used to have readings teachers up until late '90s, late
13 '80s.

14 Q Do you think that would be a good idea?

15 A I think reading is a factor. Again, it's only
16 my own opinion.

17 Q Have you seen any analysis at the
18 pre-high-school level as to why kids you're seeing are
19 failing the exams?

20 A No, I've never seen anything like that.

21 Q Or why they're not doing better on the SAT 9?

22 A No.

23 Q Or any of the other exams?

24 A No, I couldn't -- I really couldn't -- that
25 would just be speculation.

1 specific characteristics of schools and performance on
2 the API?

3 A Nothing broken down like that. The only thing
4 that we ever get is more theoretical and it's written in
5 the sense of what successful schools look like. And,
6 again, it's not nuts and bolts and it's not
7 statistically sound.

8 Q And it's not calibrated to results on the API?

9 A No. It's just very nice to read. You love to
10 read, as I said, some of these things that make positive
11 environments, but we all know those things, but no
12 breakdowns ever.

13 Q When you say, "We all know those things," what
14 do you mean?

15 A Things like having you ask your son and
16 daughter about homework and being actively involved in
17 school, and valuing education, setting criteria and
18 goals for your families. Those are things that makes
19 students stay on track. If I were in an upper
20 socioeconomic high school district, I wouldn't be
21 worrying about the exit exam. But I know I have a
22 challenge. That's what makes it more exciting and more
23 of a responsibility for us.

24 Q And when you say "same envelope" a few moments
25 ago, what did you mean by that?

1 A In the sense of judging all school districts
2 the same in California, we all are unique and different.
3 My students do not look like the students coming in from
4 the San Francisco area. They don't look like the
5 students coming in from the San Diego area, and we need
6 to appreciate those differences. And that's why it may
7 take some districts a little longer to achieve some of
8 the goals that we have under certain programs. I mean
9 I'm very proud when I see that we're at similar schools
10 at 9 and 10, but I know my API needs to be moved up, but
11 we're moving up. We're doing it. Every single year
12 we're making a dent in it. And we'll get there, but
13 it's going to take a little longer. And sometimes that
14 appreciation isn't there. That's a lot of brandism
15 right there. You shouldn't put that in there.

16 Q If you were asked your advice, Superintendent,
17 about making changes in the API, what if anything would
18 you say?

19 A I wouldn't make any changes with the API. I
20 would stay with the API. The problem we're facing right
21 now is that the AYP and the API are being talked about,
22 and no one's put together how we're going to correlate
23 that. We meet our API by 20 points and we have an AYP
24 now that we have to meet by No Child Left Behind. So
25 that's the big discussion, in my mind, right now. How

1 we're going to get some standard that we all can live
2 by. You have to give us credit for meeting our API, but
3 now we throw in an AYP, average yearly performance.

4 MR. ROSENBAUM: Can we take a break?

5 MS. KOURY: Sure.
6 (Recess.)

7 MR. ROSENBAUM: Back on the record. Let's mark
8 as Exhibit 2 to your deposition, Superintendent, a
9 two-page document. "Santa Paula High Academic
10 Performance Index (API), 2000 Base and 2001 Growth" is
11 in a rectangle at the first page. I'm going to have
12 this marked and placed in front of you, and I'm going to
13 bear the indulgence of both counsel if you would share
14 that.

15 (Plaintiff's Exhibit 2 was marked for
16 identification by the court reporter.)

17 BY MR. ROSENBAUM:

18 Q Have you had a chance to look at what's been
19 marked Exhibit 2?

20 A Yes.

21 Q And have you seen this document before?

22 A No, I have not. But they are -- I know the
23 scores. They're authentic and real.

24 Q Okay. Thanks. When you say "the scores,"
25 you're talking about API scores ranks and targets; is

1 that right?

2 A Yes.

3 Q And do you see where it says at the bottom of
4 the first page of what's been marked Exhibit 2, "2001
5 Growth API," it says 554?

6 A Yes.

7 Q And then below it, it says, "Met 2000-2001
8 Growth Target," "No"?

9 A Yes.

10 Q Is that accurate?

11 A Yes, it is.

12 Q Do you have an explanation as to why the growth
13 target was not met?

14 A Yes, I do. Again, it's speculation, but we
15 didn't do any pre-prepping for that test, and that was
16 the year that we didn't meet our API. Last year we did
17 and we improved 20 points, but that's only speculation.
18 There was a feeling that the class was ready to take it
19 and obviously it proved incorrect because we were not
20 pleased with not meeting our API.

21 Q Okay. And looking at the second page of what's
22 been marked as Exhibit 2, see where it says, "Subgroups
23 Met Growth Target," "No"?

24 A Yes.

25 Q What subgroups did not meet the growth target?

1 A I don't have that off the top of my head, but
2 it's broken down into English Language Learners and
3 Special Ed and so on, but I don't know that.

4 Q Is one of the groups Hispanic?

5 A It's referred to as English Language Learners,
6 I believe.

7 Q You consider that synonymous?

8 A Yes.

9 Q Do you have an explanation that you're
10 confident about as to why those subgroups did not meet
11 the growth target?

12 A No, I do not.

13 Q Same thing regarding -- strike that.

14 MR. RAMOS: Just to clarify the record, make
15 sure that we know that we're not categorizing all
16 Hispanics as English Language Learners.

17 MR. ROSENBAUM: I understand.

18 MR. RAMOS: That's kind of what you said.

19 MR. ROSENBAUM: It's not what I said. If you
20 read it back, that's not what I said.

21 Let's mark as Exhibit 3 a two-page document.

22 It says at the top, "Ventura County Star, December 12,
23 2001, Wednesday." And the headline is "52 percent of
24 first-year teachers not ready," and the byline is
25 "Kathleen Wilson and Jean Cowden Moore."

1 Let's have this marked -- give it to counsel to
 2 share -- and ask that Exhibit 3 please be placed in
 3 front of the witness.
 4 (Plaintiff's Exhibit 3 was marked for
 5 identification by the court reporter.)
 6 BY MR. ROSENBAUM:
 7 Q Have you had a chance to look at what's been
 8 marked Exhibit 3?
 9 A Yes.
 10 Q Have you seen this before -- not necessarily in
 11 this form, but does this recall a newspaper article that
 12 you previously saw?
 13 A The quote is something that I would say.
 14 Q And the quote is "We're not placing any F
 15 students in these classes. We're not placing any D
 16 students in these classes"? That's one quote?
 17 A I don't remember that. Where's that quote?
 18 Q Sixth paragraph.
 19 A "The study repeats earlier findings"?
 20 Q I'm sorry. We may have different articles
 21 here.
 22 MR. RAMOS: Yeah. We have different articles.
 23 MR. ROSENBAUM: That's known as a trick
 24 question. I can do it with this one.
 25 Q What's the quote you're talking about?

1 A Well, the quote has to deal with teachers that
 2 are new hires. And my quote was that new teachers are
 3 "often young college graduates who know their subjects
 4 but have not completed teacher-training courses,
 5 Superintendent Bill Brand said."
 6 Q Okay. And it says here -- I'm looking,
 7 regarding Exhibit 3, at the fifth full paragraph. And
 8 it says, "In contrast, only 4 percent of teachers in the
 9 high-income, high-achieving Conejo Valley Unified School
 10 District are in the classroom without a full
 11 credential."
 12 Do you have a belief as to whether that's true
 13 or not?
 14 MS. KOURY: Objection. I think that was asked
 15 and answered earlier.
 16 MR. ROSENBAUM: It was but I'm just using this
 17 to see if this jogs a memory.
 18 THE WITNESS: I don't have any idea whether
 19 that's correct or not.
 20 BY MR. ROSENBAUM:
 21 Q Have you ever talked to administrators in other
 22 school districts to determine what strategies they used
 23 to attract fully credentialed teachers?
 24 A We meet on a regular basis. We don't
 25 particularly have that as a topic because finding

1 teachers has not been real difficult for Ventura County.
 2 Q Do you receive any guidance from the State of
 3 California in terms of -- strike that.
 4 Do you receive any assistance from the State of
 5 California in terms of hiring fully credentialed
 6 teachers?
 7 MS. KOURY: Objection. Vague and ambiguous.
 8 THE WITNESS: I'm not quite sure what you mean
 9 by "guidance."
 10 BY MR. ROSENBAUM:
 11 Q Assistance.
 12 A Or assistance. I'm not quite sure what you
 13 mean by that.
 14 Q Do you ever consult with the state?
 15 A No.
 16 Q Do you ever receive any suggestions, programs
 17 as to how to attract fully credentialed teachers from
 18 the state of California?
 19 MS. KOURY: Objection. Vague and ambiguous.
 20 MR. RAMOS: If you can rephrase it as does the
 21 state have a policy, does the state have a hotline.
 22 BY MR. ROSENBAUM:
 23 Q State have any programs or policies that you're
 24 aware of to assist your district or any district in
 25 terms of attracting fully credentialed teachers?

1 A The Ed-Join on the Internet has been very good,
 2 as I mentioned earlier. Obviously guidelines from the
 3 state, we don't get any guidelines from the state. We
 4 obviously try to find credentialed teachers. That's our
 5 number one priority.
 6 Q Have you ever gone to anybody in the state and
 7 said we could use assistance, more assistance in terms
 8 of attracting fully credentialed teachers?
 9 A No.
 10 Q Do you know if any school --
 11 A I'm not aware.
 12 Q Is that avenue open to you, as far as you know?
 13 A Absolutely.
 14 Q Do you know whom you would talk to?
 15 A Probably the state superintendent of education.
 16 Q Do you know if any superintendent has ever done
 17 that?
 18 A I'm not aware.
 19 Q See the paragraph -- looking at the fourth full
 20 paragraph where it says that your district has one of
 21 the highest percentages of underqualified teachers in
 22 Ventura County, Rio School District has 16, Fillmore has
 23 15, do you see where I'm referring to?
 24 A Where is it says "17"?
 25 Q Yeah. It says 17, Rio has 16, and Fillmore has

1 15.

2 A Yes, I do I see that.

3 Q Does that approximate your understanding of
4 where you rank in terms of those school districts?

5 A Yes, but I think it could be misleading. We're
6 talking about 71 teachers. So our percentages are going
7 to pop up much higher versus somebody that has 2,000
8 teachers or 1,000 teachers.

9 Q Why is that?

10 A Just simple mathematics. It's pretty logical.
11 I'm not sure whether that really refers to the high
12 school district by itself or both high school and
13 elementary district or it's just in Santa Paula, but the
14 figure I gave you today did have 19 so that probably is
15 pretty close to the ballpark.

16 MR. ROSENBAUM: Let's mark as Exhibit 4 to this
17 deposition an article -- or a two-page document, and it
18 has the headline in bold it says, "Teachers union seeks
19 change in placing pupils. Educators want objective
20 criteria. Byline: Kathleen Wilson." And I'm going to
21 have this marked and put in front of the witness, and
22 I'm going to supply a copy to counsel.

23 (Plaintiff's Exhibit 4 was marked for
24 identification by the court reporter.)

25 BY MR. ROSENBAUM:

1 took this venue and was next year defeated, because I
2 think the majority of the teachers do appreciate having
3 students in rigorous curriculum. But I wanted to be
4 sure that was in the record.

5 Q Thank you. Now, see the sentence -- and we're
6 now nine paragraphs down. It starts out with the
7 sentence "The program has had mixed results." Do you
8 see that paragraph?

9 A Yes.

10 Q I'm not interested in Ms. Wilson's
11 characterization. I do want to know about numbers,
12 though. It says, "Almost 80 students applied to
13 four-year colleges last year, compared to 11 in 1996,
14 although officials do not know how many were accepted."
15 Do you see that?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q And "last year" means what year?

20 A That would have been the class of -- this is in
21 August of 2000, so it would have been the class of 2000.

22 Q Do you know how many students in the class of
23 2001 applied to four-year colleges?

24 A I don't know the 2001 but I know the class
25 that's coming in this year, which would be the class of

1 Q Have you had a chance to look at what's been
2 marked as Exhibit 4?

3 A Yes.

4 Q Do you remember reading this article?

5 A Yes I do.

6 Q And did you speak with Kathleen Wilson?

7 A Yes, I did.

8 Q And going down, sir, to the seventh full
9 paragraph, there's no quotation marks but it says, "He
10 disagrees with the notion of placing students in higher
11 level courses based on objective criteria such as test
12 scores and writing samples, saying it eliminates too
13 many youngsters from the rigorous classes they need to
14 be eligible for college. That is the very system the
15 district eliminated starting in 1997 when it required
16 all students in the high school to enroll in a college
17 prep curriculum, he said."

18 Do you see that?

19 A Yes.

20 Q Did you say that in sum or substance?

21 A That's exactly what I said. But I want you to
22 be sure to understand the Union President Doug Hauge did
23 not represent the faculty at Santa Paula High School.
24 This is a president that was no longer in office. This
25 was during the election of candidates for board, and he

1 2003, we have 115 students right now that have applied
2 to four-year colleges and universities, and I think
3 that's a great compliment. The very first year when we
4 presented the detracking, we had 300 people at an
5 auditorium, and to hear the passion from some of the
6 students that are in college that didn't get chances to
7 vigorous curriculum, that had to go community college
8 before they could get to a four-year college, it was
9 just overwhelming.

10 And, finally, I had to share with that 300
11 people what I consider sharing the laundry, which I
12 never do -- it's against my philosophy -- with problems
13 that are -- of our district. And I said to them 11
14 people, 11 elite students from the class of '96 applied
15 to college and four went. Now, this is four-year
16 college. We have a high percentage of our students
17 going to community college. And that was the reason for
18 the change. With all the criteria that they had in
19 front of these young kids when they started ninth grade,
20 we had 25 or 30 kids in the elite program. And by the
21 time they're seniors, English 12, honors-level class had
22 ten kids in them. And that was just unacceptable, and
23 that was the reason for the change.

24 Q And you believe that's the result of all the
25 components of the program you've been talking to me

1 about?

2 A Absolutely I do, yes. I absolutely do. And
3 the basis of this article, as I said, a lot of it is
4 disgruntleness on behalf of the AFT president with me.
5 But his apprehension and the reason he personally called
6 Kathleen Wilson, not she calling him, was that he told
7 her that we're putting D and F students in honors and AP
8 classes. And I went and checked that out, and,
9 obviously, to get into an advanced placement class you
10 need to have an A or an B in an honors class or an
11 advanced placement feeder class, and that's what we're
12 trying to hold to.

13 Q So 115 kids have applied to four-year college
14 this year?

15 A As of now. That was right before the holidays.

16 Q How about 2002, do you know how many applied
17 then?

18 A I don't know the figures, but it was much
19 higher. We have an agricultural academy that has 30
20 seniors in it. Everyone was accepted to a four-year
21 college. That's a part of the academy program. And our
22 human services academy. Every student in those two
23 academies applied and are accepted to four-year
24 colleges.

25 Q 30 in the Ag --

1 Q And let's turn the page, look at the second
2 page of what's been marked as Exhibit 4. Do you have
3 that in front of you, Superintendent?

4 A Yes.

5 Q Do you see the paragraph that says, "Santa
6 Paula High's scores on the state-required Stanford 9
7 test have fluctuated since its college prep experiment
8 began, showing consistent gains in reading but not in
9 mathematics or language. Last year's 11th graders, for
10 example, averaged the 35th percentile in reading, up
11 from averages of about the 25th percentile in ninth and
12 tenth grade. The 50th percentile is the national
13 average."

14 I don't care about the verbs that this writer
15 used. I just want to know the numbers. Is that right,
16 that last year's 11th graders -- meaning as of the date
17 of this article which is August 18, 2000 -- they
18 averaged the 35th percentile reading? That was up from
19 the 25th percentile ninth and tenth grades?

20 A I'm not aware if they're correct or not, but I
21 wouldn't doubt that they are. It is interesting that
22 Doug Hauge is in the math department, the AFT president.

23 Q Is he still at your school?

24 A Yes.

25 Q And your reference to math is because you've

1 A -- academy. In the 12th grade. There's three
2 years of the academy, so there's a hundred students in
3 the program.

4 Q The other academy you mentioned --

5 A It's called human services.

6 Q And how many kids are in that?

7 A Same model. It's a state partnership academy.
8 You have a certain cap on the amount of students you can
9 have, and the cap is 30 per class.

10 Q And all those kids got accepted to
11 four-year schools?

12 A This will be the first four-year class we've
13 had in human services.

14 Q In 2003?

15 A Yes. The Ag academy has been in place for
16 three years.

17 Q Now, in 2002, can you give me an estimate as to
18 how many kids were accepted in four-years schools?

19 A Only an estimate.

20 Q What's your best -- when you --

21 A 85 applied.

22 Q Is that just a guess?

23 A Yes.

24 Q How about 2001?

25 A I can't give it. Just, again, I'm guessing.

1 jumped to the next paragraph; is that right? "But their
2 marks in math vacillated from the 44th percentile down
3 to the 35th, then up to the 43rd." Does that sound
4 right to you?

5 A It does sound right to me. But I'm not sure
6 whether they are. But Kathleen Wilson is very thorough
7 in her research in most cases so I would say they are.

8 Q Do you have an explanation as to why it did go
9 from 44 to 35 to 43?

10 A I don't have an explanation other than what I
11 shared with you earlier. Tenth grade is very, very
12 challenging. We can't put a finger on what happens to
13 the students in the tenth grade. And our goal, of
14 course, is to try to find out. But if you look at our
15 scores at Santa Paula High School for the last four
16 years that they've had APIs, our sophomore scores are
17 always real challenging.

18 Q And the next sentence, the third full paragraph
19 on page 2 of what's been marked as Exhibit 4, "Language
20 scores showed the same trend, going from 42nd percentile
21 to the 30th percentile, then back up to the 42nd." Is
22 that --

23 A That's tenth grade in both examples.

24 Q Those numbers sound right to you?

25 A They do.

1 Q And then, see where it says in the next
2 paragraph, "Scores on the SAT test required for
3 admission to many colleges jumped from 869 to 953 on a
4 1600 point scale two years after the program began but
5 fell to 923 in 1999." Is that accurate, as far as you
6 know?

7 A Yes, I would say so. But very obvious reason
8 is that we were testing practically three times as many
9 students as we did. Again, we think it's important that
10 students in all the academies, by the way, do take that
11 SAT test. It's a part of the mandate, but we are
12 testing a much larger number of students on SAT.

13 Q What were they in 2000?

14 A I don't have that figure.

15 Q Do you know if it went up or down or stayed the
16 same?

17 A We've dropped -- we went to somewhere around
18 975 and we dropped a little bit. So I think we're right
19 around the number 915, 925 right now.

20 Q Around where they were in 1999, somewhere, give
21 or take?

22 A Approximately, yeah. And one of the things
23 that we are doing, because we're not pleased with that,
24 is that we are going to be changing the block schedule
25 for our advanced placement and honor students in the

1 talking out of my other side of my mouth, the block
2 schedule works for average kids because they only juggle
3 three classes. I'm not sure you understand what I'm
4 saying. Where if you have six classes to juggle and
5 you're an at-risk kid, you have a possibility that may
6 be overwhelming. In our block schedule, you only take
7 three classes at a time, end up taking six classes at
8 the end of the year. That's very satisfactory for
9 average students. It's not working for our AP kids and
10 honors kids.

11 Q AP and honors kids should take the AP exam very
12 close to the conclusion of that course; is that right?

13 A Absolutely. They should be completed with all
14 the course requirements and prepping for the exam in
15 May, and it's a two-edged sword for us right now because
16 the students that take it in the first term are out in
17 February. The students that take it the second term
18 only get February, March, April, and half of May to
19 complete the course.

20 Q And that's a problem.

21 A It is a problem. But we're addressing that
22 right now.

23 Q When you say "at-risk kids," what do you mean
24 by at risk?

25 A I'm talking about students that have come in

1 fall, next year. We have a student -- I mean a faculty
2 committee working on that right now. And the dilemma is
3 with the block schedule, like I shared with you, kids
4 take math in September, and they don't take it again
5 until the next year because they finish that one-year
6 course in one term. So there's a six- to eight-month
7 gap without a mathematics class or English class. So
8 it's not helping them.

9 Q Have you had any discussions, besides what you
10 just told me, which would lead you to any conclusions as
11 to those scores, what's causing those scores?

12 A No. Just other -- we're thinking right now
13 that the block schedule is not helping our advanced and
14 honors students. Those are the students that bring your
15 scores up. Our AP scores are not up like they should
16 be. Good teachers, credentialed teachers teaching the
17 courses. There's a gap between when they take the class
18 and when they take the test. The test is in May. They
19 take the course from September and they're out of it at
20 the end of January. So there's a three-month gap there.
21 So what we're going to be getting in February is a
22 recommendation from the faculty on a new schedule.

23 And the mandate that I gave the committee
24 that's working on that is the AP courses have to be
25 all-year long. That's the only mandate. Now, in

1 maybe with some unsuccessful experiences in school that
2 are maybe below on the SAT 9 that fit into that
3 category, core tiles one-, two-type students. And by
4 juggling three classes, and in some cases physical
5 education being one of them, they can get started on a
6 very positive road.

7 Q What percent of your kids would you classify as
8 at risk?

9 A Well, anybody that's under 50 percent on the
10 SAT 9 is at risk in my opinion. And that would be the
11 goal -- that would be the factor that I would use if you
12 ask me that.

13 Q You offer AP classes now in how many subjects?

14 A 13 to 14.

15 Q And you told me earlier about the success rate
16 in Spanish.

17 A Yes.

18 Q What's the success -- you offer AP English?

19 A Yes.

20 Q What's the success rate?

21 A Very low across the board.

22 Q "Across the board" means the other --

23 A Other subjects too. I mean, some subjects are
24 better than the others. But nothing like we should be
25 getting, in my opinion. I've had a lot of experience

1 with advanced placement results.
 2 Q These are kids -- what does that mean?
 3 A The best kids we have in the school should be
 4 passing our tests, and they're not. And we need to find
 5 out -- and I think the problem is the block schedule.
 6 You know, with a good teacher and with top kids, you
 7 should be passing the U.S. History AP test. It's not
 8 that difficult. You should be passing certain courses
 9 that are courses that -- that you don't have to have a
 10 certain type of mind-set. I mean, it's not like taking
 11 AP physics or chemistry where you have to really excel
 12 in that area. Believe it or not, AP calculus isn't that
 13 challenging. U.S. History, Econ, these are classes we
 14 should be shooting at 70 to 80 percent pass rate. We
 15 are at 30 percent in Econ and U.S. History -- not U.S.
 16 History -- Econ and civics.
 17 Q Are you below 30 percent in any?
 18 A Yes. U.S. History, we're very low.
 19 Q Like what?
 20 A 10 percent.
 21 Q You have to get a three, four, or five to pass?
 22 A Yes.
 23 Q So these are kids getting one's or two's?
 24 A Yes.
 25 Q Do you know how many -- breaks down to one's or

1 two's?
 2 A We have a breakdown. I don't know off the top
 3 of my head.
 4 Q How would I see that breakdown?
 5 A It -- the school site would have it for you.
 6 It's probably in the box of information that we gave
 7 you, but if not, we could fax it to you. It comes from
 8 ETS, and it's a very comprehensive breakdown.
 9 Q Do you put those numbers in your SARC?
 10 A I couldn't answer that off the top of my head.
 11 Q Can you think of any reason why you would not?
 12 A No. There would be no reason why we wouldn't
 13 put them in there, but I'm not sure it's asked for as
 14 part of the SARC. The categories are very specific in
 15 the SARC.
 16 Q Did you write the SARC yourself?
 17 A No.
 18 Q Do you know who did?
 19 A Oh, the school sites write the SARC.
 20 Q Do they get paragraphs to incorporate in them?
 21 A Well, we work it through a company that I
 22 worked with when I was in San Diego County who put our
 23 SARC together. We have a very beautiful, professional
 24 SARC done by a company down in San Diego County. So
 25 they assist the school principals, but the information

1 is real information. It's authentic results of what
 2 salaries are and what beginning teachers are and our
 3 philosophy on textbooks, curriculum, and everything
 4 else.
 5 Q Do you know the name of that company?
 6 A It's called McTraining.
 7 Q McTraining?
 8 A McTraining, yeah.
 9 Q They have little arches?
 10 A Yeah. I want to say it's McTraining. He puts
 11 about 1500 copies out for the high school, and we put
 12 them in the community and send them home to all the
 13 parents.
 14 Q They do them for other high schools?
 15 A He has other contracts. He did all the
 16 Escondido schools. That's why I stick with him.
 17 Beautiful SARC.
 18 Q Getting back to the APs. Besides Spanish, is
 19 there any AP where your kids are passing 50 percent?
 20 A No.
 21 Q 40 percent?
 22 A No.
 23 Q 30 percent?
 24 A Year to year, in some of the subjects, senior
 25 subjects.

1 Q What about English?
 2 A No.
 3 Q What is it for English?
 4 A 20, 30s.
 5 Q And what is it for calculus?
 6 A If we do give a calculus test, it's only to
 7 several -- small number of students, and so it's
 8 probably -- it wouldn't even be comparable. Probably
 9 two or three kids take it a year.
 10 Q Do you know if they pass or none of them pass?
 11 A I don't have the figure on that. It's a class
 12 of 25 or 35 kids taking the calculus. It's very small.
 13 Q Are all your AP -- are they taught by fully
 14 credentialed teachers?
 15 A Yes.
 16 Q You are sure that that happens, right? You're
 17 involved with that?
 18 MS. KOURY: Objection. Vague.
 19 MR. ROSENBAUM: I'm sorry. I don't need that
 20 answered.
 21 Let's mark as Exhibit 5 a multipage document
 22 which has something at the front of it which was not on
 23 the original. There's a square that says number "25."
 24 I'm not interested in that. And it's Bates numbered
 25 DT-SP03737 through DT-SP03789. And I'm going to have

1 this marked and placed in front of you, Superintendent,
 2 and also supply counsel copies.
 3 (Plaintiff's Exhibit 5 was marked for
 4 identification by the court reporter.)
 5 BY MR. ROSENBAUM:
 6 Q Have you had a chance to look at Exhibit 5?
 7 A Yes.
 8 Q Take as much time as you need when I ask you a
 9 question. You're familiar with what this is?
 10 A Yes.
 11 Q What is it?
 12 A It's our agenda items for declaration of need.
 13 Q And also includes the actual declaration of
 14 need that's filed with the state?
 15 A Yes.
 16 Q That's on the first two pages, for example,
 17 first three pages?
 18 A Yes.
 19 Q Now, help me translate this, will you? Pages 1
 20 through 3 of Exhibit 5 --
 21 A They're not marked.
 22 Q I know. Let's look at DT-SP03738 and 3739. Do
 23 you see that?
 24 A Yes.
 25 Q Is that what you file with the state?

1 A Yes, we do.
 2 Q And can you tell by looking at this document on
 3 Exhibit 5, 3738 and 3739, in what subject matters?
 4 A I think this refers to the single subject,
 5 physical science person that I was referring to.
 6 However, if you look at the agenda item --
 7 Q I just want to stay with this document for a
 8 moment. You think the 3738, 3739 of Exhibit 5, refers
 9 to the document you filed regarding the physical
 10 science; is that right?
 11 A I'm only thinking. I could find out if we
 12 wanted to go beyond that page.
 13 Q No, I don't want to go beyond it right now.
 14 A I'm not sure.
 15 Q And the reason you're not sure is because
 16 there's nothing on this page that says what the subject
 17 matter is; is that right?
 18 A Well, you don't have the full packet in here.
 19 You only have the first and second page. If you look
 20 further on, you'll see that there's more detail into
 21 that package that actually is very specific as to the
 22 subject area and the reasons why and what the subject
 23 is.
 24 Q Where are you looking?
 25 A Well, I'm looking -- here's one on SP03772. It

1 actually has the page that you don't have in front of
 2 you, and it talks about numbers and what we do and why
 3 we're a small school district and a little more
 4 specific.
 5 Q But let's look exactly where you're looking on
 6 Exhibit 5. 3772, 73, 74, 75 -- is that the whole packet
 7 for this statement of need?
 8 MS. KOURY: Objection. Calls for speculation.
 9 MR. ROSENBAUM: That's a fair objection.
 10 Q To the best of your --
 11 A This is the ballpark right here. This is not
 12 the real. This is what we anticipate, if you look at
 13 the word "anticipated need." This is the area we think
 14 we might find difficulty in. And the first one that you
 15 referred to back --
 16 Q Let's stay on this one for a second. So you
 17 are notifying the California Commission on Teacher
 18 Credential, "These are some needs that I'm anticipating
 19 I might have, I'm estimating"; is that right?
 20 A Yes.
 21 Q And you have filled out these every year that
 22 you've been superintendent?
 23 A Yes.
 24 Q And looking at 3772 through 3775 of Exhibit 5,
 25 are you required, so far as you know, anywhere on here

1 that talk about the specific subject areas? Like
 2 physical science or English or math or anything like
 3 that?
 4 A Well, we do. In some areas here, you'll look
 5 at -- this is an anticipated, though, you're looking at.
 6 Q Yeah.
 7 A And they do have subject areas listed on 3775,
 8 I see.
 9 Q Okay.
 10 A But there is the other agenda item I was
 11 talking about --
 12 Q I just want to stay with what the state gets.
 13 A What you have in front of you is what we work
 14 off of, and I really can't put any more insight into
 15 that. But that's what we do and --
 16 Q You just do what they tell you, right?
 17 A Those are anticipated needs that probably would
 18 fit very closely into a lot of school districts.
 19 Q Now, you filed this with the state around April
 20 of the school year? Or April of the calendar year?
 21 A It was the agenda of April 14th, 1999.
 22 Q And you give this to the state sometime shortly
 23 thereafter, as far as you recall?
 24 A Yes. It's board approved.
 25 Q And at the time you do this, have you already

1 been looking for these teachers?
 2 A No. We haven't opened them up yet. These are
 3 anticipated needs. We start looking for teachers, start
 4 actively interviewing end of May, June, July.
 5 Q Now, looking at page 3774, do you see where it
 6 says under Roman numeral 6, "Has your agency established
 7 a plan to develop fully qualified educators?"
 8 MS. KOURY: I'm sorry. What page was that?
 9 MR. ROSENBAUM: It's 3774 of Exhibit 5.
 10 MS. KOURY: Thank you.
 11 THE WITNESS: Okay.
 12 BY MR. ROSENBAUM:
 13 Q Do you see where I'm referring?
 14 A Yes.
 15 Q And you checked that "No"?
 16 A Yes.
 17 Q And the reason you said no is because -- you
 18 stated, "We are a small, single school district without
 19 the personnel or financial support to develop such a
 20 program"?
 21 A Yes. We look at that as a consortium or job
 22 fairs, these along in this line, and we haven't
 23 participated in that. What we do have, of course, is
 24 our relationships now with the BTSA program and the
 25 university intern programs.

1 Q Has the state ever directed you to put together
 2 a plan to develop qualified educators?
 3 A No.
 4 Q And do you know what CLAD is?
 5 A Yes.
 6 Q What is CLAD?
 7 A It's a -- you're going to pin me on the "C" on
 8 that, but it has to do with a teacher's ability to teach
 9 English Language Learners but I'm trying to think --
 10 Cultural Language Development Classes or something.
 11 B/CLAD and CLAD are required now in our district for new
 12 hires after 1996.
 13 Q And you mean that they teach ELLs, right?
 14 A Yes.
 15 Q Are all your teachers either CLAD or B/CLAD?
 16 A No. We have two teachers in the English
 17 Language Learning program that are fully credentialed
 18 and one that's had only training.
 19 Q How many teachers are there in the program
 20 itself that you just told me? For English Language
 21 Learners, how many teachers do you have?
 22 A Three.
 23 Q Three total?
 24 A Yes.
 25 Q And you had three total last year?

1 A Yes, I believe.
 2 Q Have you had three each and every year?
 3 A I would think so but I couldn't -- I just
 4 checked on this year.
 5 Q And you may just have just answered this and
 6 I'm going to reconfigure your answer if it's okay. Of
 7 the three this year, how many are CLAD?
 8 A They're both B/CLAD, bilingual.
 9 Q They're both B/CLAD?
 10 A Yes.
 11 Q But you told me you had three?
 12 A Yes. The other person is bilingual but has not
 13 completed the actual credential but has been trained in
 14 classwork.
 15 Q And what do these three teachers do?
 16 A Well, they teach the English Language Learners
 17 in the different levels of EL-1, 2, 3, and 4, and then
 18 eventually they go into -- the SDAIE is the next
 19 program. SDAIE is taught in all English, but they do
 20 have instructional aides in their class. And the goal
 21 is to get our students through the English Language
 22 Learning program as quickly as possible, get them
 23 redesignated into the regular college prep courses.
 24 Q How long does that typically take?
 25 A It takes -- there's no common answer to that.

1 It's all individualized.
 2 Q What's the range?
 3 A I couldn't tell you. Some students have been
 4 in the English Language Learning program for quite a
 5 long time, which frustrates me a little bit, because
 6 they are going to have difficulty getting through that
 7 exit exam if they're in that program.
 8 Q And if they're still in the program, what
 9 you're telling me is one of these three teachers -- or
 10 all three of these teachers teach them? Or two of
 11 three. Stupid question.
 12 A Yes. I couldn't -- yeah, I would imagine that
 13 they probably are, in their daily schedule, with two or
 14 three of those teachers.
 15 Q Okay. And did you attempt -- the third teacher
 16 who is not B/CLAD, did you attempt to get a CLAD or
 17 B/CLAD teacher for that post?
 18 A I couldn't answer that specifically. We
 19 actually taught the course on campus and encouraged
 20 teachers to enroll in the course. When I came in '96,
 21 '97, as a part of signing the contract, I implemented
 22 the CLAD requirement and gave them five years to
 23 complete that. So anybody that was hired under my
 24 administration would fall under that category. But that
 25 doesn't entail the teachers hired before me, so there's

1 quite a few teachers that don't have CLAD and B/CLAD
 2 training.
 3 Q And they may be teaching ELL?
 4 A No, they would not be teaching ELL kids. Only
 5 three teachers are in that program.
 6 Q And did you hire those three teachers?
 7 A No, I did not.
 8 Q They were hired before you?
 9 A Yes.
 10 Q How long has the non B/CLAD teacher been
 11 teaching at your district?
 12 A Probably 25 years.
 13 Q And --
 14 A I'm saying that because he's about 50 years
 15 old.
 16 Q And last year, how many teachers did you have
 17 teaching ELLs?
 18 A Same. Three.
 19 Q Two B/CLAD, one bilingual?
 20 A Uh-huh.
 21 Q What about the year before that?
 22 A Same probably.
 23 Q All the way throughout your tenure?
 24 A As far as I can think of. I don't think there
 25 was anybody else in that program.

1 Q Now, the SDAIE program, do you try to get CLAD
 2 or B/CLAD teachers teaching in that program?
 3 A It turned out that way. I'm not sure it's a
 4 requirement for that, but, yes, we do have CLAD and
 5 B/CLAD teachers teaching in SDAIE.
 6 Q How many teachers do you have teaching in
 7 SDAIE?
 8 A I couldn't tell you that offhand.
 9 Q I mean 5? 10? 20?
 10 A Oh, no, no. Probably 5.
 11 Q And do you know how many of them are B/CLAD or
 12 CLAD?
 13 A No, I don't.
 14 Q Are there some teachers there that are neither
 15 B/CLAD or CLAD?
 16 A I couldn't answer that. I'm sorry, I couldn't.
 17 I was more specific with mathematics, and the teachers
 18 in mathematics are credentialed and B/CLAD.
 19 Q And the kids who are being taught by one or
 20 more of the three B/CLAD bilingual teacher -- you know
 21 that threesome I'm talking about -- how many kids are we
 22 talking about?
 23 A Probably classes ranging from 15 to 20 per
 24 class.
 25 Q How many classes?

1 A Maybe ten.
 2 Q So we're talking about 150 to 200 kids?
 3 A Approximately, yes. I would think that --
 4 that's a generalization but probably pretty close.
 5 Q Okay. Thank you. Now let's go back up in
 6 Exhibit 5 to 3738 and 3739. Do you have that?
 7 A Yes.
 8 Q Now, as opposed to the estimated or anticipated
 9 need, this is the document you actually file when you
 10 seek the waiver; is that right?
 11 A Yes. This is the final actual declaration.
 12 Q And is that it? Is 3738, 3739 what you send to
 13 the state?
 14 A I believe it is.
 15 Q Do you send them anything else, as far as you
 16 know?
 17 A I'm just -- I'm just looking at the agenda
 18 item, is the only reason I'm hesitating a little bit.
 19 Q That's fine. It says the attached declaration.
 20 A It seems like there was one other page, but I
 21 only signed, honestly, the front page of it, so I'm not
 22 sure whether there's any more to that packet or not.
 23 Q To your knowledge, does the state actually get
 24 the information as to what subject area?
 25 A I couldn't answer that.

1 Q Okay. And --
 2 A It's sent to them. I mean, everything you see
 3 is sent to them.
 4 Q And, to your knowledge, does the state get any
 5 explanation as to why the district was unable to hire
 6 such a teacher?
 7 A Yes.
 8 Q Where is that?
 9 A That's where I'm thinking there might be
 10 another piece. I see in the anticipated section where
 11 we're talking about specialized areas and small district
 12 and so on. That might be the piece that -- that we're
 13 referring to.
 14 MR. ROSENBAUM: Counsel, I know you made very
 15 diligent efforts to get me documents. What you see is
 16 what I got. So if there is another page --
 17 MR. RAMOS: We will check, but I'm pretty sure
 18 all of the documents were there and provided for your
 19 copiers. We'll make a -- we'll check again.
 20 MR. ROSENBAUM: Thanks.
 21 MR. RAMOS: And you're concerned about --
 22 MR. ROSENBAUM: I want to know what was sent --
 23 obviously I want to know if there are other documents
 24 missing, but I'm particularly interested in the package
 25 that was sent to the state, not the anticipation or the

1 estimation but the actual declaration of needs.
 2 MR. RAMOS: So what does a declaration-of-need
 3 packet that is sent to the state look like?
 4 MR. ROSENBAUM: Yeah.
 5 THE WITNESS: And my office could give you
 6 that, Mr. Ramos. And this might be it. I'm not sure.
 7 But my secretary is the one that did it.
 8 BY MR. ROSENBAUM:
 9 Q And you signed scores of these in your tenure?
 10 A Once a year.
 11 Q Seven years?
 12 A Yes.
 13 MS. KOURY: Objection. Mischaracterizes his
 14 testimony. Didn't necessarily say he signed them each
 15 year.
 16 BY MR. ROSENBAUM:
 17 Q Did you sign them each year?
 18 A I signed them each time we needed them.
 19 Q Did you sign them each year of your tenure?
 20 A I'm under the impression that we have a
 21 declaration of need every year.
 22 MR. RAMOS: Where would you like those sent?
 23 MR. ROSENBAUM: You can send them to me.
 24 Q What do you think, Superintendent, are your
 25 biggest areas of need for your district today?

1 MS. KOURY: Objection. Vague. Also, I believe
 2 that was asked and answered.
 3 BY MR. ROSENBAUM:
 4 Q You don't have to repeat anything you've
 5 already told me. Are there any areas of need that in
 6 terms of your vision, of what your district needs, that
 7 we haven't talked about?
 8 MS. KOURY: Objection. Vague.
 9 MR. RAMOS: You can answer if you'd like.
 10 THE WITNESS: Well, I think we have
 11 everything -- we're talking about Santa Paula.
 12 Everything is in place in Santa Paula for us to move
 13 forward. Time is what we need. Honestly, time. And we
 14 have teachers; we have the curriculum; we have
 15 resources. And now we just have to identify what we can
 16 do to get a population that is coming to us that is not
 17 on grade level through the system, and we're going to do
 18 our very best to have that happen.
 19 BY MR. ROSENBAUM:
 20 Q By "resources" you mean -- that would include
 21 things we've talked about: Labs, instructional
 22 materials, textbooks --
 23 A Yes.
 24 Q -- technology?
 25 A We do not --

1 Q You're saying yes?
 2 A Yes, I am. And I'm saying we do not have any
 3 obstacles in those areas at all.
 4 Q You've got the basic essentials in place.
 5 A We have it all. We need, though, the
 6 formula -- whatever that might be, and that's why we'll
 7 be trying -- of how to get those kids that come to us
 8 two or three years below grade level through a rigorous
 9 exit exam towards a high school diploma. So some of the
 10 things we're going to be doing -- exit academy, for
 11 example. We're going to take those kids through, we're
 12 going to pre- and post-test them. We're going to
 13 evaluate it, see if it's the right thing. If we have to
 14 make changes midstream, we're going to do it. We're
 15 going to do everything we can to assure the families
 16 that we're going to do our best to get them through.
 17 But everything's in place.
 18 Q You've got all the essentials.
 19 A Yeah. It's a very unique situation because
 20 it's a small enough district that we can make change and
 21 we can make midstream change. We can do evaluations
 22 much easier than a larger high school district. And I
 23 think we have the cooperation of everyone and the
 24 commitment of the staff that it's a real -- very, very
 25 important thing that we have to do for these kids.

1 MR. ROSENBAUM: I appreciate you coming down
 2 here, appreciate your courtesy.
 3 THE WITNESS: Thank you.
 4 MR. ROSENBAUM: I don't have anything further.
 5 MS. KOURY: For the record, I do have questions
 6 to ask but my understanding is that you want to --
 7 MR. RAMOS: We would like to close for today
 8 and then we can reschedule.
 9 MR. ROSENBAUM: How long do you have?
 10 MR. RAMOS: I have a couple of hours. I'd say
 11 about 2 1/2 hours. Off the record.
 12 MR. ROSENBAUM: Sure.
 13 (Discussion off the record.)
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I, WILLIAM J. BRAND, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this ____ day of _____, 20____, at _____, _____.
(City) (State)

WILLIAM J. BRAND
Volume 1

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

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

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

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

Dated: _____

ANGELICA SCOTT
CSR No. 10076