

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor,)
by SWEETIE WILLIAMS, his)
Guardian ad Litem, et al.,)

Plaintiffs,)

vs.)

Case No. 312236

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

Defendants.)

_____)

DEPOSITION OF WILLIAM J. BRAND
Los Angeles, California
Tuesday's, April 8, 2003,
Volume 2

Reported by:

NANCY L. COLLIER

CSR No. 5819

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

1 ELIEZER WILLIAMS, a minor,)
2 by SWEETIE WILLIAMS, his)
3 Guardian ad Litem, et al.,)
4)
5 Plaintiffs,)
6 vs.) Case No. 312236
7)
8 STATE OF CALIFORNIA, DELAINE)
9 EASTIN, STATE SUPERINTENDENT)
10 OF PUBLIC INSTRUCTION; STATE)
11 DEPARTMENT OF EDUCATION;)
12 STATE BOARD OF EDUCATION,)
13)
14 Defendants.)

15 Deposition of WILLIAM J. BRAND,
16 Volume 2, taken on behalf of Defendants,
17 at 400 South Hope Street, Suite 1500,
18 Los Angeles, California, beginning at
19 9:35 A.M. and ending at 1:45 P.M. on
20 Tuesday, April 8, 2003, before NANCY L.
21 COLLIER, Certified Shorthand Reporter
22 No. 5819.
23
24
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1 Los Angeles, California, Tuesday, April 8, 2003
2 9:35 A.M. - 1:45 P.M.
3

4 WILLIAM J. BRAND,
5 having been first duly sworn, was examined and
6 testified as follows:
7

8 EXAMINATION

9 BY MS. KOURY:

10 Q Good morning, Dr. Brand.

11 A Good morning.

12 Q I know we met actually about a month ago to
13 the date, and just for the record, I want to introduce
14 myself, Miss Koury, one of the attorneys representing
15 the State of California in this litigation, and I know
16 that we went through the ground rules during your
17 deposition on January 8th, but just to refresh your
18 memory, as you know, you're under oath. Do you
19 understand that?

20 A Yes, I do.

21 Q And again, if you don't understand my
22 questions throughout the deposition, please let me know
23 and I'll try to rephrase them, but if you answer my
24 questions, I'll assume you understand them. Is that
25 okay?

1 A Yes.

2 Q As I think you were advised on the first day
3 of your deposition, the court reporter here is
4 recording my questions and your answers, and at the end
5 of the deposition you'll receive a booklet which
6 includes your answers and my questions and you'll be
7 asked to review it and sign it. You can make any
8 changes that you feel are necessary to that booklet,
9 but you should be advised the lawyers in this case can
10 comment on any of those changes. Do you understand
11 that?

12 A Yes, I do.

13 Q And also because the court reporter is writing
14 my questions and your answers, it's best if we only
15 speak one at a time, so I'll ask that you allow me to
16 finish asking my question before you answer, and I'll
17 give you the same courtesy. Is that okay?

18 A Yes.

19 Q And how often do you visit Santa Paula's
20 campus?

21 A On a weekly basis, probably one to three times
22 a week.

23 Q And what do you do while you're there?

24 A I've tried to set up a regular day where I
25 actually do classroom observations, and as

1 classroom.

2 Q Are there any communications that follow your
3 observations with anyone at the site level?

4 A Not at the site level. I communicate with the
5 teacher that I actually observed in the form of a note
6 thanking them, and usually it goes, you know, thanking
7 them for allowing me to come in, and then making a
8 couple comments about what I noticed, and in some cases
9 telling them how pleased we are of having them on the
10 campus as teachers.

11 Q With respect to the comments that you
12 sometimes provide, is that somewhat feedback that
13 you're providing to the teacher?

14 A No, not at all. It has no formal observation
15 whatsoever. It's more or less just being there and
16 letting them know that I appreciate what they're doing
17 on a day-to-day basis for our students.

18 Q With respect to your cabinet meetings, you
19 obviously communicate with the principal during those
20 cabinet meetings; is that correct?

21 A Yes.

22 Q Other than the weekly -- let me ask this: Why
23 do you have cabinet meetings every Monday?

24 A Well, every Monday morning at 10 o'clock we
25 get together with the managers, basically supervisors,

1 superintendent I like to just go into classes and see
2 how things are going, and then I send them back a note
3 thanking them for allowing me to come in. It's all
4 prearranged. I don't walk in unannounced, and in my
5 cabinet meeting on Monday I usually have a schedule
6 that I ask them to set up for me so I can get around
7 all the departments by the time the year is out.

8 Q Who attends your cabinet meetings?

9 A I have two principals, an executive director
10 of business services, and a director of maintenance and
11 a director of ed. services.

12 Q And the two principals are the principals of?

13 A One of comprehensive high school, Tony Guyton,
14 and the other of our alternative high school, Fernando
15 Rivera.

16 Q And when you say you try to get around to all
17 the departments, what do you mean by that?

18 A Well, the high schools are divided just as you
19 think they are in the university or college level. We
20 have science and social science and so on, and I like
21 to designate a particular day and try to get to four or
22 five classrooms. I stay about ten minutes, fifteen
23 minutes in the classroom. I'm not observing or writing
24 anything down, but just kind of looking around, letting
25 them know that I still know what goes on in a

1 managers, and kind of go over the week, and I have some
2 items that I want to discuss, and then I allow each one
3 of the administrators to share some things that they
4 want to bring to either my attention or the attention
5 of everyone, and then the other purpose of that is to
6 discuss some things that are happening on campus or
7 upcoming events that need some dialogue about safety
8 and how we can do things correctly and make it
9 meaningful for everyone, and it's just kind of -- every
10 Monday it's kind of putting everybody in the same room
11 and allowing everyone to share things that they think
12 are important for all of us to know. Communication is
13 very important to me.

14 Q Why is that?

15 A Well, it seems to be the basis for all
16 problems. If you're communicating well, then at least
17 you're on the same page, and one of the ways that I
18 survive as a supervisor is that I have to be sure my
19 board knows about things before they find out from the
20 community, so it's a good time for me to discuss things
21 that maybe I've heard that need to be addressed, or
22 they let me know things that I need to be aware of.

23 Q Other than your weekly cabinet meetings, does
24 your staff at the district level interact with the
25 staff at the site level?

1 A Yes, on a regular basis.
 2 Q Could you explain to me how that happens?
 3 A Well, we're a small district, so we have
 4 pretty much a hands-on kind of district office. When
 5 things need to get done, it's done usually by a
 6 particular person. We have a payroll person, a
 7 business person, executive director over the facilities
 8 and so on, so if there's a need from the site, they
 9 usually call a specific person to address that. P.O.'s
 10 come through our office, and obviously there's a lot of
 11 things that are done. Personnel issues come through my
 12 office as well.
 13 Q What was P.O.?
 14 A Purchase orders.
 15 Q And what are those purchase orders for
 16 generally?
 17 A For just about anything you can think of, but
 18 most of the time it's instructional materials for
 19 teachers.
 20 Q Overall do you believe that you and your staff
 21 which includes the teachers, administrators, your
 22 classified staff, provide a good education to your
 23 students?
 24 A I think we do an excellent job. We've tried
 25 not to short-change anyone in our system. We have, I

1 think, a beautiful campus, one that we're proud of, has
 2 a lot of tradition. It's the old architecture that you
 3 don't get to see in high school campuses anymore, has a
 4 lot of character. Our kids are doing well. We're
 5 pleased with it. It's a difficult road because you
 6 have a population that is very challenging in some ways
 7 because of English language learning skills, but we're
 8 doing very well.
 9 Q What would you say other than what you've
 10 already testified to are some of your strengths?
 11 A Well, I think the first and foremost strength,
 12 I think we really do care about success for all
 13 students, and a lot of administrators can say that, but
 14 I truly believe and the board believes passionately
 15 that we want to have access to rigorous curriculum for
 16 everyone, and I think that we've allowed that to take
 17 place.
 18 We have a full honors program, advanced
 19 placement program for students. We are now addressing
 20 the needs of the exit exam which is very, very much a
 21 challenge to any high school right now today, so we're
 22 addressing students that haven't passed the exit exam
 23 and putting them in specialized programs so that they
 24 have an opportunity to receive a high school diploma,
 25 so I think addressing the needs of all students is a

1 priority.
 2 Safety is definitely a priority on our
 3 campus. We have a resource officer and a very
 4 efficient campus security system. We do a lot of peer
 5 mediation.
 6 Another asset is we have a strong teaching
 7 staff and classified staff, and I think we're very
 8 client friendly. Families come into our campus. The
 9 comprehensive high school I'm talking about. They're
 10 greeted by two very pleasant individuals, and we try to
 11 work as closely as possible with the community, and I
 12 think the last piece is that we are partnered with
 13 college, Ventura College, Santa Paula, City of Santa
 14 Paula, Cal State Channel Islands and U.S. Santa
 15 Barbara. We're all partnered with all of those
 16 different institutions.
 17 Q Is that for professional development?
 18 A Professional development. We have certain
 19 programs that we're with. We were the very first high
 20 school in Oxnard/Ventura area to have Cal State Channel
 21 Islands come over and actually administer the
 22 admissions test to our juniors in math and English, and
 23 if you passed that test, you were admitted to the CSU
 24 system in the state, and that was a pilot program.
 25 It's done now in other campuses.

1 We send our students to UC Santa Barbara and
 2 Channel Islands for the summer programs, Outreach
 3 programs, Outward Bound programs and so on. A lot of
 4 our students are experiencing for the first time
 5 traveling outside of Santa Paula, and it's quite an
 6 exciting time for them.
 7 Q When was that pilot initiated with respect to
 8 administering the admissions test for CSU schools?
 9 A I want to say around '97-'98 school year.
 10 Q And I know that you touched on this in your
 11 deposition on January 8th, and I'm not asking you to
 12 repeat what you've already testified to, but with
 13 respect to addressing the needs for the exit exam, how
 14 have you done that?
 15 A Well, it's our No. 1 priority. We've
 16 addressed it very rigorously. We have a class of 2004
 17 academy that we're going to call it. I'm using the
 18 word "academy" right now. We might call it an
 19 institute. These are students that have not passed the
 20 exit exam going into the 2003-2004 school year. They
 21 have just taken their test in March, so the results
 22 will come in June. If they do not pass that test, they
 23 will be put into a mandatory summer school. They will
 24 take it again in the summer, and then in the fall, the
 25 class of 2004 will be in a particular stand-alone

1 classroom addressing only the exit exam.
 2 We've also purchased some software, \$60,000
 3 worth of it, that addresses math and English skills to
 4 pass the exit exam, and we've taken two teachers, one
 5 in mathematics and one in English, and our very best
 6 English teacher in the whole school is in this program
 7 teaching the exit English, and he's very excited about
 8 it because these are kids that are coming in that have
 9 tried the exit exam for two to three times and have
 10 been unsuccessful, so we're trying to specialize with
 11 that.

12 We have approximately 100 students that are in
 13 that ballpark of not knowing yet whether they've passed
 14 the exam at this time or not, so we think that from
 15 that 100 we're probably talking in the fall
 16 approximately 50 students to 75 students that will need
 17 the intense training. That's very rigorous attacking
 18 of the exam. We don't want our students to leave our
 19 campus without a high school diploma, and if they don't
 20 have one, it's not because we didn't try.

21 Q With the stand-alone classes in the fall for
 22 those students who still have not passed the exit
 23 exam, what's the duration of that class?

24 A Well, this is for the 2004 group now. We have
 25 stand-alone classes for incoming ninth graders as well

1 students' test scores broken down, and we do more than
 2 the CAT and the SAT-9. We do all the testing
 3 information that we have and we send that to the
 4 teachers so that the teachers can identify the areas of
 5 weaknesses of that particular student. For example, in
 6 mathematics, if your weakness is fractions -- it
 7 certainly is my weakness. I could never understand
 8 which one you do the flip and flop with, you know, and
 9 if that is one of your weaknesses, then that can be
 10 identified and your math teacher then can work with
 11 that student individually. The software program that
 12 we're talking about of course addresses every single
 13 one of those issues, but the teachers have that
 14 information as well.

15 And then the other thing that we do for the
 16 entire school is we actually have a pull-out, 20-minute
 17 prep session that we have for our students in
 18 preparation for the CAT test that's coming up, but
 19 those same skills would help students in the exit exam.

20 Very high risk testing right now. It is not
 21 like 15 or 20 years ago where kids just kind of went
 22 through the motions. Now it's very serious, and the
 23 students do realize that.

24 Q Have you gotten any feedback from the teachers
 25 or have you heard any feedback from the principal

1 that are below on what would be their CAT scores now,
 2 but I'm addressing only the class of 2004 now. They'll
 3 be in that class in the fall until they take the test
 4 again in -- I think it's administered in November. I'm
 5 not sure of that. If they pass it, then they're out of
 6 it. If they don't, they're still in.

7 Q Is that just one of their elective courses?

8 A It's not elective. It's a mandate. We're
 9 telling them that they have to be in that, and if
 10 they're not in it, we have their parents actually sign
 11 a note saying that we've recommended you be in it, and
 12 you're choosing not to put your student in that class.
 13 We think the software that we purchased can really be
 14 helpful to success on that test.

15 Q And the stand-alone class takes up one of
 16 their classes that semester?

17 A Yes, it would, and it could be two. It could
 18 be in the math and English.

19 Q How do you diagnose the test results, the exit
 20 exam test results?

21 A Well, they're broken down for you pretty
 22 nicely from the state and the test administrator, but
 23 we also take the information and we give individual
 24 reports to the teachers of those students. So for your
 25 particular class in English, you have every one of your

1 regarding the type of analysis that you just described?

2 A Well, I think it's been very positive feedback
 3 from the staff. One of things obviously that they
 4 need, you know, they need more than just a test score.
 5 They need to know show me the areas that I need to
 6 concentrate on, and I want to compliment the principal
 7 of the school. He's had a session going for the last
 8 four Mondays where teachers come in and present lessons
 9 in math and English that have been successful to other
 10 teachers, and they share them in the library every
 11 Monday afternoon, and then they make copies of those
 12 lessons and give them to all the teachers in those
 13 areas for them to use as sample lessons to teach
 14 specifics in English or mathematics.

15 Q What weaknesses do you see in your school
 16 district?

17 A Well, the concept you have to understand is
 18 that we're a high school district, so we get kids in
 19 the ninth grade, and obviously the weakness is if
 20 you're not on grade level coming into high school in
 21 the ninth grade, it's going to be a great challenge for
 22 the high school district to get you through in a
 23 year-and-a-half to two years to pass the exit exam.

24 So the weakness that we have is a weakness
 25 that we're working on a great deal right now with the

1 elementary district to try to get a system that's K-12,
2 and when I talk about a system, to me it's very obvious
3 what we need to do, and in the fourth grade if you're
4 not reading on the fourth grade level, what are you
5 going to do about it? Same in mathematics, what are
6 you going to do? It's not you're going to send them to
7 the fifth grade. What are we going to do to help that
8 student to get on grade level, and I think once -- and
9 we have strong leadership in the elementary district
10 right now. Once we get students coming to us in the
11 ninth grade level that are on ninth grade level in
12 their skills in mathematics, then we can fly with them.

13 We want the kids to take their exit exam and
14 go on to all these other things that we have available
15 for them, but that's a big burden. It's like a big
16 rock on top of their heads when they come to school, so
17 that's our big challenge is getting kids on grade level
18 when they come here.

19 Q One of the things that you do that you
20 mentioned is that you have stand-alone classes for
21 ninth graders who are not on the grade level according
22 to their CAT tests; is that correct?

23 A The CAT-6 is a new test. It used to be the
24 SAT-9. Yeah, we have more than that actually. We have
25 a summer institute program that is a California State

1 Q When you started at the district, did you find
2 any deficiencies in the educational program? And I
3 know that you testified last time about the D-Tracking
4 program. I take it that that was one area that you
5 found?

6 A Yeah, we had a privileged high school for
7 about eight percent of the school at the expense of 92
8 percent of the students, and when I talk about
9 privileged, it wasn't privileged in the sense that it
10 was powerful academic classes. It was privileged from
11 the standpoint that only a few kids could get in those
12 classes. It didn't have an honors track, it didn't
13 have an AP program across the board, but with the
14 tracking what we did is we took everyone out of this
15 thing call a standard track, and if you can remember
16 back when you were in school, there was a group of
17 kids -- in the elementary school you called them the
18 mud hens or something, and we in high school called
19 them the standard. They were the lowest kids in the
20 school supposedly. Well, that represented 800 students
21 out of 1600 at Santa Paula High. We took those kids
22 and put them in college prep track and took the college
23 prep kids and put them in honors and AP track, and we
24 found that there has been no change in grades. The
25 first time we had that we had 42 percent of the entire

1 Department of Education Golden Bell award winner where
2 we take all the incoming ninth graders and put them in
3 this four-week program. It has computers, English,
4 mathematics, study skills, and then the most important
5 part in my mind is how to be a high school student, you
6 know, kind of transitioning, how to transition in from
7 being an eighth grader to a ninth grader.

8 Kids in that range are tested pre and post,
9 and if they are not ready for the ninth grade, then
10 they would be in one of those classes in the beginning
11 of the ninth grade in math or English, or if their
12 SAT-9 or if their CAT-6 test scores were low, they
13 would be in a math or an English class starting ninth
14 grade.

15 Q How have you been working with the elementary
16 district to set up the system that you identified?

17 A Well, we have several things we're doing. I'm
18 very close to the superintendent, but also departments
19 have been meeting with the middle school people, and
20 UC Santa Barbara is a great partner in this process.
21 We've really benefited a great deal from their
22 partnership. They actually have a math specialist
23 that's working with both the middle school level
24 teachers and the high school students, and then social
25 studies does the same thing.

1 school with a B average, and 80 percent of the school
2 with a C or better average, so it worked real well, and
3 so initially we tried to break down that perception
4 that kids could not achieve at the Santa Paula High
5 School, and it's worked very well.

6 Let me just brag one moment. I'm saying the
7 word "brag." I don't mean to have it in the recording,
8 but I went to a scholar banquet dinner last night, and
9 the very first year that I was there at Santa Paula, we
10 had 11 students apply for a four-year college and four
11 went, and that was so discouraging, the next year we
12 D-Track obviously. We have 125 kids right now that
13 have applied to a four-year college, and last night
14 kids were going to Berkeley and choosing between UCLA
15 and UC Santa Barbara. I mean, it was phenomenal, and
16 that's just one of the many scholarship programs that
17 are going to be coming here, and what we did is we have
18 access now to those universities because we've opened
19 up our relationships with our CSU and UC partners and
20 also have a curriculum now that the students can be
21 prepared and be successful. It would be unfair to send
22 them to college if they weren't prepared academically
23 in high school, but we think we're doing that now.

24 Q When you first got to the district, did you
25 notice any deficiencies among your teachers?

1 A Well, to be very honest with you, obviously
2 it's a district-to-district thing, and I'm comparing
3 Santa Paula teachers to my experience in Escondido, and
4 of course I did the same thing in Escondido with my
5 experience in Mission Viejo, so every school district
6 has strong teachers and every school district has weak
7 teachers, and we had some very exceptional teachers in
8 Santa Paula, and I think we had some teachers that
9 needed some assistance, and we've tried to give them
10 that, and we've also tried, as I've shared at my last
11 deposition, to do a very, very good job in evaluating
12 our first and second year teachers, and if there's no
13 potential or we can't see a potential in those people,
14 we will not let them continue.

15 Q Is that something that you instigated, the
16 evaluation process of first and second year teachers?

17 A It's always been there. It's always written
18 in the contract. It's always one of the very clear,
19 specific things in every contract in every district
20 that you find, but sometimes you don't really do the
21 detail that you need to do when you evaluate people,
22 and you need to be in that classroom, you need to be
23 sitting there, you know, pre-conferencing and
24 post-conferencing with people and telling the people
25 what you're looking for and seeing if they're teaching

1 to the standards and how does this relate to the
2 standard and so on, and so I emphasize it a little bit
3 more maybe, but our staff is doing a very good job.

4 Q You're obviously involved in the evaluation
5 process?

6 A No, not at all.

7 Q Who on your staff is?

8 A The principal and assistant principals. Yeah,
9 the district office only receives the recommendations
10 from the site about teachers, and obviously I'm there
11 if anybody would like to talk to me, or if an
12 administrator would like me to come in and take a look
13 at a teacher, I would be more than willing to do that,
14 but I don't have to live with them. If you're the high
15 school principal and you let a person become a third
16 year tenured teacher, then that's your person, so I
17 want to be sure that it's not something that you've
18 pushed onto the principal: Well, take this person,
19 they'll just be fine, and turn out that they won't be,
20 so it's their decision on the school sites whether they
21 continue or not.

22 Q The recommendations come through your office?

23 A Yes, they do. They come to me, and then I put
24 the recommendations to the board, and the board
25 finalizes them, obviously as you all know, before the

1 March 15th deadline.

2 Q And you mentioned that some of the teachers
3 needed assistance. How did you provide that?

4 A Well, some of the teachers just need a
5 refresher sometimes, and we have block schedules, so
6 you have a 95-minute period, so in a 95-minute block
7 you probably need to do two or three different types of
8 lessons. You just can't sit and lecture for 95 minutes
9 or you just can't have them do work, so we've brought
10 in, say, some of the partners from the college level.
11 We had obviously observations from the administration
12 of trying to set up lesson formats for them to be
13 successful.

14 It was a board priority several years to try
15 to evaluate how standards are imbedded into the daily
16 lesson plans, and then the administration would be
17 working with them on those kind of things. When I talk
18 about a refresher, sometimes you just get complacent
19 and you just need sometimes somebody to remind you
20 these are some of the things we need to accomplish, and
21 then once the state testing program came on, and I
22 think really in the last year-and-a-half, that
23 accountability is now -- the level is felt by everyone.
24 Obviously as a superintendent you feel it a great deal
25 because the results are out there for the world to see,

1 but I feel the teaching staff feels that same
2 accountability now, and that's very healthy because
3 everybody is on the same page now trying to get those
4 kids to get a high school diploma.

5 Q When you say, "standards," are you referring
6 to the content standards?

7 A Yes, I am.

8 Q And is the curriculum at Santa Paula aligned
9 to the content standards?

10 A Yes, it is, and all the course studies are and
11 the textbooks are all state approved and aligned to the
12 standards. The piece that you don't know is whether
13 they're being taught in the classroom every day, so
14 that is why it's so important for the administration to
15 get in the classrooms to see what's happening actually
16 in the classroom.

17 Q And that leads into my next question.

18 A Okay.

19 Q When you first came to the district, did you
20 notice any deficiencies with the instructional
21 materials?

22 A I noticed that they had quite a bit of money
23 in textbooks, and I was surprised that they had that
24 kind of money, and I noticed that when I was just
25 looking in the library before school started that they

1 had lots of textbooks there that I said, well, why
2 aren't we ordering new ones, why aren't we staying with
3 the curriculum cycles and things along this line, and
4 you know, some departments were and some departments
5 weren't, and now everyone is and everything is in line,
6 and I don't have any reasons why those weren't at that
7 time, but our textbooks are all state approved now.

8 Q When you say that there was quite a bit of
9 money, do you mean quite a bit of money that wasn't
10 being spent?

11 A In the account, yes, in the account. Normally
12 textbooks are purchased by cycle. It's math department
13 or social studies department and things like this, and
14 I think that for some reason a cycle was missed or
15 something and the textbooks in my mind weren't as
16 up-to-date as they should have been. They were in fine
17 condition. It wasn't anything like that, but let's get
18 that money and use it for what it should be used for,
19 providing the most up-to-date, aligned textbooks that
20 we can.

21 Q And that's what you did?

22 A Yes. We don't have much in textbook accounts
23 anymore.

24 Q What about instructional materials directed to
25 English language learners?

1 A I want to say that we have provided everything
2 that a student or teacher needs in the classroom to be
3 successful in instructional materials or textbooks. In
4 fact, in my mind I don't know of what there's not
5 available for staff right now. We have technology. We
6 have five or six computer labs. We have accelerated
7 reading programs which is a phenomenal program with
8 over 5,000 books for students that have tests and
9 credit for.

10 In our English language learning program we
11 have the Ventura County Teacher of the Year on our
12 staff, and she's a phenomenal teacher that is really a
13 pride to all of us, so I think we're providing all
14 needs. At this point I know of nothing that our
15 students aren't getting as well as any of our English
16 language learners are not getting. I know of nothing.

17 Q You mentioned earlier that the population at
18 Santa Paula poses a challenge, and specifically because
19 of a large population of English language learners.
20 You mentioned -- I don't want to mischaracterize it,
21 but something to the effect that you're achieving that
22 challenge or meeting that challenge. What did you mean
23 by that?

24 A Well, I don't want you to get the impression
25 that it's a challenge because we have a large Hispanic

1 population. That doesn't relate to what I was sharing.
2 What I'm saying is that we have a population of English
3 language learners that now are under the same
4 guidelines as everyone else in the State of California
5 to pass the exit exam, so if you come to our school
6 site and you're not proficient in English but you're
7 expected to pass a very rigorous exit exam, that's the
8 challenge I'm talking about and we're working toward.

9 Q And specifically with respect to English
10 language learners, how are those efforts being
11 implemented?

12 A Well, we have four levels of English language
13 development, ELD programs 1 through 4, and we have a
14 SDAIE program, and we have SDAIE courses in our core
15 classes for the English language learners.

16 I believe that our responsibility now is to
17 get students through that program as quickly as
18 possible, into the mainstream college prep classes as
19 quickly as possible, and that is our challenge right
20 now because of the exit exam. We need to be sure that
21 we're moving our kids, testing our kids, and moving
22 them as quickly as we can through our English language
23 development program into SDAIE and then into regular
24 classrooms, and that's what we're trying to do.

25 Q How do you measure whether you're achieving

1 that, in other words, whether you're improving the
2 process of moving English learners through that
3 process?

4 A Well, we have several state tests. SABE 1 and
5 2 is an example, but we also have this accelerated
6 reading program that we have textbooks in Spanish and
7 in English, and students are reading some fabulous
8 books and taking a test to go along with it and getting
9 credit for that, and that gives you a good education.

10 Reading is the key for success in high school,
11 or maybe in life, who knows. If you can read, you can
12 accomplish so much, and that's our goal right now.
13 Actually as a part of our physical education program
14 students have to go into the accelerated reading
15 program and read books as part of their physical
16 education requirement.

17 Q What do you mean by that?

18 A Well, the accelerated reading program, you go
19 to the library and you check out a book and then you
20 take a test on it and you get credit for that. As a
21 part of physical education class, you have the activity
22 side of it. The other side that supports reading and
23 mathematics and so on, the physical education teachers
24 will ask the kids to go and get sports books and read
25 that and take the test on it and get credit for it, so

1 their complete grade has a little segment of reading in
2 it, so it's a nice effort in my mind on the part of
3 physical education people to support our goal of
4 getting kids proficient.

5 Q Is there a redesignation process for English
6 learners?

7 A Yes, that's done on a regular basis. There's
8 a time schedule on that.

9 Q And once English learners are redesignated --
10 I'm not sure what the correct terminology is -- out of
11 the program, in other words, once they become
12 proficient, then they have access to mainstream classes
13 such as AP and honors courses?

14 A Yes. Well, we have SDAIE classes which are
15 sheltered classes and the teacher speaks in English 100
16 percent, and then there's an aide in the classroom that
17 works with students that need some fine-tuning, and
18 then from there they would actually be in the college
19 prep classes, the honors classes or the advanced
20 placement classes, and mathematics of course is kind of
21 a universal language, so that's the first level that we
22 really find kids jumping into powerful classes in in
23 that program.

24 Q Meaning that you find English learners moving
25 into college prep or honors courses?

1 California donated \$80,000 to the restoration of that
2 beautiful facility, so we are very pleased with that.
3 So we did some major things, and then of course we
4 obviously worked on improving student performance as
5 our next task.

6 Q What do you mean by that?

7 A Well, again, we're very accountable. When
8 somebody says how is your school doing, you no longer
9 can say fine. You throw out test scores, you put
10 results on the table nowadays, and that's what we're
11 facing right now, and that's the change in education I
12 think in the last 15 years.

13 Q And have your test scores improved?

14 A We have steadily gone upward on our API, our
15 Academic Performance Index, and we improved 20 points
16 this last year, and I think we're going to find ourself
17 improving more in the area of advanced placement next
18 year because we're going back to six periods. We had
19 kind of an unusual block schedule for the last few
20 years, and we're going to change that and go back to
21 six classes. It will be a block schedule as well, but
22 we're going to get six classes all year round instead
23 of three classes for a semester and then three classes
24 for the second semester.

25 Q You talked about that a little in your last

1 A Yeah, mathematics seems to be -- because it's
2 numbers. We're not talking about so much finite
3 reading of English, so mathematics is one of the first
4 courses, and we have SDAIE classes now in geometry and
5 algebra 2.

6 Q When you first got to the district, did you
7 notice any deficiencies with the facilities?

8 A Well, they needed painting, and I painted them
9 all. It's beautiful right now, and I painted a lot of
10 flowers, too, believe it or not. I think I shared that
11 story with you, but just real quickly, I felt that
12 we're judged by what people see when they drive by the
13 high school, so we planted flowers in front of the
14 tennis courts and painted some buildings, and all of a
15 sudden we became a better looking campus for some
16 reason. But, you know, being in the school business,
17 you have to market your school and you have to market
18 your district, and little things like that --
19 perception was a big thing my very first year, so yeah,
20 we did that.

21 The school has always been clean, it's always
22 been safe, but we had some buildings that we painted.
23 We restored two tennis courts with a partnership with
24 the City. We built a brand new pool that was a great
25 partnership. In fact, Jack O'Connor and the State of

1 deposition.

2 A Must have been very confusing, too.

3 Q No, but the reason for that is because the AP
4 exam is at the end of the year and you found it would
5 be better?

6 A Yes, definitely, and our scores -- these are
7 very high achieving kids. They have all the
8 capabilities, our powerful teachers are teaching it,
9 and it just wasn't fair, and our scores were showing
10 that they weren't achieving, so we're going to put them
11 in classes where they're going to be starting in
12 September in an AP course and taking the test in May
13 and still be in the course, whereas before they
14 finished the course in January or started the course in
15 February and had to take the test in May.

16 Q Other than the API score and the AP exam
17 scores, are there other measures that you use to
18 determine student improvement?

19 A Well, we obviously use the standardized SAT-9,
20 and CAT-6 will be the factor now. Exit exam will be
21 another factor. We also feel very proud though of our
22 attendance rate. We have one of the highest attendance
23 in Ventura County, and our dropout rate is very, very
24 low and we're very proud of that, and I think I shared
25 with you at the last deposition if we can get them

1 through the tenth grade, we can graduate them. Tenth
2 grade seems to be the most at risk year for high school
3 students.

4 Q And that's true of all tenth graders?

5 A You know, I want to say that it's true in my
6 last two districts, but I wouldn't want to generalize
7 and say in all, but it was funny, I was looking on the
8 internet at some test scores for other districts in the
9 community up north, and I noticed the tenth grade
10 scores were lower than the ninth and eleventh grade
11 scores.

12 Q Have you seen greater improvement in the last
13 three or four years as you've introduced a more
14 standards aligned instruction? Do you understand that
15 question?

16 A Yes, I do understand it. I think I've seen
17 gradual improvement in the last years, and I think that
18 improvement is taken two ways: One, students are
19 taking the test more seriously; and two, teachers are
20 taking the test more seriously and becoming really
21 involved and accountable for the success of their own
22 individual classes.

23 Q You just mentioned this actually, that the API
24 scores did increase. I take it that was the 2001-2002
25 school year?

1 analysis?

2 A Well, from there, as I said, we had
3 stand-alone classes. We've always had tutorial. We
4 have them before school, after school, extended library
5 hours and so on, but those would be for students that
6 need help in classrooms. Dataworks breaks it down very
7 nicely for you. The efforts of Dataworks really goes
8 into the individual daily classroom teacher's hands.

9 Q And what about professional development, is
10 any of the professional development at the district
11 level targeted towards some of the weaknesses that are
12 identified in the analysis or diagnosis?

13 A The professional development efforts are
14 usually dealing with how to teach the standards, how to
15 take your data and use it to improve student
16 achievement, and it really comes from the university
17 people as well as some peer lessons actually have been
18 used lately.

19 Q How do you measure success in student
20 achievement? Would that go back to what you mentioned
21 earlier in terms of test scores, attendance and dropout
22 rate?

23 A Well, I measure it differently than some.
24 When I was a principal in Mission Viejo, it was very
25 simple for me to share my test scores. They were off

1 A Yes, that would be last year, uh-huh.

2 Q And how do you use the API -- let me back up
3 and ask another question. How do you use the API
4 score? Is there some sort of diagnosis that you do
5 with respect to API score? I'm going to rephrase that
6 completely.

7 You testified last time that you hired
8 Dataworks to provide a diagnosis of the test results
9 which are used to factor into the API. How do you use
10 that?

11 A Well, like I mentioned a little earlier today
12 about the breakdown for the teachers on the individual
13 students, and that's what Dataworks provided for us so
14 that we can identify weaknesses for each one of the
15 students and areas of improvement. The API is a
16 standard that I feel as long as we keep continuing to
17 move forward, then we're going to be doing just fine.

18 The difficulty now, we have No Child Left
19 Behind, and now we have an AYP which deals with growth,
20 academic growth, but it also deals with sub-groups have
21 to improve or you don't meet your AYP, and sub-groups
22 are student populations in specific schools.

23 Q With respect to the API and the diagnosis that
24 Dataworks provided you, were there tutorials targeted
25 at the problem areas that were identified in the

1 the wall, and now I'm in a situation that the clientele
2 is different, the population is more challenging, and I
3 measure success in several different ways. One would
4 be continual improvement on your API or standardized
5 test. I'm very much a believer that good kids anywhere
6 can achieve on a high level, but every school has those
7 challenged, very motivated type of students.

8 I'm looking at success right now in raising
9 the academic level of our lower achieving students to
10 the satisfactory level now. That's my success rate.
11 Next year on the 2004 class, if I can have 100 percent
12 of the students passing the exit exam, that would be my
13 success factor, and that's my goal at this time, but
14 that would be the factor that I would say we've done
15 well because we're going to send kids to college and
16 they're going to do well in college, but it's the
17 student that comes to you that is not doing well and
18 that you can motivate and get through and hand them a
19 high school diploma which will really in my mind be the
20 factor for success.

21 Q You also testified that the API score or
22 accountability is healthy. Do you think that having
23 consequences attached to tests are valuable to student
24 learning?

25 MS. SIEVERS: Objection, calls for expert

1 testimony.

2 BY MS. KOURY:

3 Q You can answer that.

4 A I'm thinking exactly what you were saying.
5 You're talking about API and accountability, and you
6 asked if that was healthy?

7 Q No, I'm sorry. I thought that you had
8 testified earlier that that was healthy.

9 A Yes, I do like the concept of having a water
10 mark, having a level that this is where we are, but I
11 think the key to that is this is where we are, and how
12 are you going to move forward from there, and that's
13 what the API has done, so every year if we're making
14 progress, then I feel like we're doing a good job. If
15 we go backwards, we have a water mark then that's
16 established that we can then look at. It would be like
17 being the coach of a team. If you start out and you
18 win 20 games and the next three years you only win
19 five, well, you're not going in the right direction,
20 and if we found ourselves going from a certain level
21 API downward, then we're not doing a good job.

22 I credit a high school in inner city
23 Los Angeles, and I went in and talked to their
24 leadership team, and it was a huge leadership. They
25 must have had 75 people there, and all I heard was

1 Q What do you mean by that?

2 A Well, I'm on the Commission for the Western
3 Association of Schools and Colleges, the WASC process,
4 and we always think of that as a very positive kind of
5 thing, and CCR comes in and they're very fine-tuned and
6 in most cases make school sites a little nervous, but
7 they have a role and we appreciate it and we take it
8 very seriously.

9 Q Do you find it helpful?

10 A I don't find it very supportive. Obviously
11 when you can identify needs of specific populations
12 that we can improve, that's important to the process.
13 The difference in CCR is that I think it's just maybe
14 the approach. It's punitive instead of progressive,
15 like they're looking for something when they come on,
16 and, you know, I'm not sure that's real healthy.

17 Q How would you improve it?

18 A Well, I think what I would do is, first of
19 all, do a pre-visit and kind of relieve everybody's
20 anxiety in the process. When you do a WASC visit, the
21 chairs goes, first of all, and kind of introduces
22 himself and let's everybody know that we're here
23 together and we're evaluating your school with a basic
24 framework here. I think that I'd do that with the CCR
25 people, and then I would say initially before the

1 complaints and gripes, and I said stop, that's where
2 you were. Today is a new day. We're going to start
3 forward now, and that's how I feel right now. The API
4 is a mark, this is where we are, so next year we're
5 going to be moving up and up and up. Eventually we'll
6 make that 800, but it will take time.

7 Q When was the last CCR review process at your
8 district?

9 A We went through CCR two years ago this spring,
10 I believe.

11 Q And what was the scope, if any, of your
12 involvement?

13 A Well, I was the uniform complaint officer from
14 the district standpoint. My involvement was minimal.
15 We have a director of education that was in charge
16 of -- or the coordinator of the CCR. We are still
17 trying to resolve our non-compliant items right now
18 with the State Department. We have approximately 12 to
19 13 that we're working on from our latest report. We
20 did turn in progress reports and we're hoping to get
21 that down to just a few here, and some of them are
22 simple like a home language survey in their cum.
23 folders that we just need to be sure that's being done,
24 but it was a very intense program, and CCR's are very
25 intense at any school.

1 actual site visit, I would say what are some of the
2 things that we can do right now that we could eliminate
3 some non-compliant items very quickly, and do just a
4 real one-day recap of the school: Here's some things I
5 see right off the bat that can be changed and would not
6 be non-compliant when we come back in the springtime
7 so that we're on the same page and on the same team.
8 Seems like we're not on that same, let's say, level
9 with the CCR. And the things that are valid, we need
10 to be accountable for, uh-huh.

11 Q When you say it seems like you're not on the
12 same team -- is that what you said?

13 A Page.

14 Q Page, I'm sorry. Do you mean that in terms of
15 state officials coming to the campus to look at the
16 campus?

17 A Oh, no, not at all. It's just the approach of
18 that particular process. It's a very stressful
19 process, and I don't know why. It doesn't have to be
20 in my mind.

21 Q Did the CCR team review your curriculum?

22 A Yes.

23 Q Do you know if they reviewed the instruction
24 materials being used?

25 A I would imagine they did. I don't know that

1 for sure, but I would imagine that's part of the
2 process.

3 Q And you mentioned you're trying to resolve
4 some of the non-compliant issues?

5 A Yes. Well, we have to resolve all of them.

6 Q By when?

7 A Well, we have deadlines. Some are on a 45-day
8 schedule, some are on longer schedules than that right
9 now, and my director of ed. has turned in progress
10 reports, and we haven't gotten those back yet, whether
11 those resolved those non-compliant items. We hope so,
12 but at this point I know that we have between 12 and 13
13 that we're still working on.

14 Q And you turn those --

15 A You turn them in on a time schedule.

16 Q To who?

17 A State Department of Education.

18 Q Is there a contact person there that you deal
19 with?

20 A Yes, the person that actually was the chair
21 or -- we only had one person come out from the state on
22 the CCR. That's back and forth to that person.

23 Q So the state official is coordinating with the
24 site level?

25 A Right. It's actually a director level from

1 A Yes. We just hired an administrator, and we
2 coordinated that -- I mean, superintendent, my
3 replacement, and we coordinated that through the County
4 Office of Education in Ventura, but when you have
5 teacher openings, we post them from our office. I am
6 in the interview process at the final recommendation
7 with the board member before we actually take the
8 person to the board. I personally interview all the
9 teachers, but in a small district we're not talking
10 about a great deal, eight to ten on a yearly basis that
11 we hire.

12 Q Given that you don't have a difficult time
13 recruiting teachers, do you think that your teacher
14 salaries are competitive?

15 A They are competitive. We have a breakdown in
16 the county, and our teacher salaries are always in the
17 top six, seven in the district. We're not the top. We
18 don't expect to be at the top of the county average,
19 but they are competitive. Our lower level beginning
20 teacher salaries are very competitive. They may be in
21 the top five in the county.

22 Q And I understand that you personally, given
23 that you're the superintendent, don't do the day-to-day
24 recruiting, but you obviously have some understanding
25 of recruiting and you have an understanding of the fact

1 the district, uh-huh.

2 Q Director of the district?

3 A Uh-huh.

4 Q How does your district recruit? You testified
5 a bit about this last time, but I just want to make
6 sure that we've exhausted it in terms of district
7 recruiting for teachers.

8 A Well, we use probably most of the same methods
9 that most people do. We use Ed.Cal, Ed.Join. Ed.Cal
10 is a publication for all administrative positions in
11 the state. Ed.Join turned out to be an absolute find.
12 It's an internet address for job openings, and we post
13 on there. We also put it in the local newspapers,
14 county offices and so on.

15 Q Are you familiar with Project Pipeline?

16 A No, I'm not.

17 Q And do you receive any TAP funds to assist
18 with recruiting?

19 A We haven't. I've actually attended an
20 in-service. We don't have a difficult time getting
21 teachers in Ventura County. It's a very attractive
22 place to work.

23 Q What's your scope in terms of recruitment,
24 your involvement, I'm sorry? Is that something your
25 staff handles?

1 that you don't have a difficult time hiring teachers,
2 but have you ever experienced while you've been the
3 superintendent in interviewing candidates, have you
4 experienced a substantial amount of time where there's
5 a recruit that you want and you're not getting that
6 recruit? Has that happened several times?

7 A It hasn't happened much in Santa Paula, but we
8 lose candidates all the time for money. It's all about
9 money when you're a young recruit coming in. We lost a
10 counselor or two for \$5,000 or \$6,000 to another
11 district. That just happens. It happened when I was
12 in Saddleback, and it will happen in any other district
13 that people work in.

14 We're not losing any candidates, I don't
15 think, because our salaries are low. Our salaries are
16 competitive, and when you take your salaries out of
17 Ventura County, they're very solid. Ventura County is
18 a nice paying school district or school county to work
19 in.

20 Q What criteria do you use to determine who to
21 hire?

22 A Well, I allow the process to take place from
23 the bottom up on this. The recruitment really takes
24 place from -- once the job is posted, the department
25 chair gets involved in it. They will contact UC Santa

1 Barbara or Channel Islands or Northridge as well as we
2 do all the other postings, and then the interviews take
3 place at the school site with teachers and assistant
4 principals, and from there one or two candidates would
5 be taken up to the principal level and he would
6 interview them, and from there they would be
7 recommended to my office.

8 What we have found today is that teacher
9 candidates are outstanding, I mean, out of school
10 today. They are phenomenally trained and are very
11 impressive with state-of-the-art information, time
12 management, classroom management skills. We hired two
13 from UC Santa Barbara that were fearless, absolutely
14 phenomenal, and they're doing beautifully.

15 Q Were they fully credential?

16 A Fully credentialed, masters degrees, CLAD
17 trained. That's what candidates coming out of schools
18 today look like today. It's a great compliment to the
19 schools they come from.

20 Q How do you determine whether the school has a
21 teacher vacancy that's upcoming? In other words, at
22 the end of the school year is there a survey done of
23 the teachers to determine which ones are coming back?

24 A Yeah, we have letters of resignation and we
25 have non-renewals and so on. We have a staffing

1 an estimate though. I was so prepared last time for
2 that question I had it right in front of me.

3 Q What efforts have you made to assist these
4 teachers to obtain their full credentials?

5 A All are them are in the BTSA program, the
6 Beginning Teacher program with the university, and
7 they're doing very well. I think your number is very
8 close, about 11 or 13 that are in that program, and
9 they're all moving through the process. Some of them
10 will be finishing up very quickly.

11 Q Are in internship programs?

12 A Some are in intern and some are in other
13 programs, but they're all leading to full credentials.

14 Q Do you have PAR at your district?

15 A Yes.

16 Q Which is what?

17 A Peer Assistance Review program, and that's a
18 program that -- right now the funding for PAR has now
19 been put into the BTSA program, the Beginning Teacher
20 program, but two years ago we actually had an existing
21 PAR on our site that worked very well. We had a group
22 of about nine new teachers, and we had a PAR teacher
23 that we released and he worked with the teachers and
24 was very effective, but now all that training and the
25 funding coming from the state into that program goes

1 formula that we're going to be implementing for the
2 first time this year and that I'm negotiating right now
3 with the teachers that will staff the school at a
4 certain ratio of 28.5 staffing for the entire school
5 district, and from that we would see what kind of needs
6 we would have at the end of the year. It's all based
7 on student counts, what student needs and what classes
8 the students need, and then we take our existing
9 staffing and put that into the student needs, and then
10 whatever is left over is what our openings would be in.

11 Q You testified last time, and I don't have the
12 figures in front of me, but are there 71 teachers; is
13 that correct?

14 A Approximately.

15 Q And how many teachers did not have their full,
16 clear credentials?

17 A You know, last time I had that for you, but I
18 don't remember it offhand today.

19 Q Does 13 sound about right?

20 A It does.

21 Q And do you recall about how many teachers of
22 that 13 are on emergency permits?

23 A I don't have it off the top of my head.

24 Q Do you have an estimate of that?

25 A Five or six maybe, uh-huh. That would just be

1 into the BTSA program.

2 Q What type of professional development -- I
3 know you touched upon that earlier, but with respect to
4 providing support to teacher, what type of professional
5 development is provided?

6 A In the BTSA program?

7 Q In the BTSA program and otherwise.

8 A THE BTSA program is all from the university in
9 the professional development area, but I think the key
10 to PAR and to BTSA, it's an opportunity for new
11 teachers to sit in a room with other new teachers and
12 have everyone have an opportunity to say, wow, I'm not
13 doing as badly as I thought I was or you have the same
14 problems I do, and then having a master teacher that's
15 there saying that's why this is very healthy for you
16 and don't give up, it's very important that you
17 continue to try and take risks and continue to improve,
18 but when you get a chance to sit around and everybody
19 looking around the table saying, wow, the same thing is
20 happening with me.

21 Q And what about professional support for the
22 principal?

23 A The principal has -- as a part of his goals
24 for the year, I always have a professional development
25 goal for him, and he sets it for himself. He will let

1 me know what he's going to be attending in the way of
 2 professional workshops and so on. In the case of my
 3 comprehensive high school principal, he's going to be
 4 beginning his doctoral program at Cal Lutheran
 5 University, he's also attending now the
 6 superintendent's academy from ACSA, but he would let me
 7 know on that, and of course any time something comes up
 8 throughout the year that he would like to attend, I
 9 encourage that. The more we can send our
 10 administrators out to other districts or workshops, I
 11 think the healthier it is because they come back with,
 12 gee, it's not too bad in Santa Paula.

13 I encourage my administrators to work with the
 14 WASC teams and be on visiting committees. Any time
 15 you've ever done that you come back with new ideas that
 16 you can incorporate in your own site, and also the most
 17 important idea is that it's pretty nice working in
 18 Santa Paula when you finish that.

19 Q Do you know if the district keeps track of
 20 teachers without full credentials, keeps track of their
 21 progress in obtaining their credentials.

22 A Detailed.

23 Q What do you mean by that?

24 A Well, we keep it in my office. Every credit
 25 has to be approved by me. Every course that they take

1 A Yeah, actually lost two counselors, and one
 2 was a second year counselor, outstanding person, and
 3 the other was an Outreach coordinator that we wanted to
 4 become a counselor. We had an opening for him and we
 5 were all set to hire him, but he kind of jumped the gun
 6 and went to another district.

7 Q Do you know what districts they went to?

8 A Oxnard.

9 Q Both of them?

10 A Uh-huh.

11 Q And when was that?

12 A It was two years ago. They went at the same
 13 time in fact.

14 Q What efforts do you make at the district level
 15 to try to retain teachers?

16 A Well, these were counselors. They were both
 17 counselors. Begging. They were outstanding people. I
 18 was mad as can be at one of them because I did
 19 everything in the world to try to match his salary over
 20 at Oxnard, but it's a matter of money. They were young
 21 and no ties and one was single, and it was just an
 22 opportunity to go. She was outstanding counselor. We
 23 really miss her.

24 The other was a person that lived in the
 25 community that was terrific. He worked with

1 has to be pre-approved before they take it by me
 2 personally, then we have running numbers on credits and
 3 where every teacher is.

4 Q Are teachers that are trying to obtain their
 5 full credentials given some sort of sense of time
 6 limits?

7 A Yes, there is a time limit. They have six
 8 years to finish it up.

9 Q In terms of maintaining their progress on that
 10 track, is that something that you communicate with the
 11 teachers?

12 A We don't communicate back and forth with them,
 13 but we keep track of it. We actually lost a teacher
 14 this year because that person was no longer allowed to
 15 be in the program. When you're a part of the BTSA
 16 program, you have to be making progress in that program
 17 or they won't let you stay in it, so as far as the
 18 day-to-day, semester-by-semester work, that's also
 19 supported by the university.

20 Q What do you mean you lost a teacher?

21 A The person wasn't making progress on his
 22 credential and they dropped him from the program. The
 23 university did. We didn't.

24 Q And you mentioned earlier that you lost a
 25 counselor, a second year counselor?

1 UC Santa Barbara, was a UC Santa Barbara counselor for
 2 us, and he alone had 75 kids fill out applications and
 3 register for admission to UC Santa Barbara. He had a
 4 great rapport with kids. His office was jammed-packed
 5 with students, and that's what I loved about him on the
 6 campus, but, you know, it happens unfortunately.

7 Quick story off to the side here. Down in
 8 Mission Viejo I was a principal and I had this English
 9 teacher that was -- I offered her a position, and she
 10 said, well, I'm taking another one, and I said, well,
 11 where, and she told me the name of the district -- I'm
 12 not going to share it with you -- and I said you'd
 13 leave Mission Viejo to go to that district? I mean, it
 14 wasn't a place that a young, attractive, single person
 15 would be wanting to teach in, and she said yeah, it was
 16 \$2,000 difference. So again, it's all about no strings
 17 attached for money, and that's why we lost those two
 18 people.

19 Q In terms of teacher retention, do you think
 20 it's important to provide support to your teachers?
 21 Does that help retain them?

22 A Oh, absolutely, but I think we do. I think we
 23 let our new teachers -- I'm talking about teachers now.
 24 Counselors are a different than teachers. They usually
 25 come in at a much higher level on the salary schedule

1 than new teachers do. You know, the support I think we
2 provide them of course is that being enrolled in the
3 BTSA program, our starting salary is very competitive
4 in the entire county with that. You know, we try to
5 make them feel comfortable about being successful and
6 we're there for them. I think they get a good
7 evaluation process by the site administration as well,
8 too.

9 Q Have you lost any new teachers? I know you
10 mentioned counselors, but do you find that the same
11 issue relates to teachers, or is it more prevalent with
12 counselors?

13 A Well, it was only prevalent with counselors at
14 that one particular time.

15 Q Okay.

16 A As I said, one was a counselor and one was an
17 Outreach coordinator, but they were both pupil
18 personnel credentialed people. I can't think of any
19 teachers that we've lost in the last few years to
20 another district at all.

21 Q Are there instances when you prefer to hire a
22 teacher who doesn't have a clear credential?

23 A I don't think there are instances where I
24 would like to hire a non-credentialed teacher, but
25 there are situations that because of specific areas,

1 coordinator and two guidance specialists. Excuse me, I
2 think the actual term is guidance technicians, not
3 specialists. Three counselors and the Outreach
4 coordinator actually have a credential and pupil
5 service grant.

6 Q What do the counselors do, what's their role?

7 A They're the only ones officially that can
8 counsel students in the sense of -- you know, in all
9 areas they're credentialed to counsel students, but
10 they do college planning, career planning, program
11 changing. They listen to students in crisis as well.
12 We have a school psychologist as well besides the
13 counselors who is also involved in crisis.

14 Q Do they provide services for freshmen?

15 A Yes.

16 Q And do they provide a plan at the beginning of
17 the freshman year in terms of the curriculum?

18 A Yeah, four-year plan.

19 Q Is that what you meant by the college
20 planning?

21 A Yes, uh-huh. We have a student handbook that
22 has various types of plans in them for parents to use
23 and students to use, but we like to sit down with them
24 and actually go over and adjust as you go through
25 school. There's actually a program called Tenth Grade

1 that they're difficult to find sometimes, and if you
2 see potential in some of those and the teachers are
3 willing to get into the university programs that they
4 would qualify for, some of them turn out to be fabulous
5 teachers.

6 Q And before you hire a teacher without a full
7 credential, there's a process that you follow; isn't
8 that correct?

9 A Yes, obviously credentialed people would have
10 priority, but believe it or not, one of the most
11 difficult areas to find credentialed teachers in is
12 Spanish. Lots of people can teach Spanish, lots of
13 people can talk Spanish, but very few people have a
14 credential or degree in Spanish, so we've found
15 ourselves a couple years ago hiring a person out of UC
16 Santa Barbara without a credential. Turned out to be a
17 phenomenal teacher, now in her third year and just
18 about finished up. She is in charge of the AVID
19 program at our school, so she's doing wonderfully.

20 MS. KOURY: Could we take a five-minute break?

21 (Recess taken.)

22 BY MS. KOURY:

23 Q How many counselors do you have at Santa
24 Paula right now?

25 A We have three counselors, an Outreach

1 Counseling where they do that again. Those funds have
2 been provided by the state.

3 Q What does the Outreach coordinator do?

4 A The Outreach coordinator is a program that is
5 funded by the state under SB-65, and their job is to
6 monitor student attendance and get kids back in school
7 that aren't attending.

8 Q Have you found that useful?

9 A Yes, very much so.

10 Q How?

11 A Well, it's very much an at risk population,
12 and we think if we can get them back in school, provide
13 them a light at the end of the tunnel, then maybe we
14 can keep them in school, and the Outreach coordinator
15 is very helpful in identifying those kids, monitoring
16 their attendance, and also setting up a line of
17 communication for them to come in and talk to them if
18 they're having some problems.

19 Q What do the guidance technicians do?

20 A They mostly do program changes that are given
21 to them from the counselors. They can't officially
22 give guidance in regards to college choices or things
23 along this line.

24 Q So do they sort of assist the guidance
25 counselors?

1 A Yes, they assist the counselors.
 2 Q Are you aware of the allegations in this case
 3 relating to Santa Paula that indicate there's not a
 4 sufficient number of counselors?
 5 A I am aware of it and very much shocked. Our
 6 counselors are running probably 1 to 400 which is very
 7 much on the average in the state.
 8 Q Do you know whether counselors have
 9 sufficient availability for their student caseload?
 10 MS. SIEVERS: Objection, calls for speculation.
 11 BY MS. KOURY:
 12 Q Again, to the extent that you know.
 13 A I think it's on an individual basis. There
 14 are some counselors obviously that are stronger than
 15 other counselors, and that could be in any setting
 16 whatsoever, but they should, to answer your question,
 17 yes, they should have time and availability for
 18 students. That's their priority. That's their No. 1
 19 job.
 20 Q Have you received any complaints or heard any
 21 complaints from students or parents or even teachers
 22 that students are waiting excessive periods of time in
 23 order to meet with their counselors?
 24 A I wouldn't get that complaint. The site
 25 administrator might get that. Counselors report to an

1 assistant principal.
 2 Q And that's who would handle the decision?
 3 A Yes.
 4 Q And then from the assistant principal would
 5 that go to the principal?
 6 A Yes, if it's not resolved.
 7 Q If the issue wasn't resolved, the assistant
 8 principal would talk to the principal?
 9 A Yes.
 10 Q That's the chain of command?
 11 A Yes.
 12 Q And if the principal felt that that was still
 13 an issue at the site level, would he come to you with
 14 that issue?
 15 A He would, but I can't think of anything from a
 16 counseling standpoint that would need to get to my
 17 level. We have a good system in place where we try to
 18 resolve problems at the lowest possible level.
 19 Q Why is that?
 20 A Well, we found if you deal with problems with
 21 the teacher or with the counselor and the student, once
 22 you get to the other levels of administration, it kind
 23 of muddies the situation, and if you can sit down
 24 one-on-one and try to resolve it -- and I always use
 25 the strategy when you deal with conflict, you know,

1 what are we going to lose here, who's going to win,
 2 who's going to lose, and what do we need to do to make
 3 this work for everybody, and that's usually best done
 4 on the lowest possible level.
 5 Q Are you familiar with SB-1882?
 6 A Uh-huh.
 7 Q What is that?
 8 A That's the school site committee that is made
 9 up of students and parents and staff and
 10 administration. It's no longer in place. It's not
 11 funded anymore, but it's a school site council is
 12 probably what it's referred to.
 13 Q How long was it in place at your school?
 14 A All the way up -- we still have a school site
 15 council. I think the funding stopped this year if I'm
 16 not mistaken, but it's been in place all the time and
 17 prior to me coming to Santa Paula. It was a very
 18 effective program.
 19 Q What did it consist of?
 20 A Well, it consisted of a nice cross-section of
 21 your community from students, as I say, actual
 22 attending students, to parents and so on, and issues
 23 and new ideas were brought to that council. Sometimes
 24 they were voted on, sometimes the board would say we
 25 will not allow this to be approved until it's been

1 passed by the school site council, and so we used it as
 2 another, shall we say, another piece in the process for
 3 issues and problem-solving and also awarding funding
 4 and spending money on certain priorities.
 5 Q I guess my question really was, and I think
 6 you touched on it, what was the purpose of it, just
 7 generally if there were any issues that needed to be
 8 addressed?
 9 A Well, it wasn't a trouble-shooting kind of
 10 thing. It was a situation where it was more positive
 11 than anything else, but a wise administrator would
 12 always use the school site council as another sounding
 13 board for new ideas, another phase of approval when you
 14 say the faculty approved it, the school site council
 15 approved it, the administration is now recommending
 16 it. That's how the council was used.
 17 Q Is there a practice in place at Santa Paula
 18 that ensures that students be provided their own
 19 textbook and/or instructional materials to use in
 20 classes that require textbooks or instructional
 21 materials?
 22 A When you say, "a practice," are you saying a
 23 policy? What do you mean "practice"?
 24 Q Well, let's start with is there a process in
 25 place to ensure that students receive their own

1 textbook or instructional materials to use in class if
2 that class requires the use of a textbook or
3 instructional material?

4 A Well, it is the policy and it is done. All
5 our students have their own textbooks, and in regards
6 to any class that needs a textbook, we provide it for
7 them. We don't provide two textbooks as some might,
8 but everyone has a textbook, and since I've been in
9 Santa Paula, not one time have I ever had a complaint,
10 and I would get this complaint, from a parent saying my
11 son doesn't have a textbook or the materials for the
12 class.

13 Q And how do you know that the policy is
14 followed?

15 A We buy them out of our textbook accounts and
16 IMF accounts.

17 Q What's the process for that?

18 A Well, the vendors send the books to us, and
19 the department then screens them, makes a
20 recommendation, then we take the recommendation to the
21 district office and we put them on display for two
22 weeks. We put it in the newspaper saying that there's
23 going to be a new textbook adoption in a particular
24 area, and any parent or any community member that would
25 like to review the textbook before the board approves

1 Q With respect to the process that you
2 explained to me about new adoption and new adoption
3 cycles, is that your policy that's in place to ensure
4 that the district has books that are up-to-date and
5 current?

6 A Yes, and that is in board policy.

7 Q And how do you ensure that that policy is
8 followed? Is it just some sort of oversight on your
9 part or someone else?

10 A Well, the process, again, is done by
11 curriculum cycle, so the particular core department
12 that is up for adoption starts the process, and then
13 the school administration follows the procedures that
14 leads all the way up to the district office having the
15 books on display and putting the advertisement in the
16 paper that they are on display.

17 Q You testified earlier when you first came to
18 the district you noticed that they had missed a cycle
19 or it seemed that they may have missed a cycle. Since
20 you've been superintendent, how do you ensure that
21 you're on track with each cycle?

22 A Well, it's very easy. The departments were
23 very anxious about buying new textbooks and becoming on
24 cycle, and they don't let it get away from you, that's
25 for sure. I only assumed when I mentioned earlier that

1 it can do so, and when you talk about adoptions, you're
2 talking about an area, so it could be a science, and it
3 could be five or six different textbooks, but that
4 would be the textbook that is used by the class
5 specifically, so if it's an algebra adoption, then that
6 book recommendation started with the algebra teachers.

7 Q With respect to the policy that every student
8 be provided their own textbook or instructional
9 materials for classes that use textbooks or
10 instructional materials, is it a written policy?

11 A I'm not aware of one. It's just what we're in
12 the business for. You can't expect a kid to be
13 accountable if they don't have a textbook.

14 Q Do you think it would make a practical
15 difference if the policies that you just articulated
16 were written?

17 MS. SIEVERS: Objection, calls for speculation.

18 MS. KOURY: In your opinion and in your experience?

19 THE WITNESS: Well, I don't think in our district
20 it's needed. If it got to a point that students were
21 not being given textbooks, then yes, I think it would
22 be very important. When you have it in board policy,
23 it's in concrete, but the districts that I have worked
24 in, that's never been the case.

25 BY MS. KOURY:

1 they may have missed a cycle because we had so much
2 money in textbooks, and it surprised me because that's
3 usually an account that's depleted each year.

4 Q This policy with respect to keeping textbooks
5 up-to-date and current, is this policy written?

6 A The purchasing textbooks, yes, it is. It's a
7 board policy and the process that we use, yes. All
8 textbooks are approved by the Board of Education.

9 Q Is there a policy or practice at Santa Paula
10 that ensures every student is provided with his or her
11 own textbook to take home for purposes of doing
12 homework if the class requires that?

13 A Yes.

14 Q What is your understanding of that practice?

15 A Every student has a textbook period, just
16 period. Every student has a textbook. There might be
17 cases where there will be a class set of a work that a
18 teacher might just want to use in the classroom, but if
19 a student is expected to do homework out of a textbook,
20 that person has that textbook to take home.

21 Q You testified earlier that you don't purchase
22 two textbooks. What do you mean by that?

23 A Well, two textbooks would be one for the
24 student in the classroom and one for the student to
25 have at home at night, but to me that is not realistic

1 obviously because of the financial implications, but as
2 far as providing a textbook for all students, we do do
3 that.

4 Q What's the procedure or the practice in place
5 at the district for purchasing textbooks or
6 instructional materials on an annual basis? In other
7 words, I understand the adoption cycle exists which you
8 already testified about, but is there some sort of
9 practice in place for teachers to determine at the end
10 of a school year, you know what, we're missing five or
11 six books or there's ten books that are in bad
12 condition that need to be replaced?

13 A All students are given textbooks, and at the
14 end of the year they turn them in, and they're turned
15 in to one central location in the library. If the
16 textbook is damaged or unusable, at that time the
17 student would actually be charged for that book, and
18 also at the end of the year there's an inventory number
19 of every department and how many textbooks they do
20 have, and if they need more replacements or textbooks
21 are wearing out, then they would do that at that time,
22 so there's more than just the curriculum cycle, but
23 that number would be small compared to a curriculum
24 adoption in a cycle.

25 Q In your experience at Santa Paula has there

1 them in to the librarian.

2 Q Is that something that would be handled at the
3 site level?

4 A Yes, uh-huh, and probably the department level
5 as well. Each department has a department chair, and
6 they would probably mention that these books are no
7 longer usable or they're outdated or something and we
8 need to order new ones. The process originates from
9 the department chair. The teacher goes to the
10 department chair and says I need some more books here
11 or I need this supplemental textbook for this
12 particular class and that's how the process begins.

13 Q Do you know what the practice is -- and maybe
14 you already testified about this -- for distributing
15 the new textbooks at the school at the beginning of the
16 year or who is responsible for actually distributing
17 the textbooks?

18 A Well, the library has all the textbooks. The
19 teachers send students to the library to get their
20 textbooks for their classes.

21 Q Do they sign out for textbooks?

22 A Yes, uh-huh, and they turn them in to that
23 teacher.

24 Q Has there ever been a delay in receiving
25 textbooks from the distributors or the vendors?

1 been enough funds to purchase all the books that are
2 ordered?

3 A Absolutely.

4 Q Is there a procedure in place for emergency
5 orders, in other words, perhaps enrollment is
6 unexpectedly high or at the last second at the
7 beginning of the school year there's missing textbooks
8 or whatnot?

9 A Well, we ASAP the order if that were the case.
10 I think that would be kind of unusual because our
11 enrollment has been increasing each year, but that
12 would be something where all of a sudden you're
13 expecting 1500 kids and 1750 walk in in September. You
14 would be calling the textbook company, you know, ASAP
15 to try to get some more textbooks to you, but in the
16 seven years that I've been here, the enrollment has
17 been fairly well on target for projections.

18 Q How do teachers determine or is there a
19 practice in place for teachers to determine whether the
20 books are in good condition? In other words, at the
21 end of the school year when they determine which books
22 need to be replaced, is there some sort of practice
23 that they follow in determining which books need to be
24 replaced?

25 A I'm not aware of how that is done. They turn

1 A Oh, I would imagine so. I don't have that
2 information, but it's like any time you order anything,
3 sometimes they have it right there and you can get it
4 very quickly. Sometimes it does take a while. We try
5 to order or always try to order our textbooks as early
6 in the summer or late June as possible so we have them
7 in September, but that doesn't mean it hasn't happened
8 in September for a class or so, but that's a rarity.

9 It's not a common factor.

10 Q I think you testified about this. The
11 classrooms have computers in them; is that correct?

12 A Yes, uh-huh.

13 Q And do you know how many computers there are
14 per class? You might not know this.

15 A Well, we have one computer for every four kids
16 I think it is down to now, so we have a great deal of
17 technology in our school. We have computer labs, and
18 then every teacher has their own computer station for
19 their own individual use, and then every teacher has at
20 least three or four computers in the last classroom.

21 Q And there's internet access?

22 A Yes, uh-huh.

23 Q You testified a bit about this earlier.

24 There's a process in place through which you gather
25 information regarding the conditions at the school site

1 from the principal; is that correct?

2 A In our cabinet meetings you're referring to?

3 Q Yes. And is there also an informal or formal
4 process in which you hear about parent complaints?

5 A I don't hear about parent complaints until
6 they've gone through the school process. We have a
7 system in place that basically says that if we get a
8 call at the district office, we ask the parent have you
9 talked to the teacher, have you talked to the assistant
10 principal, have you talked to the principal, and my
11 assistant will say Dr. Brand will not talk to you
12 unless you've done that.

13 Q And that's what you mentioned earlier, the
14 reason for that is because you found it more efficient?

15 A You can solve so much on the lowest possible
16 level, and I tell my staff that you don't want me
17 involved because I will make the decision and it may
18 not be what you want, so try to resolve it yourself.

19 Q What about the system for complaints from
20 students?

21 A Well, the student complaint, I don't get them
22 normally. I can't think of a student complaint that
23 I've had, but we have student board rep member that
24 sits on the board with us that's available for students
25 to come to and share some concerns. We try to get

1 saying this is how the school is, so we try to get
2 satisfactory conditioned textbooks, and in a lot of
3 cases they're brand new textbooks because we're
4 purchasing them on a regular basis.

5 Q If there was a situation where a student or a
6 parent or a teacher felt there weren't enough
7 textbooks, for example, and they went through your
8 system and complained and it wasn't resolved, that
9 eventually would reach you, wouldn't it?

10 A Yes.

11 Q So to the extent that you have no recollection
12 of such complaints, is it your understanding based on
13 the system that's in place that these complaints, if
14 any, are resolved early on?

15 A Yes. In fact, it's my understanding that
16 everybody has a textbook, and I think it's important
17 that if they didn't, that there is a process in place,
18 and I think honestly that if there was a large number
19 of students that didn't have textbooks, it would get to
20 my office, but I've had no complaints so far.

21 Q In your deposition testimony on January 8, you
22 testified that you don't have, you know, personal
23 knowledge of every single textbook and every single
24 student that may have had a complaint about a textbook,
25 but to the extent that there would be complaints about

1 input from her at our board meetings, and she does an
2 outstanding job, but in student complaints they usually
3 would go to their counselor or assistant principal and
4 sometimes the principal.

5 Q What about complaints from teachers, is there
6 a system in place for that?

7 A There's actually a system, and then there's
8 actually a grievance procedure if they're not happy
9 with that situation, but their first line would
10 obviously be the assistant principal and then the
11 principal, and if it can't be resolved, then I would be
12 involved.

13 Q You mentioned earlier that if there weren't
14 sufficient textbooks, and I can't recall exactly
15 whether it was whether there were sufficient textbooks
16 or if the condition of the textbooks were not adequate,
17 but that those were complaints you would hear. What
18 did you mean by that?

19 A No, those are complaints I wouldn't hear.
20 They would be resolved at the school site, and they
21 would be in the sense of ordering new textbooks. If a
22 textbook is damaged or a textbook has graffiti written
23 all over it, then we don't that child to take that
24 textbook home and have their parent take a look at that
25 book because that parent is looking at that book and

1 textbooks, if those complaints went unresolved, do you
2 think that the principal at the school site would hear
3 about it?

4 MS. SIEVERS: Objection, calls for speculation.

5 BY MS. KOURY:

6 Q You can answer that.

7 A I think so. Parents are very much assertive
8 today, and if their child is being graded in a class
9 and that child doesn't have a textbook and finding
10 himself or herself losing credit, yes, I think it would
11 eventually get to the principal. More than likely it
12 would start at the assistant principal level.

13 Q Has that been your experience with parents at
14 Santa Paula, that they do come forward if they have
15 complaints?

16 A The parents at Santa Paula have been very
17 supportive, but I think any parent -- it's not just
18 Santa Paula, just any parent would want that for their
19 child.

20 Q Do you think if that were the case, in other
21 words, there was a situation at Santa Paula where there
22 was one or two or more parents complaining or students
23 complaining that there weren't sufficient textbooks or
24 that the textbooks were not adequate and it wasn't
25 resolved by the principal at Santa Paula, is that

1 something that would be raised with you?

2 MS. SIEVERS: Objection, calls for speculation.

3 BY MS. KOURY:

4 Q You can answer.

5 A It could, but I would hope a principal could
6 resolve it, an assistant principal could resolve it.
7 This is not a major issue. It would only be a major
8 issue if we talked about hundreds of kids without
9 textbooks. If you have a few kids without a textbook,
10 then we should be able to get that resolved very
11 quickly.

12 Q And why is that?

13 A It's a simple rule. You have a classroom of
14 40 kids -- or excuse me, not 40. Let's say 35 kids and
15 you have 30 textbooks, let's say. Well, we're short
16 five textbooks. Well, the teacher is going to have to
17 make up the lessons until we order five more textbooks
18 for that class and then the students will have that,
19 but that should not be an issue. It's extra work on
20 the part of the teacher, yes, but it's no one's fault,
21 and we're not doing anything to single out a classroom
22 or single out a particular teacher.

23 Q In your opinion are issues such as not
24 distributing textbooks, making sure there's adequate
25 textbooks, is that something that's most efficiently

1 class are usually in the mid thirties.

2 Q Occasionally there are classes with 40
3 students; is that correct?

4 A I would hope not. If there were 40 in a
5 classroom, it needs to be leveled.

6 Q And you testified, and correct me if I'm
7 wrong, but sometimes that occurs at the beginning of a
8 new semester?

9 A Yes, it does. What you do is you load kids in
10 the class based on your master schedule, and then when
11 the whites of the eyes, we call it, show up, you then
12 start looking at class size and try to level quickly
13 because teachers obviously need some support in that,
14 but that's also how you find out if you need new
15 staffing, too, because you might find that you can
16 level, but all of a sudden you have 100 kids here that
17 really need another teacher.

18 Q So is it your policy at Santa Paula to level
19 out the students immediately?

20 A Yes, my policy is to follow the exact
21 procedure I just said. First of all, we give them a
22 count in the springtime based on P2. That's how we
23 staff the school for the fall, and then in September we
24 don't do anything until we actually see the students
25 show up in class, whites of the eyes, then you level

1 dealt with at the site level?

2 MS. SIEVERS: Objection, calls for expert
3 testimony.

4 BY MS. KOURY:

5 Q Go ahead.

6 A Yes, I do. We're the end result, the district
7 office, if they're not, but yes, I think it's much more
8 efficient if it's a site distribution.

9 Q You testified also that all ninth grade
10 classes have a 20-to-1 ratio; is that correct?

11 A In English.

12 Q In English?

13 A Yes, only in English. It's class size
14 reduction.

15 Q And that other classes have a 25-to-1 ratio,
16 is that correct, or on average?

17 A No, I did not. I think I was referring to my
18 staffing formula of 28.5-to-1.

19 Q Okay.

20 A We have a 20-to-1 which is class size
21 reduction in English. We had it a mathematics, and we
22 no have it in mathematics now, so English is our only
23 20-to-1. We try to -- certain classes are larger than
24 others. Lab classes are smaller. Computer classes are
25 a little smaller. A core class like a social studies

1 classes satisfactorily, and then at that time if you
2 need, you do hire new staff.

3 Q How have you communicated this policy to the
4 site level?

5 A Well, I communicate it every year. It's
6 engrained. It's definitely engrained. Teachers want
7 to have their classes staffed by their roll sheets, and
8 administration has been told that we don't staff by the
9 name on the roll sheet until that name is a real person
10 that shows up in your class, and the first few days of
11 school there could be classes that are larger, but in
12 most cases those classes are satisfactorily leveled,
13 and it's a very, very expensive risk to take when you
14 staff your school and think you're going to get more
15 kids than actually show up, so you can see how
16 important it is that we use that formula of the whites
17 of the eyes.

18 Q And when you say you level out, you had
19 testified that that means students are taken out of one
20 class, but assured that they're put in another same
21 class; is that correct?

22 A Yes. Example, Period 3 has 40 kids in a
23 class. Period 2 might have 32, so you take some from
24 that 40 and put it into the class that has fewer
25 students, and both classes then average out at 35,

1 let's say.

2 Q Who at either the site level or district level
3 handles the actual transfers?

4 A The assistant principal and counselors. The
5 assistant principal is in charge of the master
6 schedule, and then counselors do the program changing.

7 Q Who reviews the paperwork for those transfers,
8 is that the assistant principals and counselors?

9 A I would think so, uh-huh.

10 Q Does the assistant principal or the principal
11 at the site level enforce the policy, in other words,
12 ensure that students are actually transferred from one
13 class and put into the same class as opposed to being
14 put into a different class?

15 A I think the assistant principal would be the
16 one that monitors that, but there's no logic in putting
17 the student -- unless that student needs that class,
18 but there would be no logic in putting the student in
19 another class that he's already had or she's already
20 had, so it either has to be a class that they need to
21 take or a class that they're currently in.

22 Q If a student had a complaint about the
23 transfer process, in other words, they're in one class
24 and they're transferring into another class and for one
25 reason or another they don't want to be in that

1 Q When you gave that example of a student that
2 has to make a choice between band and an AP class, what
3 do you mean by that?

4 A If, for an example, we had a thing called a
5 singleton, a singleton is only offered at one time
6 during the day, and it would be a class such as band,
7 and it could be a class such as AP physics which is a
8 senior class for fourth year science students, and we'd
9 hope that those two classes weren't on the same slot,
10 but if they were, students might have to choose on
11 something like that. We try to get band in the early
12 morning so that it's not in conflict with any of those
13 classes, but that was the example that I gave you just
14 to make it a little clearer for you.

15 Q Would it ever be the case where a student is
16 in an honors algebra class and needs to be transferred
17 out of that class and is stuck in a regular algebra
18 class?

19 A If the student is doing well in the honors
20 class, then he or she would be put into the honors
21 class. It's a weighted grade, so you wouldn't want
22 them to be put in a college prep class.

23 Q So in terms of leveling out, you don't have
24 that situation?

25 A Well, it wouldn't be a recommendation. That's

1 subsequent class, who would handle that complaint?

2 A Usually the counselor. It could get to the
3 assistant principal, but the counselor would try to
4 probably resolve that. That happens all the time.
5 Teacher A versus Teacher B, and kids know what teacher
6 is the one that they want to be in, but that's
7 something that usually a counselor resolves.

8 Q Are there ever any complaints, as far as you
9 know, with respect to not that they're not getting the
10 teacher they like, but perhaps they're not getting the
11 course that they want or need?

12 A It could happen.

13 Q What do you mean by that?

14 A You know, you have to make decisions in high
15 school about your four-year plan, and with the A to G
16 requirements now for college, that's a new requirement,
17 the G is brand new, so what we have now is students
18 have a lot of courses they have to take, and sometimes
19 you can't get that course exactly when you want it, but
20 you eventually will get it in the four years, or
21 sometimes you have to choose between a band class or an
22 AP U.S. history class, but those are choices that have
23 to be done in your four years, but they're mostly
24 resolved, and students that leave high school meet
25 their A to G requirements very easily.

1 not how it would be done. In an honors class, you
2 would want to transfer honors to honors.

3 Q And is it your understanding that that happens?

4 A Yes.

5 Q And you testified that leveling out is
6 necessary because it can be really expensive if you
7 don't have that process in place?

8 A Well, expensive in the standpoint that, one,
9 you have a jigsaw master schedule. You have some
10 classes with 20 and you have some classes with 40, so
11 that's not fair to the teachers. One teacher could
12 teach 150 students, another teacher could teach 220
13 students if you don't level the classes. In regards to
14 expense, I'm talking about hiring a person before you
15 actually have the students to justify the hiring of
16 that person.

17 Q Since you started at Santa Paula, have you
18 actually improved the student/teacher ratio?

19 A We have a very low student/teacher ratio.
20 We're actually over staffed by several teachers. This
21 is going to be the first year that we're going to be on
22 a staffing formula, and basically if we had a person
23 retire, we've replaced them, or a person no longer
24 working for us, we'd replace them. Well, now we're
25 going to do a 28.5 ratio for the school and give the

1 site principal a certain amount of FTE's which are
2 teachers and sections and have them fill it from there,
3 and we've had the luxury of being very comfortable with
4 our staffing.

5 Q What's the source of that? In other words,
6 how is it that you're able to do that?

7 A Well, we had funding and we were -- it was not
8 a crisis situation. Now just everybody is just kind of
9 cutting back a little tighter now because of the crisis
10 in Sacramento for the next couple years, so we're
11 trying to put everything on a formula driven basis.
12 28.5 is a very low ratio for a school site to be
13 staffed. Most schools would be at 31.5.

14 Q You have a finite budget; is that correct?

15 A Uh-huh.

16 Q And given your resources and your budget
17 needs, you've determined that air conditioning is not a
18 priority; is that correct?

19 A It's not a priority that we can afford. It's
20 very expensive, uh-huh.

21 Q You testified that it would be prohibitive.
22 What did you mean by that?

23 A In cost only.

24 Q If students were unable to learn in classrooms
25 because it was too hot, is it your understanding that

1 me about their classroom is too warm.

2 Q Have you ever had any communications with the
3 principal at cabinet meetings or from anyone at the
4 site level indicating there's been a lot of complaints
5 that it's too hot for students to learn in classrooms?

6 A The only complaints that we've addressed has
7 been the other side. We have an auditorium going up
8 for modernization right now that will begin in June,
9 the modernization, and the drama class is in there, and
10 unfortunately it's closed up through the whole day and
11 then they go in at 3:00 and it's cold, and we tried to
12 fix our old, old heater that's a 1930 model, and we've
13 done the best we can. We've purchased heaters,
14 et cetera, for them, but it's not the best of
15 situations, but they are getting a brand new
16 auditorium, so they're very excited about it, but
17 actually that's the only concern we've had, and that
18 was about three years ago we had that concern.

19 Q When is that scheduled to happen?

20 A June 23rd. We're going out to bid in March --
21 or excuse me, May, excuse me.

22 Q I'm sorry if you already testified about this,
23 but with respect classrooms being too cold, is that the
24 only area that you've heard complaints?

25 A Yes, uh-huh, at my level.

1 teachers would be complaining?

2 MS. SIEVERS: Objection, calls for speculation.

3 THE WITNESS: I would imagine they would.

4 BY MS. KOURY:

5 Q Who would they complain to?

6 A The principal or assistant principal.

7 Q Do you think those complaints would eventually
8 reach you if it was a situation where they felt
9 students were not able to learn because it was so hot
10 in classrooms?

11 MS. SIEVERS: Same objection.

12 THE WITNESS: I think it might, but I couldn't
13 confirm that. There's a process for teachers to grieve
14 if they felt the working conditions were not positive,
15 and they could actually go through that process which
16 starts at the lowest level and ends up at my level.

17 BY MS. KOURY:

18 Q Is that through the union?

19 A Yes, it's in part of the contract.

20 Q And have you ever received any complaints that
21 classrooms are too hot for students to learn?

22 A I've never had a grievance.

23 Q What about informal complaints?

24 A It just gets warm sometimes, but no one has
25 ever made a special appointment to come in and talk to

1 Q And the chain of command there would be such
2 complaints from students or parents would go to the
3 site level; is that correct?

4 A Yes, uh-huh.

5 Q And have you ever had any communications with
6 the principal that there have been complaints about
7 classrooms being too cold other than the auditorium?

8 A Probably a couple of others, but I can't
9 really recall offhand, but it's usually the colder than
10 the warmer days.

11 Q Is there a practice at the district level for
12 oversight of the maintenance of the school facilities?
13 In other words, to begin with, in terms of cleaning, is
14 there a number of janitors that you have at the
15 district level?

16 A Yes. We actually have a director of
17 maintenance and operations, and a lead man in the
18 evening.

19 Q And is there a policy in place with respect to
20 the frequency of the cleaning at the site level?

21 A Yes, there is.

22 Q Do you know what that policy is?

23 A They clean every night.

24 Q How about inspections during the day?

25 A Not during the day. The inspections would

1 probably take place at night by the director of
2 maintenance and operations.

3 Q And as a superintendent you're not directly
4 responsible for the policy, the maintenance director
5 is; is that correct?

6 A Well, as superintendent I'm responsible for it
7 all, but I don't monitor that unless it becomes
8 something that gets to my office.

9 Q Is there a procedure in place for responding
10 to requests from the school site for repairs?

11 A Yes.

12 Q And what's your understanding as to that
13 procedure?

14 A Well, two different ways. One, for your
15 classroom, if there's anything in the classroom that
16 needs attention, there's an actual little note pad that
17 is given and the teacher leaves that for the evening
18 custodian, and then for any kind of repair that would
19 take some skill on the part of the district, they would
20 report that to the assistant principal, and we have an
21 assistant principal that's assigned in that particular
22 area, facilities.

23 Q Generally how long does it take for the
24 district to respond to requests for repairs?

25 MS. SIEVERS: Objection, calls for speculation.

1 and then later on completed, is it your understanding
2 that that somehow is noted on the work order?

3 A Yes, it is. In fact, the director of
4 maintenance and operations meets with the director of
5 maintenance and administrative services and goes over
6 work orders on a regular basis.

7 Q So to the extent that a work order states that
8 the repair has been completed, it's your understanding
9 that it's been completed?

10 A Yes. It says on the work order that it's been
11 done and the date it's been done and so on.

12 Q You testified last time that there are several
13 bathrooms that are open, two that are open all day, and
14 that you have four or five other bathrooms that are
15 available to students on request from security; is that
16 correct?

17 A Yes. We have opened some more bathrooms
18 though since my last visit, and the reason that the
19 other bathrooms were not opened was because of safety
20 issues, and we want to be sure that a bathroom that's
21 opened, that we can supervise it, and it's an old high
22 school, so we have hallways and stairways that had
23 bathrooms off to the sides of them that are very
24 isolated, so obviously we didn't want those bathrooms
25 to be open, but on a trial basis about six weeks ago

1 MS. KOURY: I'm just going to finish my question.

2 Q Generally how long does it take for the
3 district to respond to requests for repairs?

4 A It just depends on the repair.

5 Q Have you had any complaints on the site level
6 that the lag time is too extensive?

7 A I know there have been complaints. It would
8 be unnatural for there not to be complaints. We try to
9 get to all of them.

10 Q What do you mean by that?

11 A Well, some things are prioritized a little
12 lower than the teachers want them to be prioritized.
13 If you're in charge of the maintenance and operations
14 of the school, the priority is always safety. If your
15 pencil sharpener doesn't work, that may not be as
16 prioritized as high as something that has a safety
17 issue, where there's a safety to students type of
18 thing which would have priority over it, but we try to
19 do it in a reasonable amount of time.

20 Q Are you familiar -- I think you testified
21 about this -- with work requests; is that correct?

22 A Work orders?

23 Q Work orders.

24 A Yes.

25 Q And to the extent a work order is filled out

1 they started opening another bathroom as well.

2 Q So now there are three bathrooms that are open
3 all day?

4 A Three or four, uh-huh.

5 Q So it's your practice at Santa Paula based on
6 security reasons to open only particular bathrooms and
7 others are available on request; is that correct?

8 A Well, when you say, "on request," if it was a
9 student emergency, most students -- you know, it's not
10 a 50-acre campus. You can walk to the bathroom. You
11 know, it wouldn't be far from the center of the campus
12 to go to the bathroom that's open all the time, but if
13 there was a special need that a student needed to use
14 the bathroom, it could be opened by a campus security
15 officer.

16 Q How did you make the determination to open two
17 additional bathrooms?

18 A I didn't. The campus security officer made
19 the recommendation to the site administration.

20 Q Based on what, do you know?

21 A I'm not sure how they based it. Probably the
22 students saying they'd like another bathroom opened,
23 and they said, well, we'll give it a try and see how it
24 goes.

25 Q When you say try it and see how it goes, what

1 do you mean by that?

2 A Well, see if it becomes a safety hazard and an
3 issue for students, graffiti, possible violence.
4 Again, safety is a priority for us, so we want to be
5 sure if they have something open that we can supervise
6 it and ensure the safety of students in that bathroom.

7 Q And determining whether or not it's safe or
8 whether or not it poses a safety hazard is something
9 that only the administration knowing the site level
10 could determine; is that right?

11 A Yes.

12 Q Would it improve learning at Santa Paula, do
13 you think, if the state had a written standard
14 regarding the number of available bathrooms that you
15 had to provide depending on the student ratio?

16 MS. SIEVERS: Objection, calls for expert
17 testimony.

18 BY MS. KOURY:

19 Q You can answer.

20 A I do not think it would help at all.

21 Q Why is that?

22 A Well, I don't think there's any state formula
23 that can address safety unless you know the specific
24 schools, and the only people that know specific schools
25 in my mind would be the site administrator and campus

1 my administration update from my director of
2 maintenance and operations, he will share with me
3 whether there was vandalism in a bathroom or graffiti
4 or whatnot.

5 Q Do you think it would improve the learning
6 environment at Santa Paula if there were a state
7 written standard regarding the cleanliness and
8 sanitation of bathrooms?

9 MS. SIEVERS: Objection, calls for expert
10 testimony.

11 THE WITNESS: Well, I think that it would be a
12 policy statement that every school should have. I
13 certainly wouldn't think that we would need to put it
14 in a California State Department of Education mandate.
15 We would hope that bathrooms would be clean. We would
16 hope that they would be cleaned on a regular basis.

17 BY MS. KOURY:

18 Q Do you think there should be some sort of
19 reporting mechanism, in other words, some sort of
20 reporting mechanism from the site level to either the
21 district level at which case at the district level you
22 report back to the either the county office of
23 education or the state? Do you think that would
24 improve cleanliness in your bathrooms?

25 A No, I don't think it would at all, and I think

1 security. It would be very nice to say I opened a
2 brand new high school, I know what the ratio is of how
3 many bathrooms, basketball courts and other things that
4 you're supposed to have, but in some cases there's a
5 uniqueness to every school site, and this school is an
6 old school with bathrooms that are not out in the
7 middle of the center of the quad and they're isolated
8 and there could be problems that we wouldn't know
9 about. That's the reason for the closure of some of
10 them.

11 Q Is it your understanding that the practice at
12 Santa Paula with respect to ensuring the bathrooms are
13 cleaned daily and stocked is enforced?

14 A Yes.

15 Q And what's that understanding based on?

16 A Exactly what you said, they're cleaned every
17 day and supervised every day.

18 Q How do you know that they're cleaned and
19 stocked?

20 A Well, I've been inside them, and I hear about
21 them when they're not.

22 Q Who is in charge of enforcing that practice?

23 A I deal with the director of maintenance and
24 operations, but they have custodians on the site, and I
25 get a weekly update from all my administrators, and in

1 that our bathrooms are very acceptable and very
2 satisfactory.

3 Q If there were sanitary issues in your
4 bathrooms, do you think the principal in your school
5 would know about it?

6 MS. SIEVERS: Objection, calls for speculation.

7 THE WITNESS: I think the assistant principal
8 would.

9 BY MS. KOURY:

10 Q Why do you think that?

11 A That's who students would talk to, they would
12 go to.

13 Q How do you know that?

14 A I've been a principal for 13 years, so...

15 Q Have you ever communicated with the assistant
16 principal?

17 A At Santa Paula?

18 Q Yes.

19 A No, about that issue, no, but I'm just saying
20 from my experience that's usually where it goes to.

21 Q Have you ever had any discussions or have you
22 ever heard of complaints about sanitary issues in the
23 bathrooms?

24 A No, not that have been brought to my
25 attention. We're under the impression that they are

1 exactly what I said they are, cleaned daily and
 2 monitored, and one of my common rules is if there's
 3 graffiti, it comes off before students are on campus,
 4 so they're examining it at 7:00 in the morning before
 5 any kids come on to see what they look like and before
 6 they go home at night.

7 MS. KOURY: Can we take a five-minute break?

8 MR. RAMOS: Sure.

9 (Lunch recess taken.)

10 EXAMINATION (RESUMED)

11 BY MS. KOURY:

12 Q Did you have a nice lunch?

13 A Very nice. You didn't join us though.

14 Q I didn't. Shifting gears, could you give me a
 15 breakdown of your budget in terms of how much in a
 16 percentage that you spend on various aspects of your
 17 budget?

18 A It would be very general. We're running about
 19 80 to 81 percent on certificated and classified
 20 salaries and benefits.

21 Q 80?

22 A 80 to 81 percent.

23 Q Is that of your general fund?

24 A That's out of the entire budget. That's out
 25 of the general fund, uh-huh, yeah, and I really

1 percentage levels, so we were not qualified for funding
 2 from the state.

3 Q Have you received any grants or award monies
 4 from the CTC?

5 A Yes, we do have a CTC grant.

6 Q What's that for, do you know?

7 A Computer technology centers, is that what
 8 we're talking about?

9 Q Sure.

10 A Right. It's for an extension of the high
 11 school into the community. The purpose is to train our
 12 community as well as our parents in the areas of
 13 technology, to have them come from their training to
 14 help their own students in the school using technology.
 15 It's been a very successful grant. It's our last year
 16 of it though unfortunately.

17 Q And the 21st Century grant?

18 A Right. That's an Outreach grant again that
 19 we've established centers, computer labs in the
 20 community, boys and girls club, and some of our service
 21 partners in the town, social services, we've
 22 established centers out of the 21st Century. They also
 23 paid for our Friday Night Live drug and substance abuse
 24 programs that we might have, and we also have a
 25 resource officer and a probation officer out of that

1 couldn't break down the other portion into any kind of
 2 logical percentage that would make sense.

3 Q Do you receive categorical funds?

4 A Oh, yes, we have categorical. We have state
 5 funding and federal in categorical, and we have some
 6 grants as well, competitive grants, that we were able
 7 to get that are a part of your budget as well, uh-huh.

8 Q With respect to categorical funds, do you
 9 receive GATE funds?

10 A Oh, yes.

11 Q Special education?

12 A Yes.

13 Q Title 1?

14 A Uh-huh.

15 Q Title 6?

16 A Uh-huh.

17 Q Migrant education funds?

18 A Yes.

19 Q Bilingual education funds as well?

20 A Yes.

21 Q And did you receive API award monies?

22 A No, we did not this year.

23 Q What about last year?

24 A No, we did not. We improved our API this
 25 year, but we had a sub-group that didn't meet their

1 grant.

2 Q And do you also have a Safe Schools program
 3 fund?

4 A I'm not sure. I imagine we do. I'm not sure
 5 what our funding on that is. It's not a competitive
 6 grant that we received. If the state gives us a Safe
 7 School funding, then we would receive it.

8 Q What about a state grant for schools and
 9 career programs?

10 A Yes, Perkins grant, uh-huh.

11 Q What is that for?

12 A Career education, vocational education and
 13 support.

14 Q And State Mentorship Award as well?

15 A We have a volunteer mentor grant. That was a
 16 competitive grant that we received, and we're in our
 17 last year of that.

18 Q And who at the district level is responsible
 19 for seeking out grants and writing grant applications?

20 A Well, we don't have a person per se because
 21 we're just too small to have an individual, but we have
 22 used a grant writer who's been very successful, and she
 23 writes the grants with the support of our school staff
 24 and our ideas, and then she takes a percentage of the
 25 grant and she's the program evaluator.

1 Q Is she a district employee?
 2 A No, no. She's a professional.
 3 Q Is she sort of a consultant?
 4 A Only on the grant, yes.
 5 Q Do you also receive SB-99 funds?
 6 A Help me with that one. Is that the -- can you
 7 tell me what that stands for? Is that the
 8 motivation...
 9 Q What about if I give you another one?
 10 A Okay. You're testing me in all these little
 11 acronyms and numbers here.
 12 Q I'm going to move on to something else
 13 actually. Can I hand you what we'll mark as Exhibit 6?
 14 ^ (Deposition Exhibit 6 was marked for
 15 identification by the court reporter.)
 16 BY MS. KOURY:
 17 Q I'm going to hand you, Dr. Brand, a document
 18 bearing Bates stamp DT-SP00003 through 10 which we've
 19 marked as Exhibit 6 attached to your deposition
 20 transcript.
 21 A Thank you.
 22 Q This document states it's a Santa Paula High
 23 School Accountability Report Card, dated 2000-2001
 24 school year. Are you familiar with this document?
 25 A Yes, I am. It's called a SARC.

1 Q What is that?
 2 A School Accountability Report Card.
 3 Q And are you involved in drafting this report
 4 card?
 5 A No, I'm not. Our district business person is
 6 involved in a section or two, but this comes from the
 7 high school office. I have arranged for it to be
 8 published though from an outside vendor.
 9 Q Could you turn to page 5? At the very bottom
 10 it states, "Expenditures and Services," and it states,
 11 "The total cost of operating the Santa Paula Union High
 12 School District for the 1999-2000 school year was
 13 \$11,175,226. Sixty-two percent of the total budget was
 14 spent directly in the classrooms for teachers, teacher
 15 aides, books, supplies, and equipment." To you extent
 16 that you just testified that in your opinion about 80
 17 percent of your budget goes to teachers, does that
 18 include other classroom supplies such as books?
 19 A No, it doesn't. I think this statement
 20 reflects the amount of money that the school site has.
 21 This is the high school, "Sixty-two percent of the
 22 total budget was spent directly in the classrooms for
 23 teachers," and so on. Let me just make sure I'm
 24 reading this correctly though, okay?
 25 Q Sure.

1 A I'm looking at that pie chart, and that pie
 2 chart, if I'm not mistaken, if I could see it a little
 3 clearer, reflects my percentage of costs.
 4 Q I'm sorry, I didn't understand what you meant
 5 by that.
 6 A Well, I'm having a hard time reading the pie
 7 chart there. I'm trying to find something that has 82
 8 percent in there for salaries and so on.
 9 Q Is it your understanding that perhaps -- this
 10 is dated 2000-2001 which is not the current school
 11 year -- that perhaps those percentages have changed?
 12 A No, they really haven't. Unfortunately I
 13 think, and I'm only speculating on this, that 62
 14 percent might mean that we are talking about the high
 15 school.
 16 (Discussion held between
 17 witness and his counsel.)
 18 THE WITNESS: Thank you for that, Mr. Ramos.
 19 Yes, that is 62 percent for our certificated staff, and
 20 the other would be the classified staff.
 21 BY MS. KOURY:
 22 Q Okay.
 23 A Thank you.
 24 Q So when you say 80 percent, you're
 25 including --

1 A A ballpark, yes, all salaries and benefits.
 2 Thank you for that. That makes more sense. I was
 3 starting to swallow my tongue there for a moment.
 4 Q And the other 15 percent towards district
 5 support services, does that include transportation, bus
 6 transportation?
 7 A It could, uh-huh, yes.
 8 Q If the amount of money in your budget remained
 9 the same, would you prefer to have categorical
 10 restrictions removed and therefore have only
 11 discretionary funds?
 12 A Well, any district, I think, would like to
 13 have that.
 14 Q Why is that?
 15 A Well, obviously decisions would be made at the
 16 school site or district level for expenditures. With
 17 categorical you have restrictions and very fine lines
 18 of how the money can be spent and how the money can't
 19 be spent.
 20 Q How would you reallocate your funds within
 21 your budget if all categorical restrictions were
 22 lifted?
 23 A Well, that would be something that would take
 24 some time to answer that question. I would certainly
 25 bring together a group of individuals to sit down and

1 talk about what kinds of things do we need to look at
2 that we're presently finding difficulty in either
3 funding or providing. One of the areas that I think
4 that I would certainly look into would be providing
5 more para-professionals, more teacher assistants, more
6 time for collaboration, paying for subs so teachers
7 could be together and working on protocols and
8 interacting with one another.

9 Q Did your district apply for funds pursuant to
10 Prop 47?

11 A Are you talking about modernization funds?

12 Q Yes.

13 A Yes, we did, and we were funded, and we start
14 that process, as I said, on June 23rd.

15 Q What was your understanding of the application
16 process? Were you actually involved in that?

17 A Yes, I was on site. We did a modernization of
18 the auditorium and the gym, and we went through the
19 process and were approved, and then the funding dried
20 up because of a situation that needed to be worked out
21 with a large school district in California, and then it
22 went back to the voters and the voters approved, and
23 that's where we are today.

24 Q Do you know approximately what the amount per
25 pupil spending is in the district?

1 A Only a ballpark.

2 Q What is that ballpark figure?

3 A \$5700 maybe.

4 Q Do you have an understanding as to how that
5 figure ranges among other districts in this state?

6 A No, I don't know that. The state has an
7 allocation per ADA for high school districts. I'm
8 thinking that 57- probably represents our high school
9 district.

10 Q Assuming the state's budget for education
11 remained the same, do you have an opinion as to whether
12 or how the state should reformulate how the money is
13 disbursed among the districts?

14 A I don't have a quick answer to the crisis that
15 the state is going through right now. Obviously every
16 district would like to have some more local control and
17 some funding in categories that would enable them to do
18 things that they think individually are important for
19 that district.

20 Q Assuming your budget remained the same, do you
21 think it would improve the quality of education in
22 Santa Paula if the state required you to fill out a
23 report annually indicating whether every student
24 received his or her own textbook for use in class?

25 A I think it would be a waste of time on the

1 part of the state.

2 Q Why?

3 A We have major things to do, and I think that's
4 a local school site situation that can easily be
5 remedied, in Santa Paula that is.

6 Q Do you think it would improve the quality of
7 education at the school site if the state mandated that
8 the county office of education inspect the schools
9 within your district to ensure that a standard
10 requiring your students receive his or her own textbook
11 was met?

12 MS. SIEVERS: Objection, calls for expert
13 testimony.

14 THE WITNESS: I think that the districts would
15 feel more comfortable if it were done that way, but
16 again, I think it's a waste of time on the part of the
17 county office as well.

18 BY MS. KOURY:

19 Q What do you mean?

20 A Well, the county office is obviously a local
21 in the county, and you meet with the county office on a
22 regular basis, and if that was a mandate that the
23 county had to fill out for the state department, that
24 would make it a little more reasonable, but again, I
25 think that we have other higher priorities than to fill

1 out whether we have textbooks for every student or
2 whether we have other things.

3 Q Again assuming your budget remained the same,
4 do you think it would improve the quality of education
5 at Santa Paula if the state required you to fill out an
6 annual report indicating that the maintenance and
7 cleanliness of your restrooms on the school campus were
8 being maintained?

9 MS. SIEVERS: Objection, calls for expert
10 testimony.

11 THE WITNESS: No, I think it would be very
12 embarrassing to get something like that from the state.

13 BY MS. KOURY:

14 Q What do you mean?

15 A Again, you know, we have priorities and we
16 have responsibilities. The school has the
17 responsibility of assuring textbooks are in the hands
18 of students and the school is safe and clean, and to
19 fill out a report, a piece of paper, would be, again,
20 in my mind kind of an embarrassment.

21 Q Do you think it would improve the quality of
22 education at Santa Paula if the state had a standard
23 mandating the air temperature for all instruction areas
24 had to be maintained at a minimum of 68 degrees
25 Fahrenheit during the winter months and a maximum of 80

1 degrees Fahrenheit during the summer months for all
2 hours of normal occupancy?

3 MS. SIEVERS: Objection, calls for expert
4 testimony.

5 THE WITNESS: If there was a B part to that
6 question, I would support it a great deal, if they were
7 going to pay for it, but obviously, again, I feel the
8 same way as I do about bathrooms and textbooks. These
9 are things that we would like to have. Air
10 conditioning would be very nice to have, but it is not
11 nine months that we're under those conditions. It's
12 usually about three weeks of school.

13 BY MS. KOURY:

14 Q Are you familiar with FCMAT?

15 A Yes.

16 Q Has your district undergone a FCMAT review?

17 A It hasn't gone through a review. We've used
18 their funding before for a roofing project.

19 Q What do you mean by that, you've used their
20 funding?

21 A Well, we went to them when we had a tree fall
22 on one of our classrooms, right on top. An old,
23 beautiful eucalyptus tree fell right on a science
24 classroom, so they were involved in helping us get back
25 on track again.

1 applications that are available?

2 A Well, they're on the internet, a lot of them,
3 and if you have a grant writer that's working for you
4 keeping an eye out of certain things that you could
5 qualify for, that's also an excellent resource. The
6 difficulty with grants is that in such a competitive
7 environment you have staff go through this grant
8 writing process and they put all the energy and time
9 and resources together, and they find that they don't
10 get the grant, so you have to bring in a pro that knows
11 the kind of jargon, the words, the hot tickets at that
12 particular time for grants and it really helps out, and
13 when you sit down with a professional grant writer and
14 the staff with the division and the ideas and they mesh
15 together with the grant, sometimes it turns out to be
16 very successful.

17 Q In the 1999-2000 school year, all of your
18 teachers at Santa Paula had full, clear credentials, is
19 that correct, is that your recollection?

20 A I don't think so. I wouldn't think that.

21 Q Was there an increase of teachers lacking full
22 credentials in the 2000-2001 school year from the
23 '99-2000 school year?

24 A I believe there was. I believe that was the
25 first year of PAR, and we hired eight to ten new

1 Q How did they help you?

2 A Well, they come out and obviously look at the
3 damage, and you apply to FCMAT for support and
4 resources and funding for repair.

5 Q And that's Fiscal Crisis Management?

6 A Uh-huh.

7 Q What were the steps that you had to take in
8 order to get those funds?

9 A I don't know them offhand. We were walked
10 through by our carrier and that was a part. I mean,
11 they were a part of the process that you have to
12 follow.

13 Q Was that in terms of reviewing your -- did
14 they audit your budget by any chance?

15 A I don't know that, no.

16 Q Who was the person that was involved with that
17 from the district?

18 A Executive director of business and
19 administrative services.

20 Q Other than this instance that you just
21 described, is there any other involvement that you had
22 with the FCMAT review?

23 A I think that we have been involved in another
24 project, a roofing project, but I'm not sure of that.

25 Q How do you learn about different grant

1 teachers, and several of them were not credentialed.

2 Q Do you know why it was that you had to hire
3 teachers without credentials?

4 A Well, we certainly didn't want to. We
5 advertised, we interviewed, we looked, and some of them
6 were very unique cases. It's not like it's a physical
7 education teacher or a social science teacher that
8 could be in special education. As I said, we find a
9 very difficult area in Spanish, trying to find somebody
10 in Spanish. Mathematics is difficult, science is
11 difficult.

12 Q You stated earlier that at Santa Paula you
13 haven't had difficulty recruiting teachers, so to the
14 extent that you had difficulty hiring credentialed
15 teachers, what in your opinion was the cause of that?

16 A Well, it could be several things. One, timing
17 of the year and the cases where you find fewer
18 candidates that have credentials. It's usually towards
19 the end of the summer where openings come late. That
20 could be a reason. It could be a specialized area. If
21 you have a special ed. credential right now, you can
22 walk in anyplace that you want to go to and you have a
23 job offered to you, so obviously those people may have
24 been picked up by other districts before they came to
25 us or before our opening hit their doors.

1 Q Was that the situation that you faced in 2000
2 and 2001?

3 A I don't know offhand. I just remember that we
4 had more teachers that year than we've had in quite a
5 long time, new teachers.

6 Q And when you say you don't know offhand, do
7 you mean you can't recall?

8 A I don't remember what areas exactly. There
9 could have been one or two special ed. people in there,
10 and I know this year that we lost two special ed.
11 teachers, so we have two openings right now, and both
12 of those teachers are going to be leaving us.

13 Q Do you know why they're leaving?

14 A They've been non-renewed.

15 Q Why was that, if it's not confidential?

16 MR. RAMOS: It is confidential.

17 THE WITNESS: Yeah, it was a personnel decision by
18 site administration.

19 BY MS. KOURY:

20 Q Are you familiar with the term
21 "misassignment"?

22 A I think I know what you mean.

23 Q What do you mean?

24 A Teaching outside your area.

25 Q And you haven't had any teachers in the last

1 three years with misassignments; is that true?

2 A We've had one teacher that teaches a physical
3 science class each year, and he is a science biology
4 major and has 18 units in physical science, and we have
5 to get an approval each year, and I can't think of what
6 we call it off the top of my head that allows him to
7 teach that one physical science class.

8 Q Is it a waiver?

9 A Yes, but I can't think of what it's actually
10 called.

11 Q And how do substitute teachers work at your
12 district? Is that something that's handled at the
13 district level?

14 A Initially it is. The applications and so on
15 come through my office, but they're interviewed at the
16 school site, and then their names are sent to the board
17 for approval, and they're on a list and they're called
18 off the list, and obviously the good ones are called
19 quite often, and the ones that we don't feel very
20 comfortable about aren't.

21 Q Do you have any problem getting substitute
22 teachers?

23 A Not really. You know, there might be times
24 where something very unique would come where we might
25 be short, but in most cases we are actually sub'ed

1 every day.

2 Q Are you familiar with a PSAT?

3 A Yes, I am.

4 Q Is that a test that's also administered to
5 your students?

6 A Yes, tenth graders.

7 Q And what's that used for?

8 A Well, it's an indicator of how a student is
9 going to do on SAT which is the Scholastic Aptitude
10 Test, and the PSAT is exactly as it sounds, a pre-test,
11 and we give to it about 150 tenth graders or so each
12 year.

13 Q Is that voluntary?

14 A Yes.

15 Q And in your opinion it's an important test
16 because it prepares them somewhat for the SAT?

17 A It does in some ways. To say it's important,
18 I'm not sure that's the word I would use. I think it's
19 something the student can benefit by knowing how they
20 might just score on the SAT, and in some cases it's an
21 eye-opener to kids.

22 Q And in the last couple of years you've
23 actually increased the amount of tenth graders taking
24 that exam, haven't you?

25 A Yes, greatly.

1 Q By how much, do you know approximately?

2 A Like I said, I think we're giving at least 150
3 right now. Each year I see that figure coming to me.
4 We've increased all our standardized tests from Golden
5 State exams to AP exams as well.

6 Q Are you familiar with a local improvement plan?

7 A Yes.

8 Q What is that?

9 A I said that very quickly, didn't I? I am
10 familiar with the local improvement plan. It seems
11 like it would be easy to define, but I'm not sure
12 exactly -- are you talking about something at our
13 school site local improvement plan or our district
14 site?

15 Q I was talking about something, I think, at
16 your district site.

17 A Because usually it's a local improvement plan
18 or school site, how you're going to improve SAT scores,
19 how you're going to improve the CAT scores and things
20 like that.

21 Q You're right, I'm referring to that.

22 A Yes, I am.

23 Q Is that through a program?

24 A No, it's just an action plan.

25 Q For what purpose?

1 A To improve your test scores.
 2 Q Is that something that you just do at the
 3 district level or is it through the state?
 4 A It could be both ways. You could be an
 5 under-performing school and be mandated to have a local
 6 school improvement plan, or it could be done on the
 7 school site just by the need to find out where we are
 8 and where we need to go.
 9 Q Do you have any interaction or any involvement
 10 in developing the plan?
 11 A Not on the nuts and bolts level, only on the
 12 district vision level: You know, this is what we need
 13 to do and how are we going to do it. Some of the
 14 examples I gave you were the ninth grade academies, the
 15 2004 institutes for the exit exams, things like that.
 16 That would all be a part of your local improvement
 17 plan.
 18 Q How do you communicate to the site level?
 19 A Through my cabinet. The principal is the
 20 initial communicator though with staff.
 21 MS. KOURY: I have no further questions. Do you
 22 want to take a five-minute break?
 23 MS. GIORGI: Yes, just a few minutes for me to
 24 collect my notes.
 25 (Recess taken.)

1 EXAMINATION
 2 BY MS. GIORGI:
 3 Q Mr. Brand, do you prefer to be called Dr.?
 4 A Bill.
 5 Q Bill?
 6 A Yes.
 7 Q My name again is Suzanne Giorgi. I represent
 8 the Department of Education, the State Board of
 9 Education and the State Superintendent in this action,
 10 and at the beginning each one of us who took a turn
 11 asking you questions, you were given advisements,
 12 remember you're under oath, if you don't understand a
 13 question, let us know. You recall all those
 14 advisements; right?
 15 A Yes, I do.
 16 Q And you'll apply the same to me as you did to
 17 the others, you'll interrupt me, you'll let me know if
 18 you don't understand my question, you'll give me your
 19 full answer to the best of your recollection?
 20 A Yes, I will.
 21 Q I'm just going to follow up on a few things.
 22 One of the things we spoke about earlier today and also
 23 on the first day of your deposition, you spoke about
 24 the high school exit exam. I think today you phrased
 25 it as a rock on a head or over a head, and the other

1 day I think it was called an anvil. What I want to
 2 know is do you consider the high school exit exam as a
 3 motivating factor for the children to be successful in
 4 their studies?
 5 A I think I would phrase that as a necessary
 6 factor for success in the future. The skills that are
 7 needed to pass the exit exam are important skills. I
 8 don't want to downplay that at all, but it's a new set
 9 of rules for the students. They've never had this
 10 accountability before, and the class that's going out
 11 next year, 2004, has to pass the exam before they get a
 12 high school diploma, so we do feel very much
 13 responsible for our students passing that, and my
 14 anvils and rocks, it's a heavy burden on us.
 15 Q You called these necessary. If someone were
 16 to say you're only teaching to the test, would you
 17 consider that a bad description?
 18 A Not today, I would not at all.
 19 Q Could you explain that, please?
 20 A Yes, I will. The phrase "teaching to the
 21 test" was something that was done I think prior to the
 22 very rigorous high stakes state testing program where
 23 teachers would prep students for a specific test and
 24 give them specific answers that would help them improve
 25 and score well on this.

1 The test that we're talking about now is a
 2 test that supposedly is needed for a high school
 3 student to be successful after high school, and if we
 4 have a target that we need to fill, then we're going to
 5 test to that target and hopefully the students will
 6 know the skills to pass it. You can't say I wish I
 7 would have when this is done. When the 2004 class goes
 8 out and they have graduation day and there's 50 kids in
 9 the audience that didn't get a diploma, I'm going to
 10 feel very badly about that. Now if we did all we can,
 11 software, technology, pull-out programs, whatever it
 12 is, and they still can't do it, then I'll feel
 13 responsible, but at least I know that I did our very
 14 best and the students did their very best.
 15 Q Another completely different subject area, we
 16 discussed today the difference between the WASC visits
 17 and the CCR visits. My question is with the WASC is
 18 there any fiscal or money tied to those reviews?
 19 A The WASC, each high school does pay a certain
 20 amount of money to be accredited through the Western
 21 Associations of Schools and Colleges. I don't know if
 22 it off the top of my head, but a comprehensive high
 23 school has a certain salary, and alternative high
 24 schools and so on. Every school in California that
 25 goes through a WASC basically means that they're

1 accredited, and a diploma from that high school, and it
2 could be a middle school or elementary school, but in
3 high school cases, meaning that that program that the
4 student went through is accredited and colleges and
5 universities will recognize it as being acceptable for
6 college classes, so if you take an algebra 1 class in a
7 high school that's WASC accredited, then the university
8 level will say you've met algebra 1 or one year of
9 college math requirement.

10 Q Okay.

11 A Now the CCR is more specialized into the
12 categorical programs of micro-education, special
13 education and English language learners, and I'm not
14 sure there's a fee involved with that off the top of my
15 head, but I imagine there is because we do have
16 somebody visiting us.

17 Q Do you know if there's a penalty imposed for
18 failure to meet the CCR, to be found out of compliance?

19 A Well, I think that eventually there probably
20 would be no funding. We've never gotten to that point,
21 I hope we never would come close to that point, but I
22 imagine that would be the end result, that they would
23 stop funding in those particular areas which would be a
24 great hardship.

25 Q But the WASC, that's not tied to funding?

1 changed on these young people, and all of a sudden they
2 find themselves in the eighth grade with an exit exam
3 over their head and they know nothing about it at all,
4 and now they have a high school diploma sitting on
5 that.

6 When I'm talking about time, I'm talking about
7 more time to get our kids thinking accountability.
8 They never had to think accountability before. They
9 never had to take tests that were going to determine
10 whether they're going to have a quality of life after
11 high school or not, and now they do, so that mindset,
12 that's what I meant by the factor of time, that mindset
13 of time and time in years.

14 The class of 2008, it would be just a normal
15 thing to say, oh, I've got the exit exam now, I better
16 get myself together here, they're not going let me get
17 a high school diploma unless I pass the exit exam, so
18 in that time it will shift down into the lower levels
19 and the accountability will take place there, too, so
20 that's what I meant by that. Financially we're set.
21 We feel like we're provided all the necessary things we
22 need to be successful.

23 BY MS. GIORGI:

24 Q You also identified what I call a criteria,
25 powerful teachers and parent support and involvement.

1 A No, there's no funding involved in that. It's
2 called a self-study. It's a very comprehensive school
3 site, parent, community report that is done, and then a
4 team of five to six individuals come and visit for
5 three-and-a-half days and leave the school with a
6 recommendation to the WASC commission.

7 Q On your first day of deposition you were
8 asked if you were aware of the purpose of this lawsuit,
9 to make sure that districts like yours get resources
10 they need so they can provide the necessities of an
11 education. Do you recall being asked that?

12 A Probably so.

13 Q And then later on in the day you answered that
14 everything is in place in Santa Paula for us to move
15 forward, time is what we need. Do you recall that
16 statement?

17 A That sounds exactly like something I would say.

18 Q So what necessities of an education do you
19 think you need? Is there anything that this lawsuit is
20 supposed to provide to you that don't already have?

21 MS. SIEVERS: Objection, calls for expert
22 testimony.

23 THE WITNESS: What I was referring to in that
24 statement was that we need time in the sense of time to
25 work with our students. All of a sudden the rules

1 A Yes. All the research, hundreds and hundreds
2 and hundreds of thousands of pages of research, it
3 boiled down to three factors actually for student
4 success in schools today: Powerful teachers,
5 credentialed teachers, and parent support, and those
6 are the three factors that I believe very strongly will
7 turn the tide in a positive way.

8 Q So how at your district do you determine
9 whether or not you have powerful teachers?

10 A Well, we have a very sensitive evaluation
11 process for tenured and non-tenured teachers, and as I
12 said earlier today, we take very seriously the first
13 two years to see if we can identify individuals that
14 would not fit into that powerful teaching, and we hope
15 that the teachers that are on our site that are tenured
16 by now that are in need of some in-service or an
17 infusion of some new ideas are given professional
18 development and so on, but if you get a teacher that
19 can motivate students and set high expectations and
20 have students meet them, that's powerful teaching. Not
21 everybody is like that, but that's what I mean by
22 powerful teaching.

23 Q And I assume you're not the one identifying
24 who's powerful and who's not. Who on site is
25 responsible for identifying the powerful teachers?

1 A The assistant principals and principals, so
2 that we have individuals on the school site that
3 evaluate teachers, and then we have a director of
4 educational services that evaluates teachers as well as
5 our special education teachers.

6 Q And all those individual positions you just
7 identified, do they frequent the classrooms?

8 A Yes, that's how they do this. They set up
9 regular schedules. They've all been trained in
10 clinical supervision. They all have a technique of
11 evaluation. They all have pre-conferences, post
12 conferences, written evaluation forms and so on, and
13 it's all mandated now clearly in the contract in the
14 district.

15 Q Then how does the professional development
16 aspect get married to a teacher that maybe has a few
17 deficiencies or needs to be...

18 A It's usually written in the observation, and
19 if it hasn't changed, then it's usually written in the
20 end of the year evaluation, and we have actually put
21 tenured teachers on improvement plans: This is what we
22 expect for next year to happen, and as a part of that
23 improvement plan, we may send a teacher to a seminar
24 workshop in classroom management skills or some type of
25 discipline workshop that they may need and so on, but

1 that would all be specifically written down for each
2 one, an improvement area.

3 Now professional development for the entire
4 staff is done by outside agencies, by the colleges and
5 universities, and presented to all the teachers at one
6 time.

7 Q Parent support and involvement, how do you
8 identify a need there or how do you measure that you're
9 successfully meeting what you believe you need?

10 A Well, I think in high school it's a little
11 different than it is in the K-8 system. We don't have
12 the tremendous numbers that we have in K-8 on parents.
13 It seems like in elementary moms and dads still like
14 their kids. In high school they go, "Get them through,
15 please," but we do feel that it's very, very
16 important.

17 We work extra hard in an environment like
18 Santa Paula because we have parents that are not fluent
19 in English and they're kind of afraid to come on a high
20 school campus, so we have our mailings done in English
21 and in Spanish. All the meetings are conducted in
22 English and Spanish. We have a migrant education
23 program that is very active. We have an actual
24 bilingual council that meets on a regular basis that
25 all those meetings are held in Spanish for those

1 parents, so we do Outreach and we try very hard to get
2 parents involved, but again, it's very challenging to
3 get the number. We have a school site meeting that is
4 a regular meeting that we have monthly with parents.

5 Q Sometimes a characteristic will be identified
6 for successful schools as strong leadership. Would you
7 say that was important in your administration of the
8 district?

9 A Well, I think it is. The board and the
10 superintendent set, I think, the vision. The nuts and
11 bolts and the day-to-day things are done at the school
12 site. Each year we have a process that we go through
13 starting with involvement from the site, administration
14 and co-administrators, and creating a list of
15 priorities for the board to consider. Last year we had
16 110 that we wrote down, and they could be from the
17 smallest things to a major thing, and from that list we
18 presented those to the board, and they represented
19 concerns from parents, community, site administration,
20 teachers, students and district level administration.
21 The board then selects their board priorities each
22 year, and this year we have about 25 items that we are
23 going to be accountable for, and obviously things like
24 improvement of test scores, you know, meeting your AYP,
25 those are always a part of things like that, but they

1 could be other things, like one of them is a journalism
2 class.

3 We would like very much to have a school
4 newspaper, but I have a very strong feeling that to
5 have a school newspaper, the kids have to know how to
6 write correctly, and it has to be meeting the A to G
7 requirements for the UC system, so we have a teacher in
8 place, we bought textbooks for that class already, and
9 now all we need to do is run it in the fall and see if
10 we can get enough kids to enroll in it. This year we
11 tried the same thing, didn't have enough students, but
12 we're ready to go with it, but that's a board priority.

13 Another board priority was two years of
14 Spanish requirement for everybody to graduate from high
15 school. Well, the timing is not correct this year for
16 that because of the difficulty with funding and so on,
17 so that will be kind of put on the back burner at this
18 time, but those are board priorities we focus in on
19 every single year, and we've done that for the last six
20 years with me as superintendent.

21 Q Another one of the factors that sometimes is
22 raised for successful schools is a focus on the basics
23 and in your schools I believe the state standards; is
24 that correct?

25 A Yes, uh-huh. Well, the focus is there because

1 that is where the testing is geared. That is where the
2 exit goes. That's where the CAT-6 is going to be. The
3 kids are going to be tested on those particular skills,
4 so it's important that we're teaching that content in
5 the core classes to the students.

6 Q Was there recently, at least at Santa Paula,
7 what I call a staff development plan which implemented
8 the standards and revised the curriculum with the state
9 framework?

10 A Oh, yes.

11 Q About when did that happen?

12 A Probably about four years ago, I would think.
13 When the API first became a mandate -- I think this is
14 the fourth year for that test, this would be the fourth
15 year -- that's when there was just a need to have
16 everything aligned to the standards, so your
17 instruction has to be in line with the standards, and
18 that was very difficult because you've been teaching a
19 subject for five years, and tomorrow I say, by the way,
20 is that aligned to the standards? You go, no, it's
21 aligned to the 1995 curriculum at that time. Well, you
22 have to change, and that's the piece that's difficult
23 for us because we bought the textbooks, we tell you
24 what the standards are, we want them actually shown
25 when we walk in on the board what standards you're

1 Q And did you find it difficult finding the
2 resources to, I guess, support your new curricula?

3 A No, everything that comes out now comes out
4 from the state in the form of lists or textbooks or
5 whatnot all in alignment with the state frameworks, and
6 the content standards, and it makes it very simple for
7 school site people. If you're a vendor and you're not
8 in line with the state framework, you're not going to
9 sell many textbooks in California.

10 Q Other than instructional materials, did you
11 think that the frameworks required you to have
12 something else, anything else?

13 A Well, what it did, we have all our courses now
14 in one notebook, course descriptions throughout the
15 entire 9-12, all aligned to the frameworks, and I think
16 that helped us a great deal because now we knew that we
17 had to get this done, and actually every year any new
18 course that is written for the Santa Paula High School
19 District is presented and approved by the board, has to
20 be in line with the frameworks. It's reviewed in the
21 paper like we do for textbooks. People can come in and
22 take a look at the course, and we did that for the
23 journalism class that I just mentioned earlier.

24 Q At Santa Paula do the children wear uniforms
25 there?

1 teaching, we want kids to be able to talk about the
2 standards being taught, but unless you're in there
3 every single moment, you don't know if it's being done,
4 so we're seeing a change in that accountability, as I
5 said earlier, from the part of the teachers to the
6 kids, and that's going to be very helpful.

7 Q Areas that the parents can be involved in, you
8 have also advisory councils; is that correct?

9 A We have two academies. We have a Golden Bell
10 winning agricultural science academy that we're very
11 proud of, and we have a human services academy that's
12 started up now that is in its third year, and they have
13 parent advisories to go with that. Obviously all the
14 booster clubs and the athletic clubs have parent
15 involvement clubs to go with those. We don't have a
16 PTA though and things that you might remember, PTO and
17 things like that.

18 Q Do you recall whether or not -- I'm bouncing,
19 sorry -- the state frameworks were helpful in your
20 revision of the curriculum?

21 A Oh, absolutely. Yeah, we use that as the
22 model and the standards to get the curriculum in
23 alignment. That's exactly what it was all about. That
24 was the initial piece that started the whole process in
25 my mind, very important.

1 A No.

2 Q So when it's really warm do you permit the
3 children to wear shorts?

4 A Appropriateness is what we stress.

5 Q And probably T-shirts?

6 A Yes, certain types. We don't allow certain
7 types of shirts worn, and we are very cautious about
8 gang attire and things along this line. We have a very
9 defined board approved dress code.

10 Q You were asked in your first day of deposition
11 whether or not your office was air conditioned.

12 A It is.

13 Q And I'm assuming you don't wear the same kind
14 of clothes as the children do at the high school?

15 A Not often, not often.

16 Q In your office do you wear shorts and T-shirts?

17 A No.

18 Q So you may need air conditioning?

19 A Well, we're a stand-alone building. We're not
20 on the school site, and the building was purchased by
21 the district about seven years ago and it had to be
22 upgraded. It was a packing house at one time, and it's
23 a very quaint, historical looking building, and to get
24 it up to code it was air conditioned.

25 Q Thank you. The socioeconomic levels or status

1 of the students in your district, how does it compare
 2 to the rest of California?
 3 A It's low. We have a high poverty level. We
 4 don't have a clearly defined middle class because of
 5 the SOAR initiatives and growth initiatives. We're
 6 very much an agricultural community and land is very
 7 precious to them, and we're having a fairly large
 8 housing project that is now on the board to begin, and
 9 I see that changing in the next few years, but at this
 10 time we have a low socioeconomic lower class and an
 11 upper middle to an upper class, but not a very defined
 12 middle class at all.
 13 Q On your first day of deposition you identified
 14 that there was this impact of the socioeconomic level
 15 and that you were countering it with support on daily
 16 instruction. Could you explain that further?
 17 A Yeah, what we're doing is we obviously know
 18 that some of the students that come to us come from
 19 environments that education is not as valued as other
 20 environments would value it, so we provide tutoring
 21 before school, after school, the library is open, we
 22 extend library hours four nights a week, so we try to
 23 provide opportunity for kids to be successful in
 24 whatever needs they have. We do an awful lot of
 25 communication with the families. We put a tremendous

1 I'm very pleased that we did do that.
 2 Q Do you know whether or not anyone on your
 3 staff has utilized what I call best practices that have
 4 been issued by the Department of Education?
 5 A I'm not aware personally if anyone has, but
 6 that's what we call our Monday sessions that I was
 7 referring to earlier. We call them Best Practice
 8 Sessions where teachers will share lesson plans that
 9 are effective with other teachers that are there, and
 10 the principal does that individually and has about six
 11 to eight teachers that come in and sit down and talk
 12 about this is working for me, but I'm not aware of
 13 anything from the state called best practices that
 14 they're using.
 15 MS. GIORGI: I have nothing further.
 16 MS. KOURY: Counsel, do you want to enter into a
 17 stipulation? I'll go ahead and start, and you can
 18 interject where you want to modify it.
 19 May we stipulate that copies of the documents
 20 attached to this deposition may be used as originals?
 21 MS. GIORGI: So stipulated.
 22 MS. KOURY: May we stipulate that the original of
 23 this deposition from the first day of Dr. Brand's
 24 deposition be signed under penalty of perjury, that the
 25 original be delivered to the offices of Mr. Ramos,

1 amount of effort into mailers, phone calls, et cetera,
 2 because we don't want them to slip through the cracks.
 3 We're trying real hard for them not to.
 4 Q Is this, I want to call, customization you're
 5 doing to this student population, did you do similar
 6 things in Mission Viejo?
 7 A Well, in Mission Viejo it was pretty easy.
 8 You could sit back and everybody values education and
 9 it's a very powerful, high-achieving kind of community.
 10 I didn't get my passion for access to all students
 11 until I went to Escondido, and in Escondido High
 12 School -- there's five high schools in Escondido, but
 13 Escondido High School is a replay of Santa Paula High
 14 School. It's the oldest high school in the community,
 15 it's in the poorer part of Escondido, and we D-Tracked
 16 Escondido, and I did the same thing in Santa Paula, and
 17 to me it was probably the single best three years of my
 18 life because if I would have just had my Mission Viejo
 19 experience, I would never have had this passion for all
 20 students because in Mission Viejo everybody had
 21 families that wanted them to go to school, everybody
 22 had what they needed to be successful, and when I went
 23 to Escondido, I realized that there's a lot of
 24 challenges here, and if we raise the bar, the kids will
 25 reach it, and that's what we found in Santa Paula, and

1 would that be correct?
 2 MS. SIEVERS: No, the original should come to
 3 Morrison & Foerster.
 4 MS. KOURY: Correct me if I'm wrong, but the
 5 witness is going to have to review the original.
 6 MS. SIEVERS: Right. We'll provide the witness
 7 with it. It's my understanding that the depositions
 8 we've been noticing, that the original transcripts have
 9 come to us.
 10 MS. KOURY: I don't have a problem with that as
 11 long as you don't have a problem with that.
 12 MR. RAMOS: I don't as long as we still have the
 13 30 days from when I receive it.
 14 MS. KOURY: Right. Let me for the record just
 15 finish the stipulation.
 16 So the original will be delivered from the
 17 first day to the offices of Morrison & Foerster; that
 18 the reporter is relieved of the liability for the
 19 original of the deposition; that the witness with have
 20 30 days from the date of the court reporter's
 21 transmittal letter to sign and correct the deposition;
 22 and that one of the attorneys from Morrison & Foerster
 23 will notify all parties in writing of any changes in
 24 the deposition, and that if there are no such changes
 25 communicated or signature within that time, that any

1 unsigned and uncorrected copy may be used for all
2 purposes as if signed and corrected. Can I modify that
3 stipulation and just have both days of the deposition
4 apply to that stipulation?

5 MR. RAMOS: One little thing, it's not 30 days
6 from the date of the transmittal letter from the court
7 reporter, but 30 days from the transmittal letter from
8 Morrison & Foerster.

9 MS. KOURY: So stipulated.

10 MS. SIEVERS: So stipulated.

11 MS. GIORGI: So stipulated.

12 MR. RAMOS: So stipulated.

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

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

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

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

17

18 Dated: _____

19

NANCY L. COLLIER

CSR No. 5819

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9 I, WILLIAM J. BRAND, do hereby declare
10 under penalty of perjury that I have read the foregoing
11 transcript of my deposition; that I have made such
12 corrections as noted herein, in ink, initialed by me,
13 or attached hereto; that my testimony as contained
14 herein, as corrected, is true and correct.

15 EXECUTED this ____ day of _____,
16 20____, at _____,
17 (City) (State)

WILLIAM J. BRAND
(Volume 2)