

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN FRANCISCO

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4 ELIEZER WILLIAMS, a minor, by
Sweetie Williams, his guardian ad litem,
5 et al., each individually and on behalf
of all others similarly situated,
6 Plaintiffs,

vs.

No. 312236

7 STATE OF CALIFORNIA, DELAINE EASTIN,
State Superintendent of Public
8 Instruction, STATE DEPARTMENT OF
EDUCATION, STATE BOARD OF EDUCATION,
9 Defendants.

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Deposition of
ELEANOR M. CLARK-THOMAS
Volume I, Pages 1 through 288
Thursday, April 5, 2001

Reported by:
TRACY LEE MOORELAND
CSR No. 10397

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1 APPEARANCES

2

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1 APPEARANCES, cont.

2

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1 BE IT REMEMBERED, that on Thursday, April 5,

2 2001, commencing at the hour of 10:01 a.m., thereof, at

3 the Law Offices of Morrison & Foerster LLP, 400 Capitol

4 Mall, Suite 2300, Sacramento, California, before me,

5 TRACY LEE MOORELAND, a Certified Shorthand Reporter in

6 the State of California, there personally appeared

7 ELEANOR M. CLARK-THOMAS,

8 called as a witness herein, who, having been duly sworn

9 to tell the truth, the whole truth, and nothing but the

10 truth, was thereupon examined and interrogated as

11 hereinafter set forth.

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13 EXAMINATION BY MR. ROSENBAUM

14 Q. How are you?

15 A. Fine. How are you?

16 Q. I'm okay. Mrs. Clark-Thomas, I understand you

17 have a meeting at your office at around 12:30; is that

18 right?

19 A. Uh-huh.

20 Q. We're glad to accommodate that schedule. If

21 there's anything else you need in terms of your work

22 responsibilities, let us know and we're glad to

23 accommodate that.

24 A. Thank you.

25 Q. Could you state your full name for the record,

1 please.
 2 A. Yes, my name is Eleanor M. Clark-Thomas.
 3 Q. And there's a hyphen between the Clark and the
 4 Thomas?
 5 A. Yes.
 6 Q. Okay. And what's your position?
 7 A. I'm manager of the coordinated compliance
 8 review management unit, California Department of
 9 Education.
 10 Q. Okay. If you could speak up just a little bit
 11 for the reporter, that would help.
 12 If I refer to that as CCR, would I be referring
 13 to that correctly?
 14 A. Sure, CCR management unit.
 15 Q. And Mrs. Clark-Thomas, have you ever been
 16 deposed before?
 17 A. Yes.
 18 Q. On how many occasions?
 19 A. I would call it one occasion, but two times for
 20 that one occasion.
 21 Q. Okay. I'm familiar with that phenomenon.
 22 A. Okay.
 23 Q. And without going into the specifics, can you
 24 tell me generally what that case was about?
 25 A. It was about the Comite settlement, agreement

1 settlement.
 2 Q. And I take it you're familiar with the
 3 procedures that are used in depositions?
 4 A. I am.
 5 Q. And you've had a chance to discuss them with
 6 your attorney?
 7 A. Yes.
 8 Q. Okay. I'm going to briefly review them. If
 9 you have any questions, please feel free to ask me, I'll
 10 be glad to help you out. Okay?
 11 A. Okay.
 12 Q. This is a deposition in a case called Williams
 13 versus the State of California. I'm here to ask you
 14 some questions relating to information that is pertinent
 15 to that deposition, to that litigation.
 16 Do you understand that?
 17 A. Yes.
 18 Q. Okay. And it's my intent to try to find out
 19 some information regarding the lawsuit. It's not my
 20 intent to try to trick or deceive you with any of my
 21 questions.
 22 Do you understand that?
 23 A. I understand.
 24 Q. So if you've got any questions about any
 25 question that I ask, if you want me to repeat a question

1 or explain a question or restate anything in my
 2 question, please feel free to do so, and I'll be glad to
 3 respond to your request.
 4 A. I will.
 5 Q. Okay. Otherwise I'm going to assume that
 6 you're answering the questions as I ask them.
 7 Do you understand that?
 8 A. Yes.
 9 Q. Okay. Now, you know that at the beginning of
 10 this deposition you were administered an oath, and so
 11 that even though we're in an informal setting here
 12 today, you're testifying under the same pains and
 13 penalties of perjury as if you were in a formal
 14 courtroom setting.
 15 Do you understand that?
 16 A. I understand.
 17 Q. And at the end of the deposition there will be
 18 a booklet prepared. It will have my questions and your
 19 answers and any statements that any counsel will make.
 20 Do you understand that?
 21 A. I understand.
 22 Q. And you'll have an opportunity to review that
 23 transcript and to make any changes that you'd like to
 24 make that you feel are appropriate.
 25 Do you understand that?

1 A. Yes.
 2 Q. But I want you to know that either myself or
 3 any counsel are free to draw any inferences that are
 4 made from any of the changes, including adverse
 5 inferences.
 6 Do you understand that?
 7 A. Yes.
 8 Q. So, again, it's important that you respond to
 9 these questions as fully and as fairly as you possibly
 10 can.
 11 Do you understand that?
 12 A. Yes.
 13 Q. Any reason the deposition shouldn't go forward?
 14 A. Go right ahead.
 15 Q. If you need a break or anything like that,
 16 please let me know.
 17 A. I will.
 18 Q. Okay. Your exact position is what again?
 19 A. It's manager of the coordinated compliance
 20 review management unit.
 21 Q. Can you tell me briefly what your duties and
 22 responsibilities include?
 23 A. Okay. My primary responsibility is to oversee
 24 the monitoring activities of 12 specially-funded
 25 programs that must conduct monitoring activities. It's

1 a coordinated effort, so I coordinate all of their
 2 efforts.
 3 Q. Okay. And help me understand this. When you
 4 say "a coordinated effort," what do you mean by that?
 5 A. It simply means that there's a process in place
 6 which began in 1983. And the reason it's coordinated is
 7 because prior to 1983, programs were going in at their
 8 leisure at any time interrupting school districts one
 9 week, the next week or the next month another program.
 10 So in 1983 it was decided by the Department to have one
 11 monitoring system.
 12 Q. I'm sorry. When you say "Department," you mean
 13 the State Department of Education?
 14 A. Yes.
 15 Q. And when you say that programs were going in,
 16 you mean the -- for example, the 12 programs that you're
 17 talking about?
 18 A. Yes.
 19 Q. And prior to 1983, was there any State
 20 monitoring of those programs?
 21 A. Yes.
 22 Q. And who was responsible for that?
 23 MR. VIRJEE: Objection. Vague and ambiguous as
 24 to each of those programs or --
 25 MR. ROSENBAUM: Go ahead. You can answer.

1 THE WITNESS: Each program manager was
 2 responsible for that.
 3 (Mr. Reed entered the room.)
 4 Q. BY MR. ROSENBAUM: Part of the effort, I take
 5 it, was to coordinate -- to have this all under one
 6 roof; is that right?
 7 A. That's right.
 8 Q. To whom do you report, Mrs. Clark-Thomas?
 9 A. To Dr. Stuart Greenfeld.
 10 Q. Can you help us with a spelling.
 11 A. S-t-u-a-r-t.
 12 Q. And his last name?
 13 A. G-r-e-e-n-f-e-l-d.
 14 Q. And what is Dr. Greenfeld's position?
 15 A. He is our division director and associate
 16 superintendent for the school and district
 17 accountability division.
 18 Q. And that's within the Department of Education?
 19 A. Yes.
 20 Q. Okay. And I'm just curious, when you say he's
 21 an associate superintendent, associate superintendent to
 22 whom?
 23 A. To Delaine Eastin.
 24 Q. And you make reports to him regularly?
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "regularly."
 2 THE WITNESS: I make reports to him whenever he
 3 requests.
 4 Q. BY MR. ROSENBAUM: Okay. Is there a procedure
 5 by which you make regular written reports to him?
 6 MR. VIRJEE: Same objection.
 7 THE WITNESS: Answer?
 8 MS. READ SPANGLER: Yes.
 9 THE WITNESS: Is there a procedure? Through
 10 manager's meetings all of the managers make reports and
 11 provide updates.
 12 Q. BY MR. ROSENBAUM: Okay. Those manager
 13 meetings, do they occur regularly?
 14 A. Not regularly. Intermittently.
 15 Q. About how many a year, would you say?
 16 A. I would say about six.
 17 Q. And do you at those meetings make written -- do
 18 you furnish Dr. Greenfeld with written reports?
 19 A. They're generally verbal reports, but upon
 20 request, if he needs a written report, then I certainly
 21 can produce that.
 22 Q. And -- I'm sorry, go ahead.
 23 A. We do have what we call weekly reports which we
 24 provide to him on a weekly basis each Friday so that he
 25 can have an account for the activities that have taken

1 place during the week for each of the units in his
 2 division. And then we make -- they call them biweekly
 3 reports, they're really bimonthly, for Delaine Eastin's
 4 information. And, again, it's an update on the
 5 activities of each of the units.
 6 Q. The weekly reports that you just referred to,
 7 are they in writing?
 8 A. They're in writing.
 9 Q. Do you prepare them yourself?
 10 A. Yes.
 11 Q. And what about the bimonthly reports, are they
 12 in writing?
 13 A. They're in writing, prepared by me and my
 14 staff.
 15 Q. And the bimonthly reports, they go to
 16 Superintendent Eastin?
 17 A. They go to Stuart Greenfeld via Paul Warren to
 18 Delaine Eastin.
 19 Q. Okay. And then is there an annual report
 20 that's also prepared?
 21 A. Not in my unit.
 22 Q. And at these manager's meetings you mentioned
 23 that the units get together, the managers from these
 24 different units; is that right?
 25 A. In the division.

1 Q. And what units are those?
 2 A. We have the consolidated programs
 3 accountability unit, my unit, we have the local
 4 accountability unit, and the complaints unit.
 5 Q. Okay. Is the complaints unit related to the
 6 UCP?
 7 MR. VIRJEE: Objection. Vague and ambiguous as
 8 to "related."
 9 THE WITNESS: UCP is involved.
 10 MR. VIRJEE: We should probably say for the
 11 record what UCP stands for.
 12 THE WITNESS: Uniform complaint procedures are
 13 a part of the complaints unit.
 14 Q. BY MR. ROSENBAUM: So at these meetings there
 15 are the four unit managers and Dr. Greenfeld; is that
 16 right?
 17 A. Yes.
 18 Q. Anyone else?
 19 A. I'm trying to see if I have all of the units.
 20 One more. The English learner unit. Now, I don't
 21 believe I'm giving you the correct titles of each, but
 22 that's, in essence, what the unit is.
 23 Q. Okay. And do the units that you've just
 24 described for me -- you've actually mentioned five
 25 units; is that right?

1 A. Yes.
 2 Q. Would you characterize them as accountability
 3 units?
 4 A. Well, because we're in the accountability
 5 branch, which is Paul Warren's branch, then all of us --
 6 I think all of us have the accountability word in our
 7 unit except for mine. There is a local --
 8 MS. READ SPANGLER: You've answered the
 9 question.
 10 Q. BY MR. ROSENBAUM: You started to say there was
 11 a local --
 12 A. Accountability unit, and I think I mentioned
 13 that.
 14 Q. And that's part of this team; is that correct?
 15 A. Yes.
 16 MR. VIRJEE: By "team" you mean these five
 17 divisions?
 18 MR. ROSENBAUM: Yes.
 19 Q. To whom does Dr. Greenfeld report?
 20 A. Paul Warren.
 21 Q. How do you spell his last name, please?
 22 A. W-a-r-r-e-n.
 23 Q. Do you know what Paul Warren's title is?
 24 A. He's deputy superintendent.
 25 Q. In charge of anything in particular?

1 A. Just the accountability branch.
 2 Q. Okay. And to whom does Paul Warren report to?
 3 A. Paul reports to Scott Hill, who is the chief
 4 deputy.
 5 Q. Okay. And do you know how to spell Scott?
 6 A. S-c-o-t-t.
 7 Q. And his last name?
 8 A. H-i-l-l.
 9 Q. To whom does Mr. Hill report?
 10 A. Delaine Eastin.
 11 Q. Okay. And Scott Hill's formal title, do you
 12 know what that is?
 13 A. Chief deputy.
 14 Q. To Delaine Eastin?
 15 A. Right.
 16 Q. Okay. And Mr. Hill, is he part of these unit
 17 meetings that we were talking about?
 18 A. Very seldom.
 19 Q. What about Mr. Warren?
 20 A. Occasionally.
 21 Q. Okay. And help me understand your staff,
 22 Mrs. Clark-Thomas. You have people reporting to you?
 23 A. Yes.
 24 Q. And can you tell me what the chain of command
 25 is like?

1 A. My staff on my unit consists of approximately 6
 2 people that report directly to me, and it also consists
 3 of those who do reviews from the 12 programs that are
 4 part of the coordinated compliance review activity. I
 5 would say approximately 33 of them report to me when
 6 they are performing those activities.
 7 Q. When they're undertaking the reviews?
 8 A. Right.
 9 Q. So there's you and then there's 6 other
 10 individuals, and then there's 33 more individuals; is
 11 that right?
 12 A. Yes.
 13 Q. So there's about 40 people in your shop?
 14 A. Yes.
 15 MR. VIRJEE: Objection. Vague and ambiguous as
 16 to "shop."
 17 Q. BY MR. ROSENBAUM: And the six persons who
 18 report directly to you, could you give me their names
 19 and positions, please?
 20 A. I have two consultants, one is Lucille
 21 Gonzalez, the second one is Peter Dibble. I have a
 22 secretary. Her name is Penny Mulholland,
 23 M-u-l-h-o-l-l-a-n-d. I have an analyst, Lily Bolden.
 24 Q. Is that B-o-l-d-e-n?
 25 A. Yes. And I have a systems information analyst,

1 Holly, H-o-l-l-y, Martin, and a student, Jason Bradley.
 2 Q. And Ms. Gonzalez and Mr. Dibble, you mentioned
 3 that they are your consultants?
 4 A. Yes.
 5 Q. Do they consult on particular matters? Do they
 6 have particular areas of expertise?
 7 A. Not particularly. The Department -- the
 8 Department comprises consultants, and they happen to
 9 have been selected by me to work with me in coordinating
 10 the activities our unit.
 11 Q. Do they help you review the reports that come
 12 in from your other staff?
 13 A. Yes, they do.
 14 Q. Do they have particular assignments? Have you
 15 delegated particular assignments to them?
 16 A. Yes.
 17 Q. What are Ms. Gonzalez's assignments?
 18 A. We have seven teams and they are all over the
 19 state and in various regions, so her assignment is all
 20 responsibilities, questions, problem solving for regions
 21 or teams 5, 6 and 7, which is mainly Southern
 22 California. And we have various activities, and I have
 23 assigned both Peter and Lucille as lead consultants for
 24 those particular activities. Peter's assignment is
 25 Northern California, which would be teams 1 through 4.

1 Q. Now, Mr. Dibble and Ms. Gonzalez, do they make
 2 written reports to you?
 3 MR. VIRJEE: Objection. Vague and ambiguous as
 4 to time.
 5 THE WITNESS: Do they make written reports?
 6 Upon my request. If I ask them to develop a certain
 7 document or response to a letter or develop the
 8 self-review training, those are the kinds of reports
 9 that they would make to me.
 10 Q. BY MR. ROSENBAUM: Let me see if I understand
 11 this. I take it from your testimony they're not
 12 assigned to make regular reports to you?
 13 A. No.
 14 Q. Not in the same way, for example, that you make
 15 a bimonthly report or a weekly report?
 16 A. Right. But I do --
 17 MS. SPANGLER: You've answered the question.
 18 Q. BY MR. ROSENBAUM: But they do, you said, make
 19 reports for you from time to time; is that right?
 20 A. Yes.
 21 Q. Over the past year, how many written reports
 22 would you say you've received from both of them
 23 together?
 24 A. I would say about --
 25 MR. VIRJEE: Let him finish his question before

1 you start talking or the court reporter will go nuts.
 2 THE WITNESS: Repeat your question.
 3 Q. BY MR. ROSENBAUM: In the past year, how many
 4 reports would you say you've received from each of them?
 5 MR. VIRJEE: Combined or separately?
 6 MR. ROSENBAUM: Either way.
 7 MS. READ SPANGLER: If you can estimate.
 8 THE WITNESS: Take them separately. For Peter,
 9 because his responsibility is the weekly report that he
 10 and I develop together, that would be 52 weeks in a
 11 year. And in addition another, let's say, three
 12 reports.
 13 For Ms. Gonzalez she also helps in the process
 14 of developing the weekly and the bimonthly report, 52,
 15 plus another perhaps estimated five.
 16 Q. BY MR. ROSENBAUM: Is there a general
 17 procedure? Does Mr. Dibble, for example, typically do
 18 the first draft of the weekly report and then you take a
 19 look at it, is that what happens?
 20 A. Yes.
 21 Q. And these weekly reports, do you have a file
 22 where they're maintained?
 23 A. Yes.
 24 Q. And does that file have a name?
 25 A. The name of it is weekly reports.

1 Q. Pretty sexy. And how about the bimonthly
 2 reports, is there a bimonthly file?
 3 A. Yes.
 4 Q. And where are those files maintained?
 5 MR. VIRJEE: Do you want to know what it's
 6 called?
 7 Q. BY MR. ROSENBAUM: Is that called the bimonthly
 8 file?
 9 A. Biweekly file.
 10 Q. Where do you keep those files?
 11 A. In two places, one in my office and Stuart
 12 Greenfeld's secretary keeps a copy.
 13 Q. Can you give me a rough idea what the weekly
 14 reports typically deal with?
 15 A. They deal with the --
 16 MR. VIRJEE: Objection. Overbroad.
 17 THE WITNESS: They deal with the activities
 18 that we have been responsible for for the week, where
 19 are we. It's an update for Stuart so that he will know
 20 where each unit is. So if this week I'm working on the
 21 training guide or if I'm working on scheduling, major
 22 activities, then he knows what our activities are, then
 23 they would be giving him an update on those activities.
 24 Q. BY MR. ROSENBAUM: Thank you. Do they have a
 25 typical length, the weekly reports?

1 A. They're generally one page, very seldom two.
 2 Occasionally it might go over one paragraph on the next
 3 page.
 4 Q. How about the biweekly reports, what do they
 5 typically deal with?
 6 A. It's the same, where we're giving Delaine
 7 Eastin an update. And there could be some additional
 8 information that she would need to know.
 9 Q. Do you get memos or written directives from
 10 Dr. Greenfeld?
 11 A. Occasionally.
 12 Q. How occasionally would you say, say, over the
 13 course of a year?
 14 A. Let's say three, as an estimate.
 15 Q. Okay. And do you keep those in a particular
 16 file?
 17 A. My secretary does.
 18 Q. Okay. Do you know the name of that file?
 19 A. Chron.
 20 Q. What is it called?
 21 A. Chron, c-h-r-o-n.
 22 Q. Do they have a particular subject matter
 23 typically?
 24 MR. VIRJEE: Objection. Vague and ambiguous,
 25 and also vague as to time.

1 THE WITNESS: They're always related to my job
 2 responsibilities.
 3 Q. BY MR. ROSENBAUM: Do you get memos from
 4 Mr. Warren or Mr. Hill?
 5 A. I don't recall getting mail. I got a lot of
 6 verbal from them, not precisely memos.
 7 Q. And how about from Delaine Eastin, do you get
 8 memos from her or directives from her?
 9 A. No.
 10 Q. Over the course of a year, how frequently would
 11 you say you've talked to her about what you're doing?
 12 MS. READ SPANGLER: Objection. Assumes facts
 13 not in evidence.
 14 MR. ROSENBAUM: If at all.
 15 THE WITNESS: One time over the course of the
 16 year in a steering committee meeting where a lot of
 17 other people were.
 18 MS. READ SPANGLER: He didn't ask you what, he
 19 just asked you how many.
 20 Q. BY MR. ROSENBAUM: And are you part of a
 21 steering committee?
 22 A. Indirectly.
 23 Q. What does that mean?
 24 A. When they need my input on whatever their
 25 agenda calls for, then I'm asked to come in.

1 Q. To your knowledge, Superintendent Eastin does
 2 have a steering committee?
 3 A. Yes.
 4 MR. VIRJEE: Objection. Calls for speculation.
 5 Lacks foundation.
 6 Q. BY MR. ROSENBAUM: And is Mr. Hill part of that
 7 committee, as far as you know?
 8 A. Yes.
 9 MR. VIRJEE: Same objection.
 10 Q. BY MR. ROSENBAUM: How about Mr. Warren?
 11 MR. VIRJEE: Same objection.
 12 THE WITNESS: Yes.
 13 Q. BY MR. ROSENBAUM: Okay. Do you know how
 14 frequently that committee meets?
 15 A. Monthly.
 16 MR. VIRJEE: Same objection.
 17 Q. BY MR. ROSENBAUM: Do you see minutes or
 18 documents from that steering committee?
 19 A. I don't recall.
 20 Q. Okay. The teams that you talked about, you
 21 mentioned that there are seven teams; is that right?
 22 A. Yes.
 23 Q. And put aside for a moment the individual
 24 validation report or reports that they do with respect
 25 to the schools, do they make other sorts of written

1 reports?
 2 A. Only if I direct them to. And the fact that
 3 they are part of various committees that have to form in
 4 order for us to get our work done, so those --
 5 occasionally I would indicate that I need a report or an
 6 update on where we are with whatever that activity is.
 7 Q. And where would those reports be maintained?
 8 MR. VIRJEE: Objection. Calls for speculation.
 9 THE WITNESS: In a file or a binder labeled as
 10 such, whatever the activity is.
 11 Q. BY MR. ROSENBAUM: Okay. Now, let me see if I
 12 understand. You have 33 staff members that are assigned
 13 to these 7 teams; is that right?
 14 A. Approximately.
 15 Q. And one of the duties of those staff members is
 16 to check on what's happening with respect to those 12
 17 programs in different schools; is that right?
 18 A. Yeah, validation reviews.
 19 Q. And in addition to validation reviews, do those
 20 staff team members have other duties and
 21 responsibilities?
 22 A. I don't know.
 23 Q. Do you assign them other duties and
 24 responsibilities?
 25 A. Their responsibilities are related to all of

1 the activities of the work that I have to get done.
 2 Q. And that would include the validation reports?
 3 A. Yes.
 4 Q. And that would include training?
 5 A. Yes.
 6 Q. What else would that include?
 7 A. Self-review, reading and scoring, development
 8 of the training guide, identifying which districts they
 9 are going to review, scheduling and selecting the school
 10 sites for each of the districts that will be reviewed,
 11 school sites to be reviewed at each of the districts.
 12 Q. Now, self-review, that refers to the process of
 13 the schools reviewing their own activities and
 14 performance; is that right?
 15 A. Yes.
 16 Q. Help me understand. What duties and
 17 responsibilities do your team members have with respect
 18 to that self-review process?
 19 MR. VIRJEE: By the team, you're talking about
 20 these 33 people and the 7 teams now?
 21 MR. ROSENBAUM: Yes. Thank you.
 22 THE WITNESS: They have a responsibility in the
 23 area of training.
 24 Q. BY MR. ROSENBAUM: Training the people at the
 25 schools themselves how to conduct the self-review?

1 A. Training the people at the institutes, seven
 2 institutes. They have a responsibility for training
 3 them in the workshops that are attended by the LEAs and
 4 the school sites.
 5 Q. And just for purpose of the record, when you
 6 say LEA, it's all capitals, right?
 7 A. Yes.
 8 Q. And LEA stands for?
 9 A. Local educational agency.
 10 Q. And then you mentioned another sort of unit
 11 that participates in these institutions?
 12 MR. VIRJEE: I think that misstates her
 13 testimony.
 14 MR. ROSENBAUM: I think it does too. I'm
 15 sorry.
 16 Q. Who attends the institute, LEAs do; is that
 17 right?
 18 A. Yes.
 19 Q. And who else?
 20 A. School site principals or school sites.
 21 Q. What's the difference between a school site and
 22 an LEA?
 23 A. The LEA is the district, and then the school
 24 site is the school itself.
 25 Q. Okay. The seven institutes, the purpose of

1 those institutes -- one of the purposes is to orient the
 2 LEAs and the school site personnel as to how to conduct
 3 self-reviews?
 4 A. Yes.
 5 Q. And another purpose is to explain what the
 6 validation process is?
 7 A. Yes.
 8 Q. And what the expectations are with respect to
 9 these programs?
 10 A. Yes.
 11 Q. Anything else?
 12 A. To demonstrate to them how to conduct a
 13 self-review in order to be compliant.
 14 Q. Is participation in these institutions
 15 mandatory for the LEAs in the school sites that are
 16 going to be reviewed?
 17 MR. VIRJEE: Objection. Vague and ambiguous.
 18 THE WITNESS: It's highly encouraged.
 19 Q. BY MR. ROSENBAUM: That's what I tell my
 20 children, but it didn't always work.
 21 The seven institutes, is that to relate to
 22 seven teams?
 23 MS. READ SPANGLER: Objection. Misstates her
 24 testimony.
 25 MR. ROSENBAUM: Let me strike that question.

1 Q. Why seven institutes?
 2 MR. VIRJEE: Objection. Misstates her
 3 testimony.
 4 MS. READ SPANGLER: Join.
 5 Q. BY MR. ROSENBAUM: Am I misstating your
 6 testimony?
 7 MR. VIRJEE: I think the testimony will speak
 8 for itself.
 9 Q. BY MR. ROSENBAUM: Am I misunderstanding you?
 10 Are there seven institutes?
 11 MR. VIRJEE: Calls for speculation.
 12 MS. READ SPANGLER: Objection. Vague as to
 13 time.
 14 THE WITNESS: There are seven institutes.
 15 Q. BY MR. ROSENBAUM: And why are there seven
 16 institutes?
 17 A. Sometimes there are eight or nine. We try to
 18 keep it as seven.
 19 Q. Okay.
 20 A. And we base it upon regional locations of the
 21 counties and the districts that we will be reviewing.
 22 Q. Okay. Let me find out a little bit about your
 23 background, Mrs. Clark-Thomas. Can you briefly tell us
 24 what your educational background is?
 25 A. Sure. I began my educational background at

1 Kent State University in Kent, Ohio, majored in and
 2 received a bachelor of science degree in speech
 3 pathology and audiology, and I received my master of
 4 arts degree in the same field at Cal State University
 5 Sacramento.
 6 Q. Okay. And when did you graduate from Kent
 7 State?
 8 A. In 1960.
 9 Q. And the degree that you received there, did
 10 it -- did you take any courses with respect to
 11 education?
 12 A. Yes.
 13 Q. What sorts of courses did you take?
 14 A. I can't recall.
 15 MR. VIRJEE: I think that's fair.
 16 Q. BY MR. ROSENBAUM: If you had, I would have
 17 really conducted a very searching examination.
 18 But your major, what you graduated in, that was
 19 not education; is that right?
 20 A. It was under education administration at that
 21 particular university.
 22 Q. Okay. And then you pursued a master's at Cal
 23 State Sacramento?
 24 A. Yes.
 25 Q. And what was your -- your dissertation in?

1 MR. VIRJEE: Dissertation?
 2 MR. ROSENBAUM: Yes.
 3 THE WITNESS: Dissertation was in cued speech.
 4 Q. BY MR. ROSENBAUM: What is that?
 5 A. It's a method of teaching deaf children.
 6 Q. And what was your area of specialization for
 7 your master's?
 8 A. Deaf education, working with hearing-impaired
 9 students. I minored in deaf education.
 10 Q. Okay. And did you take courses in educational
 11 administration?
 12 A. Yes.
 13 MR. VIRJEE: Objection. Vague and ambiguous.
 14 Q. BY MR. ROSENBAUM: And what sorts of courses
 15 did you take with respect to that?
 16 MR. VIRJEE: Same objection.
 17 THE WITNESS: I can't recall.
 18 Q. BY MR. ROSENBAUM: Okay. Anything to do with
 19 monitoring schools or evaluating school performance?
 20 A. No.
 21 Q. Okay. And after your master's, did you take
 22 any other degrees -- did you pursue any other degrees?
 23 A. For a while I pursued a doctorate at USC, and
 24 then I had to drop out.
 25 Q. Okay. And can you please tell me something

1 about your employment background.
 2 A. I began -- let's see. I worked 16 years in the
 3 public schools as a speech and language specialist, as a
 4 teacher of the deaf and hard of hearing, and as
 5 administrator for the same in three different school
 6 districts, Stockton Unified School District being the
 7 first, Olivehurst Unified School District being the
 8 second, and Sacramento City Unified School District as
 9 the third.
 10 Q. When did you start in Stockton?
 11 A. 1960.
 12 Q. 1960, wow. And how long were you at Stockton?
 13 A. One year.
 14 Q. And then how long -- when were you at
 15 Olivehurst?
 16 A. Started there in '61, and I was there two
 17 years.
 18 Q. Through 1963?
 19 A. Yes.
 20 Q. And how about Sacramento?
 21 A. Started there in 1963 up until 1976.
 22 Q. And you held some administrative
 23 responsibilities with respect to some or all of these
 24 districts?
 25 A. Administrative responsibilities in Sacramento

1 City Unified School District.
 2 Q. And what were those responsibilities?
 3 A. I was responsible for programs called
 4 designated instruction and services, which included all
 5 of the speech and language specialists in the district,
 6 adaptive physical education, itinerate services for deaf
 7 and hard of hearing.
 8 Q. You correct me if I'm wrong here, but I take it
 9 your job was to oversee how these different programs
 10 worked in Sacramento schools?
 11 A. Uh-huh, and to evaluate the staff who, you
 12 know, worked in these different areas.
 13 Q. Okay. And then after leaving Sacramento City
 14 Unified School District, where did you go from there?
 15 A. To the California Department of Education in
 16 Sacramento.
 17 Q. Okay. And what was your first position there?
 18 A. We were all consultants, and I was specifically
 19 a consultant for the language speech and hearing
 20 population.
 21 Q. Okay. And did you have any oversight
 22 responsibilities in that position?
 23 MR. VIRJEE: Objection. Vague as to time.
 24 THE WITNESS: I don't understand the question.
 25 Q. BY MR. ROSENBAUM: You joined the California

1 Department of Education in 1976?
 2 A. Yes.
 3 Q. And you were a consultant with respect to these
 4 language areas initially?
 5 A. Yes.
 6 Q. And what period of time did you hold that
 7 position?
 8 A. I held that position from 1976 until 1983.
 9 Q. And Mrs. Clark-Thomas, did you oversee schools
 10 throughout the State of California with respect to these
 11 subject areas?
 12 MR. VIRJEE: Objection. Vague and ambiguous as
 13 to "overseeing."
 14 MS. READ SPANGLER: Join.
 15 THE WITNESS: My responsibility was to work
 16 with language, speech and hearing specialists in the
 17 state and provide technical assistance to them in
 18 providing quality services to the population that they
 19 served.
 20 Q. BY MR. ROSENBAUM: Okay. Let me see if I
 21 understand this. You would provide technical assistance
 22 to individuals in the schools who performed these sorts
 23 of duties; is that right?
 24 A. Not individuals, but the whole group. If there
 25 were about eight speech and hearing specialists in that

1 school, we would meet and I'd work with them, provide
 2 workshops for them, keeping them up on the latest as it
 3 related to strategies in teaching speech and language,
 4 that particular handicap and condition.
 5 Q. Did you actually go into classrooms at that
 6 time?
 7 A. They were in closets. They worked in closets,
 8 yes.
 9 Q. And you would observe those situations and how
 10 the different teachers worked with the students?
 11 A. Worked with the students, right.
 12 MS. READ SPANGLER: Make sure you let him
 13 finish his question.
 14 Q. BY MR. ROSENBAUM: Did you observe other
 15 classrooms that didn't deal with language or speech
 16 issues?
 17 MR. VIRJEE: You are during the time of '76 to
 18 '83?
 19 MR. ROSENBAUM: Yeah. Thank you.
 20 THE WITNESS: No.
 21 Q. BY MR. ROSENBAUM: Okay. Now, after 1983, what
 22 did you do next?
 23 A. I became what you would call a home unit
 24 coordinator.
 25 Q. What's a home unit coordinator?

1 A. Okay. Home unit means a particular unit in the
 2 Department of Education.
 3 Q. Okay.
 4 A. And I was the -- the unit was special education
 5 division.
 6 Q. And how long did you have that position?
 7 A. Until 1994.
 8 Q. And help me understand this a little bit. Home
 9 unit means what? Does that mean special education, or
 10 does it mean something else?
 11 MR. VIRJEE: Objection. Asked and answered.
 12 THE WITNESS: There are 12 what we consider
 13 home unit coordinators that work directly under me
 14 now -- well, not directly, but indirectly.
 15 Q. BY MR. ROSENBAUM: Okay. Those are the
 16 programs that you briefly mentioned when we started the
 17 deposition?
 18 A. Yes.
 19 Q. And you were the coordinator for special
 20 education?
 21 A. Right.
 22 Q. Okay. And in that position did you visit
 23 classrooms?
 24 MR. VIRJEE: Objection. Vague and ambiguous as
 25 to time.

1 THE WITNESS: During any monitoring activities,
 2 yes.
 3 Q. BY MR. ROSENBAUM: And I'm talking about the
 4 period 1983 through 1994. You understand that, right?
 5 A. Yes.
 6 Q. Did you visit classrooms other than classrooms
 7 involving special education during that period?
 8 A. You know, I recall answering differently, and
 9 now I'm understanding what you're saying.
 10 Yes, I did other under monitoring activities
 11 during that period, 1983 to 1994.
 12 Q. And what does that mean?
 13 A. Meaning when special ed did their monitoring
 14 activities and we were looking specifically at special
 15 education or speech and language or deaf and hard of
 16 hearing or the blind or whatever, we also visited
 17 regular classrooms.
 18 Q. For what purpose did you do that?
 19 A. It was part of the law to ensure that special
 20 ed students were being afforded an education in the
 21 least restricted environment.
 22 Q. Okay. And after 1994, what was your next
 23 position?
 24 A. My current position, which is manager of
 25 coordinated compliance review.

1 Q. So you've held that position continuously since
2 1994?
3 A. Yes.
4 Q. And have your duties and responsibilities
5 changed over that period?
6 A. No.
7 Q. And as part of carrying out your duties and
8 responsibilities, have you yourself during this period
9 of time visited classrooms?
10 A. Yes.
11 Q. You visited a lot of classrooms?
12 A. Yes.
13 Q. Can you give me an estimate?
14 Let me break that down. Can you give me an
15 estimate over that period of time of how many schools
16 you've visited?
17 MR. VIRJEE: From '94 to the present?
18 MR. ROSENBAUM: Yeah.
19 MR. VIRJEE: Don't want you to guess or
20 speculate, but if you can give an estimate.
21 THE WITNESS: I can estimate because we have to
22 think in terms of cycles and each cycle. For example,
23 if it was a 1993, '94 cycle, I can guess that I visited
24 three, but after that, '94, '95, and all the way up to
25 now, I would say five to ten.

1 Q. BY MR. ROSENBAUM: Five to ten per cycle?
2 A. Yes.
3 Q. And what is a cycle?
4 A. We have all of the districts and counties in
5 the State on a review cycle, where one-fourth is
6 reviewed each year, so that every district gets a review
7 every four years.
8 Q. Okay. And during your visits to these schools,
9 can you give me your best estimate as to how many
10 classrooms you think you've been in?
11 MS. READ SPANGLER: At each school or overall?
12 MR. ROSENBAUM: Over the entire period of time,
13 or whatever is easier for you to answer, per school.
14 MR. VIRJEE: Objection. Overbroad. Calls for
15 speculation.
16 THE WITNESS: So I guess?
17 MR. VIRJEE: Don't want you to guess.
18 MS. READ SPANGLER: Don't guess.
19 THE WITNESS: Can't guess. I'd have to guess.
20 Don't recall.
21 Q. BY MR. ROSENBAUM: Each cycle would you say
22 you've been in between 20 and 30 classrooms?
23 MR. VIRJEE: Same objection. Calls for
24 speculation.
25 MS. READ SPANGLER: Join.

1 THE WITNESS: I don't recall.
2 Q. BY MR. ROSENBAUM: More than 20 per cycle?
3 MR. VIRJEE: Same objection. Calls for
4 speculation.
5 MS. READ SPANGLER: Join.
6 THE WITNESS: Let me think a minute. Repeat
7 your question.
8 Q. BY MR. ROSENBAUM: I'm trying to get a sense of
9 how many classrooms you typically see in a cycle.
10 So for a particular cycle would you say you
11 visited more than 20 classrooms yourself?
12 MR. VIRJEE: Same objections.
13 MS. READ SPANGLER: Join.
14 THE WITNESS: I'll make a guess.
15 MR. VIRJEE: We don't want you to guess or
16 speculate. He's entitled to an estimate if you have
17 one.
18 MR. ROSENBAUM: Give me your best estimate.
19 THE WITNESS: Best estimate or judgment, 20 per
20 cycle.
21 MR. ROSENBAUM: Okay. Thank you.
22 Q. And during the period of time that you have
23 been manager at CCR, have your duties and
24 responsibilities changed?
25 A. No.

1 Q. Okay. Let me ask you, Mrs. Clark-Thomas, prior
2 to this deposition, did you review any documents?
3 MR. VIRJEE: Objection. Vague as to time.
4 Vague and ambiguous.
5 MR. ROSENBAUM: At any time.
6 MR. VIRJEE: Has she reviewed any documents
7 ever?
8 MR. ROSENBAUM: That's the trick question I was
9 talking about before.
10 MR. VIRJEE: He promised no trick questions.
11 Q. BY MR. ROSENBAUM: With respect to this
12 deposition, did you review any documents?
13 A. No. No.
14 Q. Were you furnished with any documents to look
15 at with respect to this deposition?
16 MR. VIRJEE: Same objection. Vague as to time.
17 Also object to the extent it would invade the
18 attorney/client privilege.
19 MS. READ SPANGLER: Join.
20 THE WITNESS: Just I saw a list of schools that
21 were involved in this case. That's all I've seen.
22 Q. BY MR. ROSENBAUM: Just a piece of paper with a
23 list of school's names; is that right?
24 A. Right.
25 Q. Had you personally visited any of those schools

1 over the period of time that you've been manager here?
 2 A. Yes.
 3 MR. STURGES: Objection. Vague as to "schools"
 4 or school sites.
 5 I don't understand if the question went to
 6 individual school sites or school districts.
 7 Q. BY MR. ROSENBAUM: Do you remember the schools
 8 or the school sites that you personally have visited?
 9 MR. VIRJEE: Objection. Vague as to time.
 10 Also vague and ambiguous as to "school sites."
 11 THE WITNESS: Not schools, but districts.
 12 Q. BY MR. ROSENBAUM: Which districts?
 13 MR. VIRJEE: Same objection.
 14 MS. READ SPANGLER: Yeah, I think you might
 15 have to break that down a little bit more.
 16 Over the last six years?
 17 MR. ROSENBAUM: Since you've been head of CCR.
 18 MR. VIRJEE: So your question is can she
 19 remember the name of any districts she's visited since
 20 being head of CCR, since 1994?
 21 MS. READ SPANGLER: It's a yes or no question.
 22 THE WITNESS: Yes.
 23 Q. BY MR. ROSENBAUM: Which ones do you remember?
 24 A. Long Beach, LA Unified, San Diego, Pioneer. Is
 25 Garden Grove on that list? Garden Grove.

1 Q. How about Inglewood?
 2 A. No.
 3 Q. Others that you remember?
 4 A. They're usually in the top 10 largest
 5 districts. Oh, Compton.
 6 Q. When you say top 10, you yourself visit in the
 7 top 10?
 8 A. And serve as team leader.
 9 Q. Okay. So of the seven teams that we were
 10 talking about earlier, you are a team leader of one of
 11 those teams?
 12 A. If it's a district in the top 10.
 13 Q. If a district is within the jurisdiction of one
 14 of those seven teams, are you the team leader for that
 15 team?
 16 A. Yes, for that review.
 17 Q. For that particular review?
 18 A. Review. Not the team, but the review.
 19 Q. The review of that district?
 20 A. Right.
 21 Q. Okay. What about San Francisco?
 22 A. No.
 23 Q. Why is that?
 24 A. I had one of my consultants do that.
 25 Q. Who is that?

1 A. At that time it was Vivianne Burton.
 2 Q. Okay. And what about Oakland?
 3 A. I did it this past year.
 4 Q. This past year?
 5 A. Uh-huh.
 6 Q. Okay. And we'll come back to this, but as part
 7 of being a team leader for that individual review, you
 8 go to the school site yourself, you go to the district
 9 site itself?
 10 A. Yes.
 11 Q. And you go to individual school sites?
 12 A. Yes.
 13 Q. And you actually visit the schools yourself?
 14 A. And the team.
 15 Q. When you say "and the team," the team as well?
 16 A. Yes.
 17 Q. The whole team goes to the school district and
 18 goes to the school sites; is that right?
 19 A. Yes.
 20 Q. In fact, a schedule is set up for different
 21 meetings or activities; is that right?
 22 A. Yes.
 23 Q. And as team leader you're in charge of deciding
 24 what those activities are?
 25 A. And they have been predecided, set up, yes.

1 Q. Okay. Now do you prepare the validation
 2 reports for those individual school districts that
 3 you're the team leader for?
 4 MR. VIRJEE: She personally?
 5 MR. ROSENBAUM: Yes.
 6 THE WITNESS: No.
 7 Q. BY MR. ROSENBAUM: Who does that, typically?
 8 A. The team.
 9 Q. The team does it jointly?
 10 A. Yes.
 11 Q. You assign different responsibilities?
 12 A. Yes.
 13 Q. Okay. Prior to this deposition,
 14 Mrs. Clark-Thomas, have you had discussions regarding
 15 this case with anybody?
 16 MR. VIRJEE: Objection. Calls for
 17 attorney/client privileged information.
 18 MS. READ SPANGLER: Join.
 19 MR. STURGES: Join.
 20 Q. BY MR. ROSENBAUM: Have you had discussions
 21 with anybody about the case?
 22 A. No.
 23 Q. Or about this deposition?
 24 A. Just letting them know that I was going to be
 25 deposed.

1 Q. Okay. Have you had any discussions with the
2 superintendent about this case?
3 A. No.
4 Q. Or --
5 MR. VIRJEE: "Superintendent" being Delaine
6 Eastin?
7 MR. ROSENBAUM: Yeah.
8 THE WITNESS: No.
9 Q. BY MR. ROSENBAUM: Or Mr. Warren or Mr. Hill?
10 A. No.
11 Q. Okay. Have you been at any meetings where this
12 case has been discussed?
13 A. No.
14 Q. Okay. Have you had any discussions about this
15 case with Mr. Virjee?
16 MR. VIRJEE: Objection. Instruct you not to
17 answer. It would invade the attorney/client privilege.
18 I'll just make the objection.
19 MR. ROSENBAUM: You're serving as counsel for
20 her?
21 MS. READ SPANGLER: No, I'm serving as counsel.
22 MR. ROSENBAUM: I'm going to repeat my
23 question.
24 Q. Did you have any discussions with Mr. Virjee
25 about this case?

1 MR. VIRJEE: Same objection.
2 MR. ROSENBAUM: If you're not her counsel, can
3 you explain to me --
4 MS. READ SPANGLER: You can answer yes or no.
5 THE WITNESS: Yes.
6 Q. BY MR. ROSENBAUM: How many different
7 discussions?
8 MR. VIRJEE: I'll make the same objection.
9 THE WITNESS: One.
10 Q. BY MR. ROSENBAUM: Okay. And when did that
11 take place?
12 MR. VIRJEE: Same objection.
13 MS. READ SPANGLER: You can answer that.
14 THE WITNESS: What's today, Thursday? Tuesday.
15 Q. BY MR. ROSENBAUM: And prior to that
16 discussion, Mrs. Clark-Thomas, did you have any
17 discussions with anyone from the law firm of
18 O'Melveny & Myers about this case?
19 MR. VIRJEE: Same objection.
20 THE WITNESS: I recall some other people. I
21 didn't really know who they represented.
22 Q. BY MR. ROSENBAUM: Okay. Do you know their
23 names?
24 A. One. I can remember Seferian.
25 Q. Who, please?

1 A. Seferian.
2 Q. When did that take place?
3 A. I don't know.
4 MR. VIRJEE: Same objection.
5 THE WITNESS: I really don't recall.
6 Q. BY MR. ROSENBAUM: A month ago, two months ago,
7 a week ago?
8 A. Six months ago, five months ago.
9 Q. Okay. And what was said in that discussion?
10 MS. READ SPANGLER: Objection. Attorney/client
11 privilege. I'm going to instruct her not to answer.
12 MR. ROSENBAUM: No, that's not valid.
13 MS. READ SPANGLER: Yes, it is. Tony Seferian
14 is an attorney with our office.
15 MR. ROSENBAUM: I completely apologize. I
16 withdraw that question.
17 Q. Did you have any discussions with any other
18 lawyers that you recall?
19 A. No.
20 Q. The discussion with Mr. Virjee, that took place
21 on Tuesday?
22 A. Yes.
23 Q. Was that a face-to-face discussion or a
24 telephone discussion?
25 MR. VIRJEE: Objection. Invades the

1 attorney/client privilege.
2 MS. READ SPANGLER: I'm going to join and
3 instruct her not to answer.
4 MR. ROSENBAUM: Mr. Virjee is not her lawyer.
5 MS. READ SPANGLER: I'm still instructing her
6 not to answer.
7 MR. ROSENBAUM: Can you tell me fully the basis
8 for that objection?
9 MR. VIRJEE: She's made her objection and given
10 the instruction.
11 Q. BY MR. ROSENBAUM: Was anyone else
12 participating in that discussion?
13 MR. VIRJEE: Same objection. Calls for
14 attorney/client privileged communication.
15 MS. READ SPANGLER: Join. And I'm going to
16 instruct her not to answer. I'll represent to you that
17 I was there too, and that's all you get to know.
18 MR. ROSENBAUM: No.
19 MS. READ SPANGLER: Yes.
20 MR. ROSENBAUM: Do you have any authority in
21 support of that?
22 MR. VIRJEE: She's made her objection and given
23 the instruction.
24 MR. ROSENBAUM: Okay. I'm going to pursue
25 this.

1 MR. VIRJEE: That's fine, go ahead and pursue
 2 it, Mark. Let's move on.
 3 MS. READ SPANGLER: Go ahead.
 4 Q. BY MR. ROSENBAUM: The one discussion in which
 5 Mr. Virjee was present -- strike that.
 6 Did that discussion take place in Sacramento?
 7 MS. READ SPANGLER: I'm going to close this
 8 whole line of questioning.
 9 MR. ROSENBAUM: And instruct her not to answer
 10 with respect to all of that?
 11 MS. READ SPANGLER: Correct.
 12 Q. BY MR. ROSENBAUM: Have you had any discussions
 13 about this case or about this deposition with anybody
 14 from the State Board of Education?
 15 A. No.
 16 Q. Or the superintendent's office?
 17 A. No.
 18 MR. VIRJEE: Objection. Asked and answered.
 19 Q. BY MR. ROSENBAUM: Or any local board of
 20 education?
 21 A. No.
 22 Q. Okay. When did you first hear about this
 23 lawsuit?
 24 MR. VIRJEE: Objection to the extent it calls
 25 for the attorney/client privilege.

1 MS. READ SPANGLER: You can answer to the
 2 extent of your knowledge, other than something
 3 communicated to you by us.
 4 THE WITNESS: Maybe December.
 5 Q. BY MR. ROSENBAUM: Okay. And did you hear
 6 about it from a source other than a lawyer?
 7 A. No.
 8 Q. Okay. Was there a meeting in which you heard
 9 about this?
 10 A. There was.
 11 Q. And who was present at that meeting?
 12 MR. VIRJEE: Objection.
 13 MS. READ SPANGLER: Objection.
 14 MR. VIRJEE: Calls for the attorney/client
 15 privilege.
 16 MS. READ SPANGLER: Join.
 17 THE WITNESS: Answer?
 18 MS. READ SPANGLER: You know, I don't know that
 19 you're entitled to know what attorneys were there. I'm
 20 instructing her not to answer.
 21 Q. BY MR. ROSENBAUM: Were there attorneys there
 22 that were not there from the attorney general's office
 23 for the superintendent of education's office?
 24 A. I don't know.
 25 Q. Were there persons there who were not

1 attorneys? You can usually tell an attorney.
 2 A. I'm not sure who -- what they were.
 3 Q. That means they were lawyers.
 4 Were there persons there whom you recognized
 5 from your work experience?
 6 A. Had never seen them before.
 7 Q. Okay. How many persons were there?
 8 MR. VIRJEE: Objection. Attorney/client
 9 privilege.
 10 MR. STURGES: I'm going to enter a continuing
 11 relevance objection.
 12 THE WITNESS: I really can't remember.
 13 Q. BY MR. ROSENBAUM: Where did it take place?
 14 MR. VIRJEE: Same objection. Attorney/client
 15 privilege.
 16 MS. READ SPANGLER: I'm going to join.
 17 Q. BY MR. ROSENBAUM: Go ahead. Where did it take
 18 place?
 19 A. In the Department on the second floor.
 20 Q. In a conference room?
 21 A. Yes.
 22 Q. Was Superintendent Eastin there?
 23 A. No.
 24 Q. Was Mr. Hill or Mr. Warren there?
 25 MR. VIRJEE: Same objection. Attorney/client

1 privilege.
 2 Q. BY MR. ROSENBAUM: Would you say there were
 3 more or less than ten people there?
 4 MR. VIRJEE: Same objection. Attorney/client
 5 privilege.
 6 THE WITNESS: Three, as I recall. That's an
 7 estimate. I don't know.
 8 Q. BY MR. ROSENBAUM: Three including you?
 9 A. Four including me.
 10 Q. Okay. Were there any documents distributed at
 11 that meeting?
 12 A. No.
 13 MR. VIRJEE: Same objection. Attorney/client
 14 privilege.
 15 MS. READ SPANGLER: Join. And I'll include
 16 work product on that too.
 17 Q. BY MR. ROSENBAUM: How long did the meeting
 18 last?
 19 MR. VIRJEE: Same objection. Attorney/client
 20 privilege.
 21 MS. READ SPANGLER: Join.
 22 THE WITNESS: I don't recall.
 23 Q. BY MR. ROSENBAUM: More or less than an hour?
 24 MR. VIRJEE: Same objection.
 25 MS. READ SPANGLER: Join.

1 THE WITNESS: I answered I don't recall.
 2 Q. BY MR. ROSENBAUM: Were there charts, anything
 3 on a board?
 4 A. No.
 5 MR. VIRJEE: Same objection.
 6 MS. READ SPANGLER: Join.
 7 Q. BY MR. ROSENBAUM: Did anyone participate by
 8 telephone?
 9 MR. VIRJEE: Objection. Calls for invasion of
 10 the attorney/client privilege.
 11 MS. READ SPANGLER: Join.
 12 MR. ROSENBAUM: Go ahead.
 13 MS. READ SPANGLER: We're not going to go down
 14 this road.
 15 MR. ROSENBAUM: Well, I can ask the question.
 16 MS. READ SPANGLER: You can ask if she had a
 17 meeting, but I don't think you're entitled to know what
 18 was discussed, what she reviewed, or anything like that.
 19 MR. STURGES: I'm going to enter a continuing
 20 objection to the extent the testimony calls for
 21 disclosure of self-critical analysis.
 22 Q. BY MR. ROSENBAUM: Was there self-critical
 23 analysis at the --
 24 MR. VIRJEE: Objection. Calls for a legal
 25 conclusion, and also invades the attorney/client

1 privilege.
 2 MS. READ SPANGLER: Calls for a legal
 3 conclusion.
 4 MR. ROSENBAUM: I want the record clear that
 5 I'm not waiving my questions in this area.
 6 I take it, just so that we can expedite things
 7 for Mrs. Clark-Thomas's benefit, that you would object
 8 and similarly instruct as you have as to any questions
 9 related to this area?
 10 MS. READ SPANGLER: Correct.
 11 Q. BY MR. ROSENBAUM: Okay. Mrs. Clark-Thomas,
 12 coordinated compliance review, could you tell me what --
 13 a few moments ago you talked about the purposes of
 14 the -- you mentioned a phrase, the purposes of the
 15 coordinated compliance review.
 16 What's your understanding of what the purposes
 17 of CCR are?
 18 MR. VIRJEE: Objection. Asked and answered.
 19 THE WITNESS: The purpose was -- purpose and
 20 goal was to decrease the multiple intrusions or
 21 monitoring visits by the California Department of
 22 Education on districts.
 23 Secondly, it was to provide technical
 24 assistance to districts or LEAs to ensure compliance and
 25 to help them resolve compliance issues. Another one was

1 to ensure that all students have access to a core
 2 curriculum.
 3 And a third one was to allow LEAs to conduct a
 4 self-review prior to the Department of Education
 5 conducting a validation review and resolving any issues
 6 of noncompliance that may have been found prior to our
 7 arrival.
 8 Q. BY MR. ROSENBAUM: Did this happen around 1994?
 9 A. No.
 10 Q. When did -- 83?
 11 A. '83, uh-huh.
 12 Q. You were not part of that decision to
 13 coordinate the reviews; is that right?
 14 A. Indirectly.
 15 Q. How is that?
 16 A. When the home unit coordinators were selected,
 17 I was a home unit coordinator in special education, and
 18 therefore part of the developmental team.
 19 Q. That ended up making these recommendations; is
 20 that right?
 21 A. Yes.
 22 Q. Okay. And you agreed with these
 23 recommendations?
 24 MR. VIRJEE: Objection. Vague and ambiguous.
 25 MS. READ SPANGLER: Join.

1 What recommendations are we talking about?
 2 MR. ROSENBAUM: Let me see if I can
 3 particularize that.
 4 Q. A recommendation was made to collect in one
 5 unit the responsibilities for reviews of these 12
 6 programs; is that right?
 7 MR. VIRJEE: Objection. Assumes facts not in
 8 evidence.
 9 Q. BY MR. ROSENBAUM: Am I understanding this
 10 correctly?
 11 A. Yes.
 12 Q. Now, what did you think about that
 13 recommendation?
 14 MR. VIRJEE: Objection. Relevance.
 15 THE WITNESS: Do I answer?
 16 MS. READ SPANGLER: Uh-huh.
 17 THE WITNESS: I think all of us thought --
 18 MS. READ SPANGLER: Okay. You can only speak
 19 for yourself.
 20 THE WITNESS: Only speak for myself.
 21 Oh, that's different. That might be a good
 22 idea.
 23 Q. BY MR. ROSENBAUM: But you weren't certain?
 24 A. I mean, that's what I thought at the time.
 25 Q. Did you have concerns that in collecting all

1 this under one shop, that the reviews might be less
 2 thorough than they otherwise would be?
 3 MR. VIRJEE: At the time, 1994?
 4 MS. READ SPANGLER: 1983.
 5 MR. VIRJEE: Thank you. Excuse me, 1983.
 6 THE WITNESS: 1983. I was curious, and my
 7 thinking then is different than now.
 8 Q. BY MR. ROSENBAUM: What's your thinking now?
 9 A. That the reviews, you know, in reflecting back,
 10 yes, they weren't as thorough. There were a lot of
 11 glitches that we had to work on to ensure meeting the
 12 needs of all programs. So, yes, that's a good goal.
 13 That's my thinking now.
 14 Q. Okay. I take it this is a work in progress,
 15 you're always evaluating how well you're doing?
 16 A. Yes.
 17 Q. And you spent a lot of time thinking about
 18 that?
 19 A. Yes.
 20 Q. Now, you talked about providing technical
 21 assistance to LEAs to ensure compliance; is that right?
 22 A. Yes.
 23 Q. And when you say compliance, what do you mean
 24 by that, compliance with what?
 25 A. With state and federal laws and regulations.

1 Q. And what state and federal laws are you
 2 referring to?
 3 A. Actually, all of the laws that are related to
 4 each of the 12 programs that might monitor, so whatever
 5 their laws are.
 6 Q. So I take it one of the requirements to be on
 7 these teams is a familiarity with the relevant state and
 8 federal laws; is that right?
 9 A. Yes.
 10 MR. VIRJEE: Vague and ambiguous as to
 11 "familiarity."
 12 MS. READ SPANGLER: Assumes facts not in
 13 evidence.
 14 Q. BY MR. ROSENBAUM: Is that right?
 15 A. The staff must be knowledgeable about their
 16 laws and regulations.
 17 Q. In all 12 programs?
 18 A. Yes.
 19 MR. VIRJEE: Is your question that staff must
 20 have knowledge about all 12 programs?
 21 MR. ROSENBAUM: No. No.
 22 THE WITNESS: Their own program.
 23 MR. VIRJEE: The question is vague and
 24 ambiguous.
 25 MR. ROSENBAUM: Their own programs. Thanks.

1 Q. When you say technical assistance, what do you
 2 mean by that?
 3 A. We allow districts when they have questions or
 4 they don't understand the various items in our training
 5 guide, or if they don't understand certain, you know,
 6 laws, regulations, Ed. Codes, et cetera, then they are
 7 free to call us or we will visit with them, or while
 8 we're there conducting a validation review, then they
 9 are -- in fact, we freely give information as to how
 10 they can come into compliance and stay in compliance.
 11 Q. Another objective you mentioned was that all
 12 students have access to core curriculum?
 13 A. That was a goal. That is a goal.
 14 Q. When you say all students, do I understand that
 15 to mean the students who are in these 12 programs?
 16 A. It means all students. So we first have to
 17 look at what all students are getting.
 18 MS. READ SPANGLER: You've answered the
 19 question.
 20 Q. BY MR. ROSENBAUM: So the definition that
 21 you're providing to me about all students means
 22 irrespective whether or not they are participant in one
 23 of these 12 programs; is that right?
 24 A. Yes.
 25 MR. VIRJEE: Objection. Asked and answered.

1 Q. BY MR. ROSENBAUM: And core curriculum, what
 2 does that mean?
 3 A. Core curriculum?
 4 Q. Yeah.
 5 A. That's the curriculum or the standards and the
 6 grade level expectations that have been developed by
 7 each district we review. It's the basic curriculum for
 8 the students in that district and in each school in that
 9 district.
 10 Q. And does that vary from district to district?
 11 MR. VIRJEE: Objection. Vague and ambiguous.
 12 THE WITNESS: It does in how it's put together.
 13 The standards seem to be the same.
 14 Q. BY MR. ROSENBAUM: Those standards, are they
 15 promulgated by the individual districts, or are there
 16 State standards that are utilized?
 17 MS. READ SPANGLER: Objection. Calls for
 18 speculation. Assumes facts not in evidence.
 19 MR. VIRJEE: Also compound.
 20 THE WITNESS: I think our State standards came
 21 out later, but --
 22 MR. VIRJEE: I'll make an objection. Vague as
 23 to time.
 24 THE WITNESS: -- but I do know that when we
 25 began looking at that particular item, we were looking

1 at the standards that had been developed by the
 2 district, language arts, math, social science, all of
 3 the courses of study that were required.
 4 Q. BY MR. ROSENBAUM: Language arts is one of the
 5 areas?
 6 A. Yes.
 7 Q. And math is another?
 8 A. Yes.
 9 Q. Social science is another?
 10 A. Science.
 11 Q. Any others?
 12 A. I can't recall all of them.
 13 Q. And is English part of language arts?
 14 A. Yes.
 15 Q. And what about foreign languages?
 16 A. That would be separate.
 17 Q. And I take it this is true for elementary
 18 schools, middle schools, and high schools?
 19 A. That's true.
 20 Q. Okay. K through 12?
 21 A. K through 12.
 22 Q. Okay. And why is it important that all
 23 students have access to core curriculum?
 24 MR. VIRJEE: Objection. Calls for speculation.
 25 MS. READ SPANGLER: Join.

1 MR. ROSENBAUM: Go ahead.
 2 MR. VIRJEE: Lacks foundation. Vague and
 3 ambiguous as to important to whom.
 4 MR. ROSENBAUM: Go ahead.
 5 THE WITNESS: Well, why is it important that
 6 all students have access to the core curriculum?
 7 MR. ROSENBAUM: Yes.
 8 THE WITNESS: We want to ensure that the basic
 9 curriculum is there, that first there is a curriculum,
 10 and then we want to ensure that special ed students have
 11 access to it, that -- that it's not just for general
 12 education, that migrant students have access to it,
 13 Title 1 students.
 14 Q. BY MR. ROSENBAUM: Why is that important?
 15 MR. VIRJEE: Objection. Calls for speculation.
 16 Lacks foundation. Vague and ambiguous as to important
 17 to whom.
 18 MS. READ SPANGLER: Join.
 19 MR. ROSENBAUM: Go ahead.
 20 THE WITNESS: We want to ensure equal
 21 educational opportunities to all students.
 22 Q. BY MR. ROSENBAUM: Why is that important?
 23 MR. VIRJEE: Same objections. Vague and
 24 ambiguous as to important as to whom. Also lacks
 25 foundation, calls for speculation.

1 MR. STURGES: Join.
 2 MS. READ SPANGLER: Join.
 3 MR. ROSENBAUM: Go ahead.
 4 THE WITNESS: Why is that important? Well,
 5 again, we want to ensure that no students are left out,
 6 that they have the same access, they're getting the same
 7 education, they're getting the same opportunities.
 8 Centers around equal educational opportunities.
 9 Q. BY MR. ROSENBAUM: That's what it's all about?
 10 A. That's what it's all about.
 11 Q. And you don't just mean the kids in special ed
 12 or the kids in Title 1 or migrant or Eisenhower, you
 13 mean every kid who is in the school district of the
 14 State of California; is that right?
 15 MR. VIRJEE: Objection. Asked and answered.
 16 Q. BY MR. ROSENBAUM: Is that right?
 17 A. Yes.
 18 Q. And what is your understanding of what would be
 19 the consequences if kids didn't have equal education
 20 opportunities?
 21 MR. VIRJEE: Objection. Lacks foundation.
 22 Calls for speculation. Vague and ambiguous.
 23 THE WITNESS: Repeat your question.
 24 Q. BY MR. ROSENBAUM: Okay. Based on your
 25 experience, which is obviously very impressive, what

1 would be the consequences if kids didn't have equal
 2 educational opportunity?
 3 MR. VIRJEE: Objection. Vague and ambiguous as
 4 to "consequences."
 5 MS. READ SPANGLER: Join.
 6 THE WITNESS: If we determined that they were
 7 not getting or having access, then our responsibility
 8 would be to advise the district, the school, and to make
 9 a judgment of noncompliance and provide technical
 10 assistance to them as to how they can direct this issue.
 11 Q. BY MR. ROSENBAUM: And when you say "our
 12 responsibility," you mean the Department of Education?
 13 MR. VIRJEE: Objection. Vague and ambiguous.
 14 THE WITNESS: Yes.
 15 Q. BY MR. ROSENBAUM: Okay. How do you understand
 16 that to be the Department of Education's responsibility?
 17 What's the basis of your understanding that
 18 that's the responsibility of the Department of
 19 Education?
 20 MR. VIRJEE: Objection. Calls for speculation.
 21 Lacks foundation. Vague and ambiguous.
 22 THE WITNESS: Because it is part of the
 23 purposes and the goals that have been charged to my
 24 particular responsibilities.
 25 When we monitor, we make the determination, we

1 make the determination of compliance or noncompliance
 2 based upon the standards that we have set.
 3 Q. BY MR. ROSENBAUM: And how do you know that
 4 that's your responsibility, where did you get that
 5 information from?
 6 MR. VIRJEE: Same objection.
 7 THE WITNESS: I guess --
 8 MS. READ SPANGLER: Don't guess. If you have a
 9 clear understanding how you know that --
 10 THE WITNESS: Repeat that question.
 11 Q. BY MR. ROSENBAUM: You said to me, this is our
 12 responsibility. How do you know that that's your
 13 responsibility?
 14 A. When I assumed the job as manager, I became
 15 familiar with the training guide and the policies and
 16 the procedures in the Department as it relates to my
 17 job. That was one of my responsibilities.
 18 Q. And you never had any question about that?
 19 A. No.
 20 MR. VIRJEE: Objection. Vague and ambiguous as
 21 to "that."
 22 MS. READ SPANGLER: Let's go off the record.
 23 (Recess taken)
 24 Q. BY MR. ROSENBAUM: Okay, Mrs. Clark-Thomas?
 25 A. Yes.

1 Q. During this past break, I don't want to know
 2 anything about the contents, but did you meet with your
 3 counsel and Mr. Virjee?
 4 MR. VIRJEE: Objection. Invades the
 5 attorney/client privilege.
 6 THE WITNESS: We went to the restroom.
 7 MS. READ SPANGLER: Mr. Virjee didn't go to the
 8 restroom. Well, at least not with us. I'll represent
 9 to you that --
 10 MR. VIRJEE: Let's make sure it's clear on the
 11 record, I didn't go to the restroom with them.
 12 MR. ROSENBAUM: He's a very aggressive lawyer.
 13 Q. Did you talk to Mr. Virjee over this break?
 14 MR. VIRJEE: Objection. Invades the
 15 attorney/client privilege.
 16 MS. READ SPANGLER: Join.
 17 Q. BY MR. ROSENBAUM: Did you?
 18 A. Yes.
 19 Q. What did he say?
 20 MS. READ SPANGLER: Objection.
 21 MR. VIRJEE: Objection. Invades the
 22 attorney/client privilege.
 23 MS. READ SPANGLER: Join. And I'm going to
 24 instruct her not to answer.
 25 Q. BY MR. ROSENBAUM: Okay. Regarding the

1 purposes that you were talking about with me, another
 2 purpose that you mentioned was to -- you tell me if I
 3 understand this correctly -- allow the LEAs prior to the
 4 actual review to come into compliance?
 5 Did I understand that right?
 6 A. No.
 7 Q. Help me out here. What did you mean by that?
 8 A. I'm not sure I'll use the same words.
 9 Q. That's okay.
 10 A. To provide the LEAs an opportunity to conduct
 11 their self-review prior to the State coming in to review
 12 their program.
 13 Q. And that's a self-review with respect to those
 14 12 programs?
 15 A. Yes.
 16 Q. Okay. And am I correct that over the past
 17 several years there's been more and more an effort to
 18 rely upon the self-review process?
 19 MR. VIRJEE: Objection. Vague and ambiguous as
 20 to "rely."
 21 MS. READ SPANGLER: Join. By whom?
 22 MR. ROSENBAUM: By your shop.
 23 MS. READ SPANGLER: Vague and ambiguous as to
 24 "shop."
 25 You mean her unit or all the teams?

1 MR. ROSENBAUM: Your unit.
 2 THE WITNESS: No.
 3 Q. BY MR. ROSENBAUM: Okay. And just for the
 4 record, the 12 programs that we're talking about, one of
 5 them is special education?
 6 A. Yes.
 7 Q. And one of them is migrant education?
 8 A. Yes.
 9 Q. And one of them is Title 1?
 10 A. Yes.
 11 Q. Title 1 includes what?
 12 A. It's actually consolidated programs, includes
 13 Title 1.
 14 Q. What does that mean?
 15 MR. VIRJEE: What does what mean?
 16 Q. BY MR. ROSENBAUM: What does that mean,
 17 consolidated programs, including Title 1?
 18 A. There are about seven programs that fall under
 19 consolidated programs.
 20 Q. And what are those programs, please?
 21 A. Title 1.
 22 Q. Okay.
 23 A. EL.
 24 Q. EL is English learner?
 25 A. Yes. Miller Unruh.

1 Q. What's that?
 2 A. It's a reading program for children who may be
 3 in need of extra help in reading.
 4 Q. Unruh is U-n-r-u-h?
 5 A. U-n-r-u-h, yes.
 6 Q. And what ages is that or grades does that
 7 encompass, or is there any limitations?
 8 MR. VIRJEE: Objection. Calls for speculation.
 9 THE WITNESS: I'm not sure.
 10 Q. BY MR. ROSENBAUM: Besides Miller and Unruh and
 11 EL and Title 1, what else?
 12 A. Professional development.
 13 Q. What's that?
 14 A. Looking at the staff training and professional
 15 development that's afforded teachers and other service
 16 providers.
 17 Q. All teachers and all service providers?
 18 A. I'm not sure about the all.
 19 Q. Okay. What teachers?
 20 MR. VIRJEE: Under the professional development
 21 portion of the consolidated program we're talking about?
 22 MR. ROSENBAUM: Exactly.
 23 Q. Which teachers are we talking about?
 24 MR. VIRJEE: Objection. Vague and ambiguous.
 25 MS. READ SPANGLER: Join.

1 Q. BY MR. ROSENBAUM: Do you understand my
 2 question?
 3 A. Yes. I'm not sure.
 4 Q. Okay. What else? We've said Title 1, EL,
 5 Miller Unruh, professional development. There's three
 6 other programs?
 7 A. That's all I can recall.
 8 Q. What about the Eisenhower program?
 9 A. It's not under consolidated programs, but it's
 10 one of the 12.
 11 Q. What's the Eisenhower program?
 12 A. It's a program that looks at science, math, at
 13 the district level, and it does center around
 14 professional development.
 15 Q. Okay. When you say it centers around
 16 professional development, what do you mean by that?
 17 A. I don't know. I'm repeating what's under the
 18 goals in our -- I'm recalling what's under the goals in
 19 our training guide that's developed by each program.
 20 Q. Okay. You're not personally familiar with the
 21 details of the Eisenhower program?
 22 A. Or any other.
 23 Q. Okay. And what other programs? Special
 24 education, is that one of the other programs?
 25 MR. VIRJEE: You're asking what's -- now what's

1 part of the 12, or what's under the consolidated
 2 programs?
 3 MR. ROSENBAUM: No.
 4 Q. I think your testimony is that you don't
 5 remember any more under the consolidated programs; is
 6 that right?
 7 A. Right.
 8 Q. So under the 12, is special education one of
 9 the other areas?
 10 A. Yes.
 11 MR. VIRJEE: That's with the first one you
 12 listed, Mark.
 13 THE WITNESS: Yes, you listed that.
 14 Q. BY MR. ROSENBAUM: And what other ones among
 15 the 12?
 16 A. Migrant. You have that. Safe and drug-free
 17 schools and communities, tobacco use prevention
 18 education, one program.
 19 Q. And what about uniform complaint procedures, is
 20 that another?
 21 A. Uniform complaint procedures, gender equity,
 22 GATE, which is Gifted and Talented Education.
 23 Q. That's all capitals, right?
 24 A. Yes. Civil rights. Vocational education,
 25 civil rights.

1 Q. Are you familiar with the details of those
 2 programs that you just mentioned?
 3 A. No.
 4 And the Integrated Program Item.
 5 Q. What's that?
 6 A. IPI is the acronym.
 7 Q. What is that?
 8 A. It entails whether the districts have a fourth
 9 curriculum, are students learning that curriculum, do
 10 they have access to it, are they being provided
 11 supplemental services to enable them to learn that
 12 curriculum, and are student's programs coherent and not
 13 fragmented.
 14 Q. Now, of the programs that you just listed, how
 15 many of those programs are you personally familiar with
 16 the details of?
 17 MR. VIRJEE: Objection. Vague and ambiguous as
 18 to "personally familiar."
 19 THE WITNESS: My background is special
 20 education, and that's it.
 21 Q. BY MR. ROSENBAUM: Okay. And to your
 22 knowledge -- strike that.
 23 Have you assigned -- have you assigned to --
 24 your two consultants, are they supposed to become
 25 experts in all or some of these programs?

1 A. No.
 2 Q. And what about the team staff members, the 33
 3 people?
 4 A. Yes.
 5 Q. And how are the assignments divided up with
 6 respect to those 12 programs?
 7 A. It's according to their home unit managers,
 8 home unit coordinators, and unit managers.
 9 Q. Does each team have an expert in each area?
 10 A. Several.
 11 Q. Tell me what that means.
 12 A. Each team -- we have 7 teams. Each team has a
 13 representative of those 12 programs, one or more.
 14 Q. Okay.
 15 A. So it depends upon who their manager has
 16 assigned to do that particular region, whether it's
 17 Amador County, Calaveras County, and that person is the
 18 expert for that program.
 19 Q. Okay. Now, when a team is assigned to a
 20 particular LEA, let me see if I understand this, that
 21 responsibility includes checking out compliance with
 22 respect to the 12 programs that we're talking about; is
 23 that right?
 24 A. Yes.
 25 Q. Does it include checking out how the schools

1 Q. What does "evaluation" mean to you?
 2 A. Just evaluating the status of the agencies
 3 we're reviewing.
 4 Q. With respect to those programs?
 5 A. Yes.
 6 Q. And you do accountability work?
 7 A. No.
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to "accountability work."
 10 Q. BY MR. ROSENBAUM: Why did you say no to that?
 11 A. There's another unit for the accountability
 12 portion.
 13 Q. What's your understanding of what
 14 accountability means?
 15 A. Looking at students' data and achievement
 16 growth, making the determination as to whether they're
 17 learning.
 18 Q. That's not part of your responsibilities?
 19 MR. VIRJEE: Objection. Vague and ambiguous.
 20 Overbroad.
 21 MS. READ SPANGLER: Join.
 22 THE WITNESS: Difficult to answer that
 23 question.
 24 MR. ROSENBAUM: Just answer it as best you can.
 25 THE WITNESS: Your question was, does my

1 are doing with respect to anything outside those 12
 2 programs?
 3 MR. VIRJEE: Objection. Vague and ambiguous as
 4 to "checking out" and "outside those."
 5 MS. READ SPANGLER: Join.
 6 MR. ROSENBAUM: Go ahead.
 7 THE WITNESS: No.
 8 Q. BY MR. ROSENBAUM: They're not supposed to
 9 conduct any monitoring or evaluation with respect to
 10 school or performance activities outside of those 12
 11 programs; is that right?
 12 MR. VIRJEE: Vague and ambiguous as to
 13 "monitoring" or "performance" outside the program.
 14 MS. READ SPANGLER: Join. And I'll add
 15 evaluating.
 16 THE WITNESS: And I'm not sure I understand
 17 your question.
 18 Q. BY MR. ROSENBAUM: You do monitoring work; is
 19 that right?
 20 A. Yes.
 21 Q. What does "monitoring" mean to you?
 22 A. Reviewing and determining compliance or
 23 noncompliance for laws and regulations.
 24 Q. And you do evaluation work?
 25 A. Yes.

1 part --
 2 Q. BY MR. ROSENBAUM: You defined for us what you
 3 understood accountability to mean.
 4 A. Right.
 5 Q. Is that part of your duties and
 6 responsibilities?
 7 MR. VIRJEE: Objection. Overbroad. Vague and
 8 ambiguous.
 9 MS. READ SPANGLER: Join.
 10 THE WITNESS: It's part of the duties and
 11 responsibilities of the team.
 12 Q. BY MR. ROSENBAUM: And what did you mean by
 13 that?
 14 A. Each team member has a responsibility to look
 15 at that particular item so that the team leader can then
 16 write that particular item up.
 17 Q. Okay. And with respect to how you defined
 18 accountability, does that come within the
 19 responsibilities of different team members?
 20 A. It comes within the responsibility of IPI, one
 21 of the programs, which is the responsibility of the
 22 entire team.
 23 Q. Okay. And what about the other programs, does
 24 accountability figure in there?
 25 A. Yes.

1 MR. VIRJEE: Objection. Vague and ambiguous.
 2 Q. BY MR. ROSENBAUM: Why is that?
 3 MS. READ SPANGLER: Calls for speculation.
 4 THE WITNESS: Because the team consists of all
 5 of those programs.
 6 Q. BY MR. ROSENBAUM: Okay. And why is it
 7 important to monitor these programs?
 8 MR. VIRJEE: Objection. Asked and answered.
 9 Also calls for speculation. Vague and ambiguous.
 10 THE WITNESS: I'm not sure I heard your whole
 11 question.
 12 Q. BY MR. ROSENBAUM: Sure. You told me that you
 13 have monitoring responsibilities, right?
 14 A. Yes.
 15 Q. Okay. And why is it important that the
 16 Department of Education conduct those monitoring
 17 responsibilities?
 18 MR. VIRJEE: Objection. Asked and answered.
 19 We went all through this. She gave you an answer. You
 20 said why is that important. Why is that important, this
 21 has all been through.
 22 MS. READ SPANGLER: And overbroad. The whole
 23 entire Department of Education?
 24 MR. ROSENBAUM: Go ahead.
 25 MR. VIRJEE: Calls for speculation. Lacks

1 foundation as well.
 2 MS. READ SPANGLER: Join.
 3 THE WITNESS: It's a regulatory responsibility
 4 of the Department of Education.
 5 Q. BY MR. ROSENBAUM: Okay. And why is it
 6 important for the Department to undertake the evaluation
 7 responsibilities that you talked to me about?
 8 MR. VIRJEE: Same objection. Vague and
 9 ambiguous. Calls for speculation. Lacks foundation.
 10 Asked and answered.
 11 MS. READ SPANGLER: Join. Overbroad.
 12 THE WITNESS: I'm not sure I can answer that
 13 question.
 14 Q. BY MR. ROSENBAUM: Okay. So far as you know,
 15 Mrs. Clark-Thomas, does the State Board of Education
 16 have any counterparts to CCR?
 17 A. I'm not sure.
 18 Q. You're not aware of any?
 19 A. No. No.
 20 Q. You are part of the superintendent's chain of
 21 command; is that right? That's what you told me
 22 earlier.
 23 MS. READ SPANGLER: Objection. Misstates her
 24 testimony.
 25 MR. VIRJEE: Objection. Misstates her

1 testimony.
 2 MR. ROSENBAUM: It sure does. I apologize for
 3 that.
 4 Q. Is there any other unit that you're aware of
 5 that is a counterpart to CCR?
 6 MR. VIRJEE: Objection. Vague and ambiguous to
 7 "counterpart." And also calls for speculation.
 8 MS. READ SPANGLER: Within the Department?
 9 MR. ROSENBAUM: Anywhere.
 10 MS. READ SPANGLER: In the world?
 11 MR. ROSENBAUM: Yeah, in the world.
 12 MR. VIRJEE: Objection. Overbroad as well.
 13 MR. ROSENBAUM: Not in the world. In the State
 14 of California.
 15 MR. VIRJEE: Same objection.
 16 THE WITNESS: Counterpart, I'm not aware of
 17 any.
 18 Q. BY MR. ROSENBAUM: Did you receive any training
 19 for your present position?
 20 MR. VIRJEE: Vague and ambiguous as to
 21 "training."
 22 MS. READ SPANGLER: Join.
 23 You mean beyond her educational background?
 24 Q. BY MR. ROSENBAUM: Did you receive any specific
 25 training, Mrs. Clark-Thomas?

1 MR. VIRJEE: Objection. Vague and ambiguous.
 2 Q. BY MR. ROSENBAUM: You know what "training" is?
 3 A. I know what training is.
 4 MR. VIRJEE: He promised not to ask you trick
 5 questions. You may know what training is, but he may
 6 have a completely different view.
 7 Q. BY MR. ROSENBAUM: Did you receive any specific
 8 training?
 9 MR. VIRJEE: Vague and ambiguous as to
 10 "training."
 11 MS. READ SPANGLER: Join.
 12 Q. BY MR. ROSENBAUM: Prior to taking your
 13 position, did you attend any training meetings as to how
 14 you should go about your position?
 15 MR. VIRJEE: Vague and ambiguous as to
 16 "training meetings."
 17 THE WITNESS: On-the-job experience, training
 18 offered yearly, even during the time that I was a home
 19 unit coordinator representing special education.
 20 Q. BY MR. ROSENBAUM: Did you receive any specific
 21 training materials with respect to your position?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to "training materials." Also vague as to time.
 24 MS. READ SPANGLER: Join.
 25 THE WITNESS: The same materials that every

1 other employee receives.
 2 Q. BY MR. ROSENBAUM: When you say "every other
 3 employee," what do you mean?
 4 A. Any employee in the Department of Education.
 5 Q. Okay. Do you still have those materials?
 6 A. I don't recall.
 7 Q. Okay. Now, does CCR conduct any training for
 8 the team members?
 9 A. Yes.
 10 Q. Okay. And what's the nature of that training?
 11 A. The nature of it is to prepare them with all of
 12 the necessary -- to provide them with all of the
 13 necessary materials and prepare them for the validation
 14 reviews.
 15 Q. These team members, do they receive specific
 16 written documents or written materials to prepare them
 17 for the validation reviews?
 18 A. Yes.
 19 MR. VIRJEE: Objection. Vague as to time.
 20 Q. BY MR. ROSENBAUM: And are they kept in a file?
 21 If I wanted to find those materials, where
 22 would I look?
 23 MS. READ SPANGLER: Objection. Calls for
 24 speculation.
 25 MR. VIRJEE: Also vague as to time.

1 MS. READ SPANGLER: Kept by whom?
 2 MR. ROSENBAUM: Go ahead.
 3 THE WITNESS: You could find them.
 4 Q. BY MR. ROSENBAUM: Where would I find them?
 5 A. Anyone you ask that's part of this process.
 6 Q. Do you run a training institute for team
 7 members?
 8 A. Yes.
 9 Q. And how frequently is that conducted?
 10 MR. VIRJEE: Objection. Vague as to time.
 11 THE WITNESS: Annually.
 12 Q. BY MR. ROSENBAUM: And do all the members of
 13 your staff attend those meetings?
 14 A. Yes. "Your staff" meaning --
 15 Q. The 33, plus 6.
 16 MS. READ SPANGLER: Her student assistant, her
 17 secretary, her AGPA, everyone?
 18 MR. ROSENBAUM: Yeah.
 19 THE WITNESS: Yes, plus more.
 20 Q. BY MR. ROSENBAUM: Who else?
 21 A. Others who might be interested.
 22 Q. Who are they, typically?
 23 MR. VIRJEE: Objection. Vague and ambiguous as
 24 to "typically." Calling for speculation as to
 25 "typically."

1 MS. READ SPANGLER: Join.
 2 THE WITNESS: We have approximately 108 that
 3 attend the training. Sometimes other managers will
 4 attend so that they are aware of what it is their staff
 5 will be doing when they're reviewing.
 6 Q. BY MR. ROSENBAUM: Okay. When you say "other
 7 managers," what do you mean?
 8 A. Those 12 programs each have a manager.
 9 Q. I see. Okay. Besides the people from your
 10 shop and people from the 12 programs, do other people
 11 typically attend these training sessions?
 12 MR. VIRJEE: Objection. Vague and ambiguous as
 13 to "your shop." Also vague as to time.
 14 THE WITNESS: Other managers, as I've just
 15 indicated.
 16 Q. BY MR. ROSENBAUM: Managers from the 12
 17 programs?
 18 A. Yes.
 19 Q. Anyone else?
 20 MR. VIRJEE: Same objection.
 21 MS. READ SPANGLER: If you know.
 22 THE WITNESS: Stuart Greenfeld and Paul Warren.
 23 Q. BY MR. ROSENBAUM: Okay. And are materials
 24 distributed at these sessions?
 25 A. Yes.

1 Q. Where would I find those?
 2 MR. VIRJEE: Objection. Vague as to time.
 3 THE WITNESS: I have them, or you can get them
 4 from anyone who is a part of this process.
 5 Q. BY MR. ROSENBAUM: Okay. When was the last
 6 session?
 7 A. We conduct the CDE trainings usually in August
 8 and October -- I'm sorry, October. This year it will be
 9 in August.
 10 Q. Okay. And you'll prepare materials for those
 11 meetings?
 12 A. Yes.
 13 Q. Okay. To your knowledge, Mrs. Clark-Thomas,
 14 does the State have other monitoring and evaluation
 15 programs that relate to the 12 programs that we've been
 16 talking about?
 17 MR. VIRJEE: Objection. Vague and ambiguous as
 18 to "relate to." Also calls for speculation and lacks
 19 foundation.
 20 THE WITNESS: Because of the way your question
 21 was phrased, I'm not aware.
 22 Q. BY MR. ROSENBAUM: Okay. Why do you say
 23 because of the way my question was phrased?
 24 MS. READ SPANGLER: Why don't you just rephrase
 25 the question.

1 MR. ROSENBAUM: See if I can help her out.
 2 Q. Tell me what you mean when you say because of
 3 the way my question was phrased.
 4 A. I'm aware of other monitoring activities.
 5 Q. What are those other monitoring activities that
 6 you're aware of?
 7 A. There's a fiscal audit.
 8 MR. VIRJEE: Can we get a clarification of what
 9 we're talking about, other monitoring activities, just
 10 so we all understand what we're talking about?
 11 Q. BY MR. ROSENBAUM: When you said "other
 12 monitoring activities," what did you mean?
 13 A. Could you restate your question prior to that?
 14 Q. Okay. What I was interested in was -- and I
 15 think you were doing just fine.
 16 MR. VIRJEE: You're doing just fine. We all
 17 will so stipulate.
 18 Q. BY MR. ROSENBAUM: Does the State have other
 19 monitoring and review programs that relate to the
 20 schools --
 21 MR. VIRJEE: That's a different question.
 22 MR. ROSENBAUM: I understand that.
 23 Q. -- relate to the schools with respect to those
 24 12 programs?
 25 MR. VIRJEE: Vague and ambiguous as to "relate

1 to the schools," "to those 12 programs." I don't know
 2 what that means.
 3 MS. READ SPANGLER: Join.
 4 MR. ROSENBAUM: Go ahead.
 5 THE WITNESS: And that's the part that threw
 6 me, schools, to those 12 programs.
 7 Q. BY MR. ROSENBAUM: Those 12 programs are in the
 8 public schools, right?
 9 A. Yes, they are.
 10 Q. What other monitoring programs in the State
 11 that you're aware of deal with those 12 programs?
 12 MR. VIRJEE: Objection. Calls for speculation.
 13 Lacks foundation. Also vague and ambiguous as to "deals
 14 with."
 15 THE WITNESS: I can't answer that question.
 16 Q. BY MR. ROSENBAUM: When you said "fiscal audit"
 17 what did you mean by that?
 18 A. I'm just aware that there are fiscal audits
 19 occasionally in the Department. They look at our
 20 expenditures, and they might compare some of the items
 21 that we have in our training guide to see if there are
 22 items that they could use. That's the one that I'm most
 23 familiar with.
 24 Q. Okay. I appreciate that. I think you may have
 25 answered this, but just bear with me.

1 With respect to your duties and
 2 responsibilities, I take it from your testimony you are
 3 not concerned with programs that go on at the school
 4 beyond the 12 programs that we've already talked about;
 5 is that right?
 6 MR. VIRJEE: Objection. Misstates her
 7 testimony.
 8 MS. READ SPANGLER: Join.
 9 MR. ROSENBAUM: I just want to find out. I'm
 10 not trying to characterize your testimony.
 11 MR. VIRJEE: Remember he said no trick
 12 questions. That's a trick question.
 13 MR. ROSENBAUM: No, it's not. That's improper.
 14 Q. Do you have duties and responsibilities with
 15 respect to matters other than those 12 programs?
 16 MS. READ SPANGLER: Her personally or the team?
 17 MR. ROSENBAUM: Your office. Your team, your
 18 office.
 19 MR. VIRJEE: Other than what she's already
 20 testified to?
 21 MS. READ SPANGLER: Do you understand the
 22 question?
 23 THE WITNESS: I think I need you to repeat it
 24 now.
 25 Q. BY MR. ROSENBAUM: Sure. You've told us that

1 you have duties and responsibilities with respect to 12
 2 programs, correct?
 3 A. Yes.
 4 Q. Okay. Do you have duties and responsibilities
 5 with respect to other matters in the public schools
 6 outside those 12 programs?
 7 MR. VIRJEE: Objection. Asked and answered.
 8 MS. READ SPANGLER: Also vague and ambiguous as
 9 to the term "you."
 10 MR. VIRJEE: She's already testified about her
 11 duties in addition to the 12 programs.
 12 MR. ROSENBAUM: Go ahead.
 13 THE WITNESS: No.
 14 Q. BY MR. ROSENBAUM: Okay. Now, going back to
 15 those cycles. As I understand it from your testimony,
 16 each district is reviewed every four years; is that
 17 right?
 18 A. Yes.
 19 Q. Okay. Is that by law, or is that a practice
 20 that the Department has settled on?
 21 A. Both.
 22 Q. Okay. And can you explain what you mean by
 23 that?
 24 MR. VIRJEE: I'll object to the extent that
 25 you're asking her to say what the law says. That calls

1 for a legal conclusion. The law speaks for itself.
 2 MS. READ SPANGLER: Join.
 3 MR. ROSENBAUM: Go ahead.
 4 THE WITNESS: By law we have to oversee
 5 monitoring, and the Department has decided upon, and
 6 been approved by the federal agency, to place our
 7 agencies on a four-year cycle.
 8 Q. BY MR. ROSENBAUM: Now, when you say "we have
 9 to oversee," what do you mean by that?
 10 A. We have an oversight of monitoring to ensure
 11 compliance with those programs.
 12 Q. Okay. And it's your understanding that that's
 13 required by law?
 14 MR. VIRJEE: Objection. Calls for speculation.
 15 Also calls for a legal conclusion.
 16 MR. ROSENBAUM: Go ahead.
 17 THE WITNESS: Yes.
 18 Q. BY MR. ROSENBAUM: Okay. Now, is it your
 19 understanding that the law requires that oversight of
 20 districts be every three years?
 21 MR. VIRJEE: Objection. Misstates her
 22 testimony.
 23 MS. READ SPANGLER: Misstates her testimony.
 24 MR. ROSENBAUM: I'm not referring to any past
 25 testimony.

1 MR. VIRJEE: Also asks her to testify about the
 2 law. She's not a lawyer, nor is she competent to
 3 testify about what the law requires. Calls for a legal
 4 conclusion.
 5 MR. ROSENBAUM: This witness is more than
 6 qualified to testify about her understanding of the law,
 7 and it's an insult to suggest otherwise.
 8 MR. VIRJEE: She knows I wouldn't insult her.
 9 You're asking for a legal conclusion that she's not
 10 competent to give.
 11 Q. BY MR. ROSENBAUM: Based upon your
 12 understanding, are there legal requirements that
 13 districts be monitored every three years?
 14 MR. VIRJEE: Objection. Calls for a legal
 15 conclusion. There's a lack of foundation that she's
 16 qualified to testify to that, what the law requires.
 17 MR. ROSENBAUM: Go ahead.
 18 THE WITNESS: No.
 19 Q. BY MR. ROSENBAUM: Okay. Do you know how the
 20 four-year number was decided upon?
 21 A. Yes.
 22 Q. How is that?
 23 A. We initially had a three-year cycle, and we at
 24 some point, and I'm not sure of the year, decided to go
 25 to a four-year cycle.

1 Q. For all districts?
 2 A. Yes, for all districts, because all districts
 3 are on a four-year cycle.
 4 Q. What is your understanding as to why it went
 5 from a three to a four-year cycle?
 6 MR. VIRJEE: Objection. Lacks foundation.
 7 Calls for speculation.
 8 MS. READ SPANGLER: If you have an
 9 understanding.
 10 THE WITNESS: My understanding was due to lack
 11 of resources.
 12 Q. BY MR. ROSENBAUM: When you say "lack of
 13 resources," what do you mean?
 14 A. Not enough staff to do every three years, so we
 15 made it a four-year cycle instead.
 16 Q. Okay. When was that decided, so far as you
 17 know?
 18 A. I'm not sure of the year.
 19 Q. Approximately?
 20 MR. VIRJEE: Don't want you to guess or
 21 speculate. If you have an estimate, he's entitled to
 22 it.
 23 THE WITNESS: The three-year cycle was
 24 established in 1984, and a guess of the four-year
 25 cycle --

1 MR. VIRJEE: Don't guess.
 2 MS. READ SPANGLER: Don't guess. If you have a
 3 basis for an estimate --
 4 THE WITNESS: An estimate, '93 -- '92, '93
 5 four-year cycle.
 6 Q. BY MR. ROSENBAUM: So far as you recall,
 7 between 1992 and the present it's been this four-year
 8 cycle?
 9 A. Yes.
 10 Q. Now, within the four-year cycle,
 11 Mrs. Clark-Thomas, is every school in every district
 12 reviewed?
 13 A. No.
 14 Q. Okay. Is there a percent of schools that are
 15 typically reviewed?
 16 A. Yes.
 17 MR. VIRJEE: Objection. Vague and ambiguous as
 18 to review.
 19 Q. BY MR. ROSENBAUM: And is that 10 percent?
 20 MR. VIRJEE: Same objection. Vague and
 21 ambiguous as to review.
 22 Are you asking whether they visit each of those
 23 schools? What are you asking?
 24 MR. ROSENBAUM: Go ahead.
 25 THE WITNESS: Repeat your question.

1 MR. ROSENBAUM: Sure.
 2 Q. The cycle is every district every four years,
 3 right?
 4 A. Yes.
 5 Q. But not every school in every district every
 6 four years?
 7 MR. VIRJEE: Not every school what? The
 8 question is vague and ambiguous.
 9 MS. READ SPANGLER: Join.
 10 MR. ROSENBAUM: Go ahead.
 11 MR. VIRJEE: If you can understand what he's
 12 saying.
 13 THE WITNESS: Not every school is visited.
 14 Q. BY MR. ROSENBAUM: Okay. And how many
 15 schools -- is there a percent of schools that are
 16 visited every four years?
 17 A. There's a guideline formula which could be
 18 equated to 10 percent.
 19 Q. Okay. And when you say "could be equated,"
 20 what do you mean by that?
 21 A. It's a guideline to give us guidance. There
 22 could be more or less. Could be more or less based upon
 23 other criteria.
 24 Q. Okay. To your knowledge, who decided on this
 25 10-percent guideline, where did it come from?

1 A. It came from the original task force that was
 2 developed in 19 -- that was formed in 1983, so it was
 3 during those developmental -- that developmental year
 4 that that guideline was decided upon.
 5 Q. Okay. And so as far as you know, it's always
 6 been 10 percent from 1983 to the present?
 7 A. We've had the formula. The formula was changed
 8 at one time.
 9 Q. To what?
 10 A. The current formula we're using is just
 11 slightly different than the original.
 12 Q. Can you tell me how it's different, please?
 13 A. An example of the formula would be if a
 14 district has one to fifteen schools, then we will select
 15 one school to visit, and prior to that it was one to
 16 nine schools.
 17 Q. Okay. Do you know when that change took place,
 18 approximately?
 19 A. I can't recall.
 20 Q. More than five years ago?
 21 A. Probably.
 22 Q. More than 10 years ago?
 23 A. No.
 24 Q. Okay. And were there other changes besides the
 25 one to nine to one to fifteen?

1 A. That was just an example.
 2 Q. Okay. What other ones are you aware of?
 3 A. I can't remember.
 4 Q. Okay. Can you remember any others?
 5 A. I wouldn't be able to give you the exact
 6 figures, and it would be, you know, an estimate.
 7 Q. Okay. Now, as you understand the guidelines --
 8 strike that.
 9 In your experience, has there ever been any
 10 discussion about changing the 10-percent guideline
 11 number to a different number?
 12 A. No.
 13 MR. VIRJEE: Objection. Calls for speculation.
 14 Lacks foundation.
 15 Q. BY MR. ROSENBAUM: Okay. And help me
 16 understand this guideline a little bit. Do they have to
 17 be different schools each cycle, each four years? In
 18 other words, cycle 1 we look at 10 percent of schools,
 19 four years later our guideline is 10 percent of schools,
 20 is there any guideline as to whether or not the schools
 21 in the second year are the same or different than the
 22 schools in the first year?
 23 MR. VIRJEE: Objection. Vague and ambiguous as
 24 to "guideline."
 25 THE WITNESS: Let's see.

1 Q. BY MR. ROSENBAUM: You know what I mean?
 2 A. Is there a difference?
 3 Q. Yeah.
 4 A. There's a difference.
 5 Q. Okay. So it would be one set of schools year
 6 one, another set of schools four years later, another
 7 set of schools four years later, and so on; is that
 8 right?
 9 MR. VIRJEE: Objection. Calls for speculation.
 10 Overbroad.
 11 Are you asking in every instance is it like
 12 that?
 13 MS. READ SPANGLER: Join.
 14 MR. ROSENBAUM: I want to know is that the
 15 guideline.
 16 MR. VIRJEE: Objection. Vague and ambiguous as
 17 to "guideline."
 18 THE WITNESS: No.
 19 Q. BY MR. ROSENBAUM: What is the guideline then?
 20 A. It's based upon criteria.
 21 Q. And the criteria governs which schools are
 22 actually selected out?
 23 A. Yes.
 24 Q. Tell me what those criteria are, please.
 25 A. We try to avoid going to the same school every

1 four years. We try to. It doesn't always happen.
 2 That's one. Another one is the quality of the
 3 self-review. Another one has to do with the API scores
 4 or SAT 9 data.
 5 We look at compliance history over the last
 6 four years, how long it took them to come into
 7 compliance and were they compliant. We try to select
 8 schools that are low performing, and we avoid selecting
 9 schools that have been identified as IIUSP.
 10 Q. What's that?
 11 A. Immediate Intervention of Underperforming
 12 Schools Program.
 13 Q. Why do you avoid those?
 14 A. Because they're getting lots of help. They
 15 have external evaluators and they've been given a
 16 specific direction, and we need to let them work and get
 17 at what they need to do, and then at a later time we can
 18 review them and they should be compliant.
 19 Q. So are there ever visits made to the same
 20 district between cycles, between the -- within that
 21 four-year period of time?
 22 A. Only via follow-up.
 23 MR. VIRJEE: Listen to his question carefully,
 24 because I don't think that's responsive.
 25 Just trying to help you out here, Mark. I

1 don't think she understood her question.
 2 I'll object as vague and ambiguous because it
 3 was clear to me she didn't understand the question.
 4 Q. BY MR. ROSENBAUM: Okay. In terms of the -- as
 5 I understand it, the process is first there's a
 6 self-review and then there is a validation; is that
 7 right?
 8 A. Yes.
 9 Q. Okay. Is the school ever directed to conduct a
 10 district -- strike that.
 11 Is a school ever directed to conduct a
 12 self-review within that four-year period after -- that's
 13 a terrible question.
 14 A school does a self-review in year one, within
 15 the next four years is it ever directed to conduct
 16 another self-review?
 17 MR. VIRJEE: Objection. Vague and ambiguous,
 18 and the problem is "within the next four years." That
 19 would encompass the next cycle.
 20 MR. ROSENBAUM: Up to the next cycle.
 21 THE WITNESS: No.
 22 Q. BY MR. ROSENBAUM: Okay. And do teams visit
 23 schools within that four-year period up to the next
 24 cycle?
 25 MR. VIRJEE: In other words, off cycle?

1 MR. ROSENBAUM: Yeah, that's a nice way of
 2 putting it.
 3 THE WITNESS: Individual programs may, as
 4 follow-up to assist them to come into compliance.
 5 Q. BY MR. ROSENBAUM: But it's not -- strike that.
 6 Are there any criteria to govern whether or not
 7 another visit is made?
 8 MR. VIRJEE: Objection. Calls for speculation.
 9 Lacks foundation.
 10 You're asking what her office would do?
 11 MR. ROSENBAUM: Yeah.
 12 MR. VIRJEE: You've established these are other
 13 programs with other units.
 14 MR. ROSENBAUM: Right.
 15 THE WITNESS: My office would only provide
 16 reports of status, and then the programs would make the
 17 decision as to how they're going to handle the
 18 noncompliant status, the number of days that a district
 19 has been noncompliant.
 20 Q. BY MR. ROSENBAUM: So when you use the phrase
 21 "follow-up," what do you mean by that?
 22 A. Follow-up --
 23 MR. VIRJEE: Objection. Vague and ambiguous as
 24 to context.
 25 THE WITNESS: Follow-up means when a district

1 has been found noncompliant during the validation
 2 review, it is each program's responsibility to follow up
 3 either through telephones or a revisit to ensure
 4 compliance, again, working with the district to ensure
 5 compliance.
 6 Q. BY MR. ROSENBAUM: Now, bear with me. I may
 7 ask you something that you've already answered.
 8 MR. VIRJEE: Objection. Asked and answered.
 9 MR. ROSENBAUM: I presumed that.
 10 Q. A self-review takes place, then there is a
 11 validation review; is that right?
 12 MR. VIRJEE: Objection. Asked and answered.
 13 Q. BY MR. ROSENBAUM: Then you forward your
 14 evaluations to individual programs? Does that happen
 15 next?
 16 MR. VIRJEE: Objection. Calls for speculation.
 17 Inconsistent with her testimony. Also vague and
 18 ambiguous.
 19 MS. READ SPANGLER: And leading.
 20 MR. ROSENBAUM: Go ahead.
 21 MS. READ SPANGLER: Or misleading.
 22 THE WITNESS: We forward the notification of
 23 findings to individual program managers.
 24 Q. BY MR. ROSENBAUM: Okay. And then it's up to
 25 those program managers how they proceed; is that right?

1 MR. VIRJEE: Objection. Vague and ambiguous as
2 to "how they proceed."
3 THE WITNESS: How they proceed per the rules
4 and the policies that we have established, direction.
5 Q. BY MR. ROSENBAUM: Okay. Do you do anything
6 else once the notification of findings have been sent to
7 the programs, do you have any more responsibilities with
8 respect to the schools during that cycle?
9 MR. VIRJEE: Objection. Vague and ambiguous as
10 to "responsibilities" or "do anything else."
11 MS. READ SPANGLER: And as to the term "you."
12 MR. ROSENBAUM: Go ahead.
13 THE WITNESS: Another one of my activities is
14 related to compliance tracking.
15 Q. BY MR. ROSENBAUM: What does that mean?
16 A. It's a part of the follow-up.
17 Q. When you say "compliance tracking," what did
18 you mean regarding that?
19 A. Issues that are found noncompliant are entered
20 into our tracking system so that we can provide reports
21 to the programs as to the status of that particular
22 review.
23 Q. Do the findings -- they're called findings of
24 compliance or --
25 A. Notification of findings.

1 Q. Notification of findings. Do those
2 notifications of findings go to any other departments or
3 agencies besides the 12 departments?
4 A. No.
5 Q. Okay. No one in the State Board of Education?
6 MS. READ SPANGLER: Objection. Calls for
7 speculation.
8 MR. ROSENBAUM: So far as you know.
9 THE WITNESS: So far as I know, unless they
10 request it.
11 Q. BY MR. ROSENBAUM: Have they ever requested, to
12 your knowledge, any notification of findings?
13 A. For some districts.
14 Q. Which districts?
15 A. I don't know.
16 Q. Do they go to the superintendent's office?
17 MS. READ SPANGLER: Objection. Calls for
18 speculation.
19 MR. VIRJEE: Calls for speculation and also
20 vague and ambiguous as "do they go." In what format?
21 THE WITNESS: Notification of findings is a
22 public document.
23 Q. BY MR. ROSENBAUM: But are they sent -- do you
24 send them to the superintendent's office?
25 A. Not unless requested.

1 Q. Okay. In your experience have they ever been
2 requested?
3 A. I'm not sure.
4 Q. Okay. How many schools did CCR review --
5 strike that.
6 How many schools will CCR review this year?
7 A. "This year" meaning?
8 Q. What's the calendar -- the calendar points for
9 a cycle?
10 A. Okay. So this year might be 2000, 2001 --
11 Q. Okay. And when --
12 A. -- cycle.
13 Q. And does it start in a particular month
14 typically?
15 A. November.
16 Q. November to November or November to October?
17 MR. VIRJEE: I'm sorry, does what starts in a
18 particular month?
19 MR. ROSENBAUM: A cycle.
20 MR. VIRJEE: Does the cycle start then. Okay.
21 THE WITNESS: The validation review of that
22 cycle begins in November and ends in June.
23 Q. BY MR. ROSENBAUM: Okay. And how many schools
24 will a validation review take place for?
25 A. I could guess or say I don't know.

1 MR. VIRJEE: Calls for speculation. No
2 foundation. It hasn't occurred yet. Who is to know?
3 Q. BY MR. ROSENBAUM: What's your best estimate
4 for this year, what's your best projection?
5 A. 425.
6 Q. And what about the last cycle?
7 A. The last cycle?
8 Q. Yeah.
9 A. I'll estimate about the same.
10 Q. Every school that undertakes a self-review,
11 does that school get a validation review by your office?
12 A. No.
13 MS. READ SPANGLER: Objection. Misstates her
14 testimony.
15 Q. BY MR. ROSENBAUM: How is it decided which
16 self-reviews receive a validation review?
17 MR. VIRJEE: Objection. Asked and answered.
18 She's already given you the criteria.
19 MS. READ SPANGLER: Join.
20 THE WITNESS: The criteria that I've given you
21 before.
22 Q. BY MR. ROSENBAUM: When I was asking those
23 questions before, I was talking about site visits, so I
24 take it that's one and the same; is that right?
25 MS. READ SPANGLER: Objection. Misstates her

1 testimony.
 2 MR. VIRJEE: And also vague and ambiguous.
 3 Q. BY MR. ROSENBAUM: Is that right?
 4 A. Site and school are the same.
 5 Q. Okay. And just bear with me. Each cycle, 10
 6 percent of the districts -- is it 10 percent of the
 7 district schools the guideline says those are the
 8 schools that your office will be concerned with; is that
 9 right?
 10 MR. VIRJEE: Objection. Vague and ambiguous as
 11 to "concerned with."
 12 MS. READ SPANGLER: Misstates her testimony.
 13 THE WITNESS: I'd have to say I don't
 14 understand your question.
 15 Q. BY MR. ROSENBAUM: That's my problem. Let me
 16 see if I understand this. There are self-reviews that
 17 are conducted in certain schools each cycle; is that
 18 right?
 19 A. Yes.
 20 Q. Okay. And those schools, the guideline says
 21 that typically 10 percent of the schools in the
 22 districts that you've selected; is that right?
 23 A. Yes.
 24 Q. Okay. Now, what I'm trying to understand is,
 25 the validation reviews that your office does, is it of

1 all 10 percent of those schools?
 2 A. Yes.
 3 Q. Okay. And you actually make site visits to all
 4 10 percent of those schools?
 5 A. The schools that we have selected, yes.
 6 Q. You make site visits to each and every one of
 7 those schools?
 8 A. Yes.
 9 Q. Okay. I appreciate that. Now, the process
 10 that we've talked about, Mrs. Clark-Thomas, you've had
 11 an opportunity to observe that process as it's worked
 12 over the years since you've been with CCR; is that
 13 right?
 14 A. Yes.
 15 Q. And you have visited classrooms, you have
 16 visited schools, you have visited districts, you have
 17 looked at self-reviews, and you have looked at
 18 validation reviews; is that right?
 19 A. Yes.
 20 Q. And you have been part of working with
 21 districts to bring them into compliance; is that right?
 22 A. Yes.
 23 Q. Now, is it your belief based upon your
 24 experience that CCR serves a useful function?
 25 MR. VIRJEE: Objection. Irrelevant. Calls for

1 speculation.
 2 MR. STURGES: Objection. Vague as to "useful."
 3 MR. ROSENBAUM: Go ahead.
 4 THE WITNESS: That CCR serves a useful
 5 function?
 6 MR. ROSENBAUM: Yeah.
 7 THE WITNESS: Definitely.
 8 Q. BY MR. ROSENBAUM: Why is that?
 9 A. Well, the function is in that program that
 10 districts are receiving monies from the federal
 11 government to provide appropriate services to students,
 12 whatever the population of students are.
 13 The function of CCR is to ensure that these
 14 needs are being met and that the monies are being used
 15 appropriately, and that these programs are compliant,
 16 not only compliant, but are -- the students in those
 17 programs are learning.
 18 Q. When you say "these needs are being met," what
 19 do you mean by that?
 20 A. Well, there are individual needs of the
 21 students we serve in every district and in every school.
 22 So you have to look at individual kids or individual
 23 programs.
 24 Q. And CCR, in your judgment, provides benefits to
 25 assuring that these kids get equal educational

1 opportunities?
 2 A. Yes.
 3 Q. Why is that?
 4 A. Well, that's part of our guidelines. It's one
 5 of the seven dimensions that we look at. And every
 6 program that is involved in CCR has an interest in equal
 7 educational opportunities.
 8 Q. Okay. And does it save money?
 9 A. Does it save money?
 10 MR. VIRJEE: Does what save money?
 11 MR. ROSENBAUM: CCR.
 12 MR. VIRJEE: Objection. Calls for speculation.
 13 Also vague and ambiguous as to "save money."
 14 MS. READ SPANGLER: Join.
 15 MR. VIRJEE: Compared to what?
 16 THE WITNESS: I don't know.
 17 Q. BY MR. ROSENBAUM: Do you find as you conduct
 18 some of these reviews, that you can show districts or
 19 schools ways to use their money more wisely?
 20 A. When you say "you" --
 21 Q. I mean CCR.
 22 A. I believe the programs are responsible for
 23 reviewing and making a determination. The answer would
 24 be yes.
 25 Q. Okay. And in your experience,

1 Mrs. Clark-Thomas, CCR provides benefits for teachers?
 2 A. Yes.
 3 Q. How is that?
 4 A. Again, as part of the seven dimensions that we
 5 look at, we look at teaching and learning and providing
 6 them also with technical assistance as to what they
 7 could be missing or what they could be ignoring as
 8 they're looking at the individual students that they
 9 work with.
 10 Q. You help teachers implement the policies or the
 11 objectives of these programs as you understand them; is
 12 that right?
 13 MS. READ SPANGLER: Objection. Leading.
 14 Misstates her testimony.
 15 THE WITNESS: They're helped because they've
 16 conducted a self-review and they understand the laws and
 17 the regulations by participating in that process.
 18 Q. BY MR. ROSENBAUM: You think the self-review is
 19 a valuable exercise for the schools to go through?
 20 A. Yes.
 21 Q. Why is that?
 22 A. Because it gives them the responsibility of
 23 doing a self-review or self-reflecting, and it gives
 24 them an opportunity to learn what it is that is expected
 25 by the State or the federal government. It gives them

1 an opportunity to understand the laws and regulations
 2 and be able to take ownership when we arrive, yes,
 3 you're right, we're not compliant or, no, you're wrong,
 4 and I can show you why you're wrong, or maybe there's
 5 not enough evidence. But I think it is a benefit.
 6 Q. Does a district ever refuse to undertake a
 7 self-review?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to "refuse."
 10 Q. BY MR. ROSENBAUM: In your experience, has a
 11 district ever refused to take a self-review?
 12 A. Not just verbally refuse. They might not send
 13 the self-review in.
 14 Q. But have they ever said, we will not do a
 15 self-review?
 16 A. Never.
 17 Q. And have you ever heard a district say, these
 18 self-reviews, they don't help us, they're a waste of our
 19 time?
 20 A. Sure, I've heard that.
 21 Q. Okay.
 22 A. I've read it.
 23 MS. READ SPANGLER: Those exact words?
 24 Q. BY MR. ROSENBAUM: Which districts?
 25 A. I don't know.

1 Q. Many of the districts?
 2 MR. VIRJEE: Objection. Vague as to time.
 3 MS. READ SPANGLER: And "many."
 4 MR. STURGES: Vague as to "many."
 5 MR. VIRJEE: Thank you.
 6 THE WITNESS: We receive evaluations from all
 7 districts, and that's one of the questions on the survey
 8 or the evaluation. And I read all of those, and that is
 9 a question that's usually answered, as well as how can
 10 we improve, among many questions.
 11 Q. BY MR. ROSENBAUM: And your best estimate, what
 12 percentage of the districts don't think that
 13 self-reviews are valuable?
 14 MR. VIRJEE: Objection. Vague as to time.
 15 Also calls for speculation as to what the districts may
 16 or may not think. And also vague and ambiguous as to
 17 whether they think it's useful or not.
 18 MS. READ SPANGLER: Join.
 19 THE WITNESS: I don't think I can answer that
 20 question, the percentage.
 21 Q. BY MR. ROSENBAUM: But the Department has
 22 never -- has the Department ever, to your knowledge, had
 23 discussions about eliminating self-reviews?
 24 MR. VIRJEE: Vague and ambiguous as to "the
 25 Department."

1 THE WITNESS: The Department throws me.
 2 Q. BY MR. ROSENBAUM: How about internally within
 3 CCR?
 4 A. My team of people, we talk, and we begin to
 5 refine and look at the evaluations and say, how can we
 6 refine this, how can we accommodate, and we have talked.
 7 Q. Okay.
 8 A. We have a committee.
 9 Q. Have you ever -- has it ever been discussed, we
 10 should eliminate self-reviews altogether?
 11 MR. VIRJEE: Has anybody ever said that?
 12 MR. ROSENBAUM: Yeah.
 13 MR. VIRJEE: Objection. Calls for speculation.
 14 MR. ROSENBAUM: I said in your experience.
 15 MR. VIRJEE: And also vague and overbroad as to
 16 whom might have said that.
 17 MR. ROSENBAUM: Go ahead.
 18 MR. VIRJEE: And also vague as to time.
 19 THE WITNESS: Not we should eliminate.
 20 Q. BY MR. ROSENBAUM: In your experience -- strike
 21 that.
 22 You think self-reviews -- strike that.
 23 You think that CCR serves a useful function for
 24 local boards of education?
 25 MR. VIRJEE: Objection. Calls for speculation.

1 Lacks foundation. Also vague and ambiguous as to
2 "useful function."
3 MS. READ SPANGLER: Join.
4 THE WITNESS: I don't know.
5 Q. BY MR. ROSENBAUM: Okay. How about for
6 principals at schools, do you think CCR serves a useful
7 function for that?
8 MR. VIRJEE: Same objection.
9 MS. READ SPANGLER: Join.
10 MR. VIRJEE: Vague and ambiguous. Calls for
11 speculation.
12 THE WITNESS: Principals?
13 MR. ROSENBAUM: Yes.
14 THE WITNESS: And what was the question?
15 Q. BY MR. ROSENBAUM: Does CCR serve a useful
16 function for principals?
17 MR. VIRJEE: Same objection.
18 THE WITNESS: Yes.
19 Q. BY MR. ROSENBAUM: Why is that?
20 A. Because they have gone through the self-review,
21 they acknowledge the fact, and they take ownership to
22 all of the programs that are in their schools and they
23 acknowledge the fact that they know more about their own
24 school than they ever knew before.
25 Q. By virtue of the self-review?

1 A. Yes.
2 Q. Okay. What about helping the children
3 themselves who are at the school, does CCR serve a
4 useful function for them?
5 MR. VIRJEE: Objection. Vague and ambiguous as
6 to "useful function" and helping the students. And also
7 vague as to time.
8 MS. READ SPANGLER: Calls for speculation.
9 THE WITNESS: According to the evaluations,
10 that is a statement on the evaluations, and, yes.
11 Q. BY MR. ROSENBAUM: And what's the basis of your
12 answer?
13 MR. VIRJEE: Other than what she testified to?
14 MS. READ SPANGLER: I think she just gave it to
15 you.
16 THE WITNESS: According to the evaluation.
17 Q. BY MR. ROSENBAUM: Can you tell me some
18 specific reasons that you think they're beneficial for
19 students?
20 MR. VIRJEE: Objection. Calls for speculation.
21 Lacks foundation vague as to time, and vague and
22 ambiguous as to "useful."
23 THE WITNESS: I can't really be specific what
24 they have said.
25 Q. BY MR. ROSENBAUM: Okay. Does CCR serve a

1 useful function in your judgment in terms of correcting
2 deficiencies as to the ways the schools are implementing
3 these 12 programs?
4 MR. VIRJEE: Objection. Vague as to time.
5 MS. READ SPANGLER: Deficiencies? Do you mean
6 areas of noncompliance?
7 THE WITNESS: Repeat your question.
8 MR. ROSENBAUM: Sure. I'll modify it.
9 Q. Regarding areas of noncompliance, do you think
10 CCR serves a useful function in correcting those areas,
11 making corrections in those areas?
12 A. Yes.
13 MR. VIRJEE: Objection. Vague as to time.
14 MS. READ SPANGLER: Join.
15 Q. BY MR. ROSENBAUM: Why do you think that?
16 A. Because we have that tracking system that not
17 only provides a status report to the various programs,
18 but it also provides a status report to the affected
19 LEAs.
20 Q. Okay.
21 MR. ROSENBAUM: Let's go off the record for
22 just a minute.
23 (Lunch recess taken.)
24 (Mr. Jordan now present.)
25 Q. BY MR. ROSENBAUM: How are you for this

1 afternoon?
2 A. As long as you need.
3 Q. Okay. Thank you.
4 I wanted to go back for just a couple of things
5 that I need some clarification on. You talked to me
6 about the fact that -- if I understood you correctly,
7 some districts would be reviewed every cycle; is that
8 right?
9 A. Every district is reviewed every cycle.
10 Q. And then some schools are reviewed every cycle;
11 is that right?
12 A. Not all schools are reviewed every cycle.
13 Q. But are there some schools that are reviewed
14 two consecutive cycles?
15 A. Maybe, but we try to avoid it.
16 Q. Do you know how often that happens?
17 MR. VIRJEE: Objection. Calls for speculation.
18 THE WITNESS: That we review it every cycle?
19 MR. ROSENBAUM: A school two cycles in a row.
20 THE WITNESS: It doesn't happen often.
21 Q. BY MR. ROSENBAUM: Can you think of any schools
22 that it does happen for?
23 A. I can't think of a particular school, but I
24 could give you a reason that it could have been
25 reviewed.

1 Q. Okay.
 2 A. That's because at another school there were no
 3 programs there, so we had no choice but to go to that
 4 school again.
 5 Q. If there were absolutely no programs; is that
 6 right?
 7 A. Right.
 8 Q. What about if a school was just way out of
 9 compliance, significant compliance problems, could that
 10 be grounds for going back to that same school the next
 11 cycle?
 12 A. Yes.
 13 Q. Does that happen?
 14 A. Yes.
 15 Q. How frequently would you say that happens?
 16 MR. VIRJEE: Objection. Calls for speculation.
 17 Also vague and ambiguous as to "frequently."
 18 THE WITNESS: I'm not sure about how
 19 frequently, but I know it does happen.
 20 Q. BY MR. ROSENBAUM: Can you think of any
 21 districts in which there have been schools in which
 22 that's happened?
 23 MR. VIRJEE: Objection. Vague as to time.
 24 THE WITNESS: I would have to -- no, I really
 25 can't.

1 Q. BY MR. ROSENBAUM: What about the Oakland
 2 School District?
 3 MS. READ SPANGLER: You need to keep your voice
 4 up so that she can hear you.
 5 THE WITNESS: Okay.
 6 Q. BY MR. ROSENBAUM: How about the Oakland School
 7 District?
 8 A. Where we went in two consecutive cycles?
 9 Q. To the same school.
 10 A. To the same school? I really can't recall.
 11 Q. Or San Francisco?
 12 A. I can't recall.
 13 Q. Or Los Angeles?
 14 A. Probably.
 15 Q. Why do you say that?
 16 A. Because I was a team leader, and I just sort of
 17 recall being at that school before.
 18 Q. What school are you thinking of?
 19 A. I can't -- I can't say.
 20 Q. What about Compton?
 21 A. You know, I would be guessing again. The
 22 school that comes to mind, Willow Brook.
 23 Q. What about Inglewood?
 24 A. No, I never went there.
 25 Q. Does CCR keep a list of each cycle of the

1 schools that were the subject of validation reviews?
 2 A. Yes.
 3 Q. Okay. And they did that all the way since
 4 you've been there, since 1994?
 5 A. Right.
 6 Q. And if I wanted -- is that in a file somewhere?
 7 A. I'm not sure what you mean by "file."
 8 Q. If I wanted to know since you've come to CCR in
 9 1994, what are the schools that have been subject to
 10 validation reviews, how would I find that?
 11 A. You would ask me, and then I would ask one of
 12 my staff to give you a report.
 13 Q. Okay. So there are documents that are
 14 maintained that list those schools; is that right?
 15 A. Yes, part of the tracking system.
 16 Q. Okay. Thank you. Walk me through this. The
 17 school prepares a self-review; is that right?
 18 A. Yes.
 19 Q. Okay. And do district personnel participate in
 20 that review?
 21 A. Yes.
 22 Q. Okay. And who are the players who actually
 23 typically are involved in the preparation of that
 24 self-review?
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "typically." Also calls for speculation.
 2 MS. READ SPANGLER: Join.
 3 Q. BY MR. ROSENBAUM: I don't mean the names of
 4 the people, I mean what are their typical
 5 responsibilities, like is the principal involved?
 6 MR. VIRJEE: Same objection.
 7 THE WITNESS: It's required that every program
 8 that is operated at every school conduct a self-review,
 9 so therefore there must be a representative for every
 10 program to conduct that review for that program.
 11 Q. BY MR. ROSENBAUM: And who else would
 12 participate?
 13 A. The principal would have to participate because
 14 he has to sign off on the form, as well as the LEA CCR
 15 coordinator, the designated LEA CCR coordinator.
 16 District staff may also participate because they're
 17 overseeing their programs that are at the site level.
 18 Q. Okay. And the self-review, that is done on
 19 forms that you present to them?
 20 A. That we -- yes.
 21 Q. And those forms are explained in the training
 22 sessions we were talking about?
 23 A. Yes.
 24 Q. And how often in your experience does it occur
 25 that a self-review comes back 100-percent compliance?

1 MR. VIRJEE: Objection. Vague and ambiguous as
2 to "100-percent compliance."
3 THE WITNESS: That would be difficult for me to
4 answer.
5 Q. BY MR. ROSENBAUM: The ones you've seen, in how
6 many instances have you seen a self-review that comes
7 back with no items of noncompliance?
8 A. Some, but I can't tell you how many.
9 Q. Okay. Would you say more or less than 10
10 percent?
11 A. You know, you would have to ask me which year.
12 Which year?
13 MR. VIRJEE: Vague as to time.
14 MR. ROSENBAUM: You get an honorary bar degree
15 at the end of this.
16 MS. LHAMON: Coaching a lawyer.
17 Q. BY MR. ROSENBAUM: What about this last cycle?
18 A. Quite a few came back with no issues of
19 noncompliance.
20 Q. Okay. When you say "quite a few," what do you
21 mean by that?
22 A. Well, let's see. Another guess.
23 MR. VIRJEE: We don't want you to guess.
24 MR. ROSENBAUM: I want your best judgment.
25 MR. VIRJEE: Only if you can give an estimate.

1 He doesn't want a guess, doesn't want speculation.
2 THE WITNESS: We review 2000 schools,
3 self-review, and my best estimate would be approximately
4 50 of those were completely compliant.
5 Q. BY MR. ROSENBAUM: 50 of those schools?
6 A. 50 of those 2000.
7 Q. You're not saying 50 percent, you're saying 50?
8 A. Right.
9 Q. And are there -- let me see if I understand
10 this. Is it correct to say that one of the ways the
11 self-review is broken down is by each of those 12 areas,
12 each of those 12 departments; is that right?
13 MR. VIRJEE: Departments or programs?
14 MR. ROSENBAUM: Programs. Thank you.
15 THE WITNESS: I'm not sure I understand your
16 question.
17 Q. BY MR. ROSENBAUM: The school does a
18 self-review as to special education, it does a
19 self-review as to Eisenhower, it does a self-review as
20 to each of those 12 programs; is that right?
21 A. That's right.
22 Q. In your experience, Mrs. Clark-Thomas, is there
23 certain of those many programs where you find the most
24 items of noncompliance?
25 MR. VIRJEE: Objection. Vague as to time.

1 Vague as to "most."
2 THE WITNESS: Gender equity.
3 Q. BY MR. ROSENBAUM: Gender equity. What else?
4 A. That's probably the most.
5 Q. What would you say second most?
6 MR. VIRJEE: Same objection. Vague as to time.
7 Vague as to "second most."
8 THE WITNESS: Consolidated programs.
9 Q. BY MR. ROSENBAUM: And can you define again for
10 me what you mean by "consolidated programs"?
11 MR. VIRJEE: Objection. Asked and answered.
12 MR. ROSENBAUM: It was, I just don't recall it
13 exactly. I'd appreciate it.
14 THE WITNESS: It's a number of programs, about
15 seven or eight, and it's consolidated because we brought
16 them together under one program so that you won't have
17 nine, and that would be Title 1, et cetera.
18 Q. BY MR. ROSENBAUM: That includes the English
19 learner program?
20 A. Yes.
21 Q. Your team looks at the self-reviews; is that
22 right?
23 A. Yes.
24 Q. What do you do? Walk me through what your team
25 would do.

1 A. What the team would do?
2 MR. VIRJEE: So we make it clear, what team are
3 we're talking about now, because she said she has the
4 verification team and she's also got her work teams at
5 the office.
6 Q. BY MR. ROSENBAUM: There are seven teams; is
7 that right?
8 A. Yes.
9 Q. And one of the responsibilities of those seven
10 teams is to review the self-reviews; is that right?
11 MS. READ SPANGLER: Objection. Misstates her
12 testimony.
13 MR. VIRJEE: Objection. Misstates her
14 testimony.
15 Q. BY MR. ROSENBAUM: Is that right or not?
16 A. One of the responsibilities is to read and rate
17 the self-reviews.
18 Q. Okay. And for what purpose do they rate the
19 self-reviews?
20 A. To determine the quality of the self-review, to
21 give it a score of a 3, 2, 1 or zero, 3 being the
22 highest, and then to add that to our criteria for site
23 collection.
24 Q. Okay. That rating of the self-review, that is
25 done without an actual site visit taking place; is that

1 right?

2 A. Exactly. Right.

3 Q. Okay. I know you said this to me, but I want
4 to get this sequentially. Not all of these 2000 schools
5 that are the subject of self-reviews are then the
6 subject of a site visit; is that right?

7 A. Not all will get a site visit.

8 Q. They all have potential, but not all of them
9 get it?

10 A. Right.

11 Q. And say we're talking about the last cycle.
12 How many of those actually had a site visit?

13 MR. VIRJEE: Objection. Asked and answered.

14 THE WITNESS: That's related to a question you
15 asked before.

16 Q. MR. ROSENBAUM: Right.

17 THE WITNESS: Again, we tried to avoid going to
18 the same school twice if at all possible, so we have to
19 apply all criteria for the year and under the
20 circumstances during that year.

21 Q. BY MR. ROSENBAUM: Okay. Returning to those
22 criteria that you talked to me about before. One was a
23 history of noncompliance; is that right?

24 A. Yes.

25 Q. What does that mean?

1 A. Looking back at four years how they did on the
2 self-review, were there any issues -- not self-review,
3 validation review, were there any issues of
4 noncompliance, how long did it take the district to come
5 into compliance.

6 Q. How long did it take the district or how long
7 did it take the school?

8 A. Well, the district is responsible for the
9 school.

10 Q. Okay. How does that work, is it the longer it
11 takes to get into compliance, the more likely that the
12 school would be revisited?

13 A. We would think that there are some problems
14 there.

15 Q. Okay.

16 A. Or maybe they were unwilling.

17 Q. Unwilling to take the corrective measures that
18 were recommended; is that right?

19 A. Yes.

20 Q. Taking, for example, the last cycle, how often
21 did that occur?

22 MR. VIRJEE: Objection. Vague and ambiguous.
23 Calls for speculation.

24 THE WITNESS: I really can't recall.

25 Q. BY MR. ROSENBAUM: Okay. Would there be any --

1 if I wanted to find out how many schools in a particular
2 cycle were unwilling to come into compliance, how would
3 I find that out?

4 MR. VIRJEE: Objection. Calls for speculation.

5 THE WITNESS: You wouldn't find unwilling
6 written as such, but you would find the compliance
7 history and how long it took them. It's our judgment
8 that they were unwilling based upon what a consultant
9 says or a program person had said in their dealings and
10 working with them.

11 Q. BY MR. ROSENBAUM: Is there a reason why it
12 doesn't say "unwilling"?

13 MR. VIRJEE: Objection. Calls for speculation.

14 MS. READ SPANGLER: Join.

15 THE WITNESS: No particular reason.

16 Q. BY MR. ROSENBAUM: Okay. And do you personally
17 apply certain criteria regarding the length of time it
18 takes a district to come into compliance to decide in
19 your own mind whether or not the district is willing or
20 unwilling? How do you figure it out?

21 A. Let's see. It's based upon we have home unit
22 coordinators and managers meetings, and the reports that
23 I ask to be generated for the purpose of that meeting to
24 look at the status of the issues of noncompliance and
25 the criteria of you must come into compliance within 45

1 days, did they meet that, or you must enter into an
2 agreement within 180 days, or it's now 225 days, et
3 cetera, et cetera, and a conversation in that meeting
4 with the program person, what's wrong, what's happening
5 with this district, what kind of contact, what kind of
6 communication have you had. So it's not only that
7 program, but it's maybe three or four other programs who
8 are having the same problem.

9 Q. In the same district?

10 A. In the same district.

11 Q. In the same schools?

12 A. Maybe not school. We look at districts. We
13 really look at the district. And the district remains
14 noncompliant until all schools are in compliance.

15 Q. Based on your personal experience, sitting here
16 today, tell me please what are the districts that you
17 think are the most unwilling to come into compliance?

18 MR. VIRJEE: Objection. Vague as to time.
19 Also calls for speculation. Lacks foundation.

20 MS. READ SPANGLER: Join.

21 THE WITNESS: I really can't say. I can't say
22 which district.

23 Q. BY MR. ROSENBAUM: Can you name any of the
24 problem districts?

25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "problem districts." Vague as to time.
 2 MS. READ SPANGLER: Join.
 3 MR. STURGES: Calls for speculation.
 4 THE WITNESS: I have a feeling of one, and it
 5 seems like troubles --
 6 Q. BY MR. ROSENBAUM: Which one is that?
 7 A. Inglewood.
 8 Q. Any others?
 9 A. No.
 10 Q. Why Inglewood?
 11 MR. VIRJEE: Objection. Vague and ambiguous.
 12 THE WITNESS: It just seems when we meet as a
 13 group, there's a lot of discussion about we've tried
 14 this, I don't know what else to do, quote, unquote, what
 15 else can we do with this district. They claim they did
 16 this, they did not do that.
 17 Q. BY MR. ROSENBAUM: When you say --
 18 A. It's just conversations with the various
 19 consultants who have had contact with them.
 20 Q. When you say "we've tried this," what do you
 21 mean by that?
 22 A. We've tried providing them with technical
 23 assistance or providing them with the correct forms to
 24 use or providing them with the procedures that they
 25 should be following, and yet we get nothing back based

1 students were not receiving a core curriculum, was that
 2 true just in the 12 program so far as you know, or was
 3 it also true for students who were not in those 12
 4 programs?
 5 MR. VIRJEE: Objection. Calls for speculation.
 6 Lacks foundation.
 7 MS. READ SPANGLER: Join.
 8 THE WITNESS: If they were found to be
 9 noncompliant in that particular area, it was systemic.
 10 If it had been in one program, it would not have been
 11 cited.
 12 Q. BY MR. ROSENBAUM: When you say "systemic,"
 13 what do you mean by that?
 14 A. More than one program had to acknowledge or
 15 substantiate the fact that my students or my program is
 16 not getting the core curriculum either.
 17 Q. Now, did you -- did CCR investigate whether or
 18 not students were receiving core curriculum if they
 19 weren't part of one of those 12 programs?
 20 MR. VIRJEE: At Inglewood?
 21 MR. ROSENBAUM: At Inglewood.
 22 MR. VIRJEE: Objection. Calls for speculation.
 23 Lacks foundation. Vague as to time.
 24 MR. ROSENBAUM: I appreciate that objection.
 25 Let me restate my question.

1 upon the information that we have given them.
 2 Q. Over what period of time has Inglewood been a
 3 concern to CCR?
 4 MR. VIRJEE: Objection. Calls for speculation.
 5 Lacks foundation.
 6 MS. READ SPANGLER: Misstates her testimony.
 7 MR. STURGES: Join in the misstates testimony.
 8 MR. VIRJEE: Also vague and ambiguous as to
 9 "concern."
 10 THE WITNESS: I wouldn't be able to say.
 11 Q. BY MR. ROSENBAUM: More than a year?
 12 A. Yes.
 13 MR. VIRJEE: Same objections.
 14 Q. BY MR. ROSENBAUM: More than three years?
 15 A. Probably.
 16 Q. More than five years?
 17 A. I'm not sure.
 18 MR. VIRJEE: Same objections.
 19 Q. BY MR. ROSENBAUM: You found -- CCR found in
 20 Inglewood that students were not receiving a core
 21 curriculum; isn't that right?
 22 MS. READ SPANGLER: Objection. Misleading.
 23 Misstates her testimony.
 24 THE WITNESS: I do remember that.
 25 Q. BY MR. ROSENBAUM: Was that -- the fact that

1 Q. First of all, CCR discovered that there were
 2 students in more than one of the 12 programs that were
 3 not receiving core curriculum; is that right?
 4 MR. VIRJEE: Objection. Calls for speculation
 5 lacks foundation.
 6 THE WITNESS: Yes.
 7 Q. BY MR. ROSENBAUM: And, in fact, they were not
 8 receiving core curriculum in any of the consolidated
 9 programs; isn't that right?
 10 MS. READ SPANGLER: Objection; leading.
 11 THE WITNESS: That, I don't know.
 12 Q. BY MR. ROSENBAUM: Did CCR undertake an
 13 investigation to determine if students were receiving
 14 core curriculum if they were not students who were part
 15 of those 12 programs?
 16 MR. VIRJEE: Objection. Vague and ambiguous.
 17 Calls for speculation.
 18 Other than what she's already testified to?
 19 MR. ROSENBAUM: Well, I'm just asking a
 20 question.
 21 MS. READ SPANGLER: Vague and ambiguous. Vague
 22 and ambiguous as to the term "investigation."
 23 MR. ROSENBAUM: Go ahead.
 24 THE WITNESS: In order to make the judgment of
 25 whether those students, specially-funded students are

1 receiving the core curriculum, you first have to
 2 establish that there is a core curriculum, which in my
 3 understanding there was no core curriculum. But if
 4 there was, then you have to establish the fact that
 5 other students, general ed students are receiving some
 6 kind of standards, some kind of curriculum, and yet the
 7 programs they found in Inglewood or any school district
 8 noncompliant, they would find them noncompliant because
 9 those programs were not receiving it.
 10 Q. BY MR. ROSENBAUM: I appreciate that a lot.
 11 Let me see if I understand. In Inglewood were general
 12 ed students receiving core curriculum?
 13 MR. VIRJEE: Objection. Calls for speculation.
 14 Lacks foundation. Vague as to time.
 15 MS. READ SPANGLER: Join.
 16 MR. ROSENBAUM: I'll withdraw the question.
 17 Q. Did CCR undertake any sort of investigation or
 18 inquiry to determine if students in general education
 19 were receiving a core curriculum?
 20 MR. VIRJEE: Objection. Asked and answered.
 21 She just answered that two questions ago.
 22 MS. READ SPANGLER: And overbroad as to time.
 23 MR. ROSENBAUM: Go ahead.
 24 THE WITNESS: See, I can't answer that question
 25 just for Inglewood. My answers that I have been giving

1 you are general to the process, except for the very
 2 first question that you asked about Inglewood, was it
 3 noncompliant. I remembered that, yes, it was
 4 noncompliant. From there, any other answers that I have
 5 given you are general to the process.
 6 Q. BY MR. ROSENBAUM: Now, have you communicated
 7 about Inglewood Unified School District to the State
 8 Board of Education?
 9 A. No.
 10 Q. Why not?
 11 MR. VIRJEE: "You" being?
 12 Q. BY MR. ROSENBAUM: I'm sorry. Have you
 13 personally done it?
 14 A. No.
 15 Q. Has CCR so far done it?
 16 A. I believe program representatives did, for
 17 example, consolidated programs perhaps.
 18 Q. They talked to somebody at the State Board of
 19 Education about Inglewood?
 20 MR. STURGES: Objection. Calls for
 21 speculation.
 22 MS. READ SPANGLER: Calls for speculation.
 23 MR. VIRJEE: Lacks foundation.
 24 THE WITNESS: That would be an assumption on my
 25 part.

1 Q. BY MR. ROSENBAUM: Did you ever give a
 2 directive to anyone in CCR, talk to somebody at the
 3 State Board of Education about Inglewood?
 4 A. No.
 5 MR. VIRJEE: Objection. Vague and ambiguous as
 6 to "within CCR."
 7 Q. BY MR. ROSENBAUM: Why not?
 8 A. Not part of my responsibility.
 9 Q. And explain to me why that's not part of your
 10 responsibility.
 11 A. That direction would have to come from my boss,
 12 whoever that might be at that time.
 13 Q. Did you ever go to your boss, Mr. -- Dr. --
 14 A. Greenfeld.
 15 Q. -- Greenfeld, and say to him, I think it might
 16 be a good idea if we talked to somebody at the State
 17 Board of Education about Inglewood?
 18 A. No.
 19 Q. Why didn't you do that?
 20 A. Again, it's --
 21 MS. READ SPANGLER: Hang a second. Objection.
 22 Incomplete hypothetical. Calls for speculation.
 23 THE WITNESS: Not part of my responsibility.
 24 There's a home unit managers meeting that occurs. I
 25 produce the reports, the discussion takes place there as

1 to the next step for specific schools.
 2 Q. BY MR. ROSENBAUM: Was there a meeting, a unit
 3 managers meeting at which you recall the subject of
 4 Inglewood being discussed?
 5 A. I can't recall.
 6 MR. VIRJEE: Objection. Other than what she's
 7 already testified to? Asked and answered.
 8 MR. ROSENBAUM: No. No, I don't think we've
 9 talked about unit managers meetings.
 10 MR. VIRJEE: That's exactly what she talked
 11 about.
 12 Q. BY MR. ROSENBAUM: Has there been a meeting, to
 13 your knowledge, involving unit managers at which
 14 Inglewood was discussed?
 15 A. Yes.
 16 Q. More than one meeting?
 17 A. I can't recall.
 18 Q. Okay. What do you recall being discussed about
 19 Inglewood?
 20 A. Just the fact that is noncompliant, it has been
 21 noncompliant for some time and we, meaning the managers
 22 and the program managers and the deputies, need to do
 23 something, we call it joint handling, where they'll move
 24 from one stage -- we have a stage system -- to another
 25 stage.

1 Q. When did this meeting take place?
 2 A. I can't recall.
 3 Q. Was it within this calendar year?
 4 A. Calendar year meaning July?
 5 Q. January.
 6 A. January, no.
 7 Q. Was it the year 2000?
 8 A. Probably.
 9 Q. Sometime around July?
 10 A. Well, I'm not sure what month, but probably
 11 year 2000.
 12 Q. Okay. Do you know if it was the beginning of
 13 the year or the end of the year, the middle of the year?
 14 A. No, I don't.
 15 Q. Okay. And you were present at this meeting?
 16 A. Yes.
 17 Q. And was Dr. Greenfeld present at the meeting?
 18 A. I can't recall.
 19 Q. To your knowledge, what, if any follow-up was
 20 done as a result of that meeting?
 21 MR. VIRJEE: Objection. Calls for speculation.
 22 Lacks foundation.
 23 THE WITNESS: I don't know.
 24 Q. BY MR. ROSENBAUM: Okay. Do you know
 25 Mrs. Clark-Thomas, is Inglewood still -- strike that.

1 Do you know if students at Inglewood now are
 2 not receiving core curriculum?
 3 MR. VIRJEE: Objection. Calls for speculation.
 4 THE WITNESS: I'm not sure. A lot of the
 5 questions you asked me I can get answers to because of
 6 my tracking system, but I'm not sure.
 7 MS. READ SPANGLER: He's just asking you what
 8 you know today.
 9 Q. BY MR. ROSENBAUM: Okay. Do you know if there
 10 are plans to do a validation site visit at Inglewood
 11 this cycle?
 12 A. I think they're in the 2001, 2002 cycle.
 13 Q. And what team is assigned to that?
 14 A. Team 6.
 15 Q. Are you part of team 6? You're not.
 16 That's a stupid question. Are you part of team
 17 6?
 18 A. All of them, wherever the large districts are.
 19 Q. So you're part of it?
 20 A. I could be.
 21 Q. Now, based on your experience -- strike that.
 22 The absence of core curriculum, is that from
 23 grades K through 12?
 24 A. Yes, it is K through 12.
 25 MR. VIRJEE: Are you asking -- I'm sorry, I'm

1 going to ask for clarification. Are you asking at
 2 Inglewood was the issue of a lack of core curriculum K
 3 to 12, or are you asking generally whether they examined
 4 K to 12?
 5 MR. ROSENBAUM: I'm talking about at Inglewood.
 6 THE WITNESS: Oh, at Inglewood? I don't know.
 7 Q. BY MR. ROSENBAUM: Do you know what grades
 8 there was an absence of core curriculum?
 9 A. No, I don't. I don't know. You're speaking is
 10 specifically of Inglewood?
 11 Q. Right.
 12 A. No.
 13 Q. If there was an absence of core curriculum, you
 14 can't tell me which grades were affected; is that right?
 15 A. No, I cannot.
 16 Q. Were there classrooms -- strike that.
 17 Do you know, Mrs. Clark-Thomas, whether or not
 18 there were classrooms at Inglewood in the Inglewood
 19 Unified School district where students did not receive
 20 textbooks?
 21 MR. VIRJEE: Objection. Calls for speculation.
 22 Lacks foundation. Also vague as to time.
 23 MS. READ SPANGLER: Join on vague as to time.
 24 MR. ROSENBAUM: Go ahead.
 25 THE WITNESS: I don't know.

1 Q. BY MR. ROSENBAUM: Okay. Are you never made
 2 any inquiry?
 3 A. No.
 4 Q. Okay. Why not?
 5 MS. READ SPANGLER: Just to back up. When you
 6 said "you," you mean her personally?
 7 MR. ROSENBAUM: I mean her personally.
 8 THE WITNESS: No.
 9 Q. BY MR. ROSENBAUM: Okay. Based on the
 10 practices of CCR and how your people were trained, are
 11 your people trained to -- directed to find out if
 12 students in classrooms receive textbooks?
 13 A. You're talking about Inglewood?
 14 Q. Let's start with Inglewood, yes.
 15 A. Or in general?
 16 Q. Let's start with Inglewood.
 17 A. I can't speak about Inglewood specifically.
 18 Q. Okay. Is there an item -- you have forms that
 19 are supposed to be filled out with respect to validating
 20 self-reviews; is that right?
 21 A. That's right.
 22 Q. And there are also self-review forms that
 23 individuals within the district are supposed to fill
 24 out?
 25 A. Correct.

1 Q. And they have lots of different items to answer
 2 to; is that right?
 3 A. Correct.
 4 Q. Okay. Is there an item on the self-review
 5 forms that asks whether or not students in classrooms
 6 receive textbooks?
 7 MR. VIRJEE: Those exact words?
 8 MR. ROSENBAUM: In sum or substance.
 9 MR. VIRJEE: Objection. Calls for speculation.
 10 Vague and ambiguous. Also the documents speak for
 11 themselves.
 12 THE WITNESS: Not those exact words.
 13 Q. BY MR. ROSENBAUM: Why is that?
 14 MR. VIRJEE: Same objection.
 15 THE WITNESS: We use other words that could be
 16 inclusive of.
 17 Q. BY MR. ROSENBAUM: Okay. Has there ever been
 18 any discussion among you and your staff or your
 19 superiors about whether or not it would be a good idea
 20 to include on the self-review forms an item, do students
 21 in classrooms receive textbooks?
 22 MR. VIRJEE: Those exact words?
 23 MR. ROSENBAUM: In sum or substance?
 24 MR. VIRJEE: Objection. Vague and ambiguous as
 25 to "sum or substance." She has already testified there

1 are other words on there that could be used for that.
 2 THE WITNESS: Has there been any discussion?
 3 Q. BY MR. ROSENBAUM: Should we include an item on
 4 the self-review form that asks in sum or substance, do
 5 students in classrooms receive textbooks?
 6 MR. VIRJEE: Objection. Vague and ambiguous.
 7 She's already said that there is information on there.
 8 MR. ROSENBAUM: You're overstepping your
 9 bounds.
 10 MS. READ SPANGLER: I tend to agree, because
 11 she did say there's something that could include that.
 12 MR. ROSENBAUM: I'm entitled to ask my
 13 question.
 14 MS. READ SPANGLER: I think your question is
 15 confusing.
 16 MR. ROSENBAUM: Maybe it is. Go ahead. You
 17 can answer the question.
 18 MS. READ SPANGLER: If you can answer the
 19 question.
 20 MR. STURGES: I think it's an incomplete
 21 hypothetical. It's based on the assumption that the
 22 forms do not say what you're quoting.
 23 MS. READ SPANGLER: I'll join in that.
 24 MR. ROSENBAUM: I'm entitled to ask my
 25 question. This is an extremely knowledgeable and

1 forthcoming witness, and I want her to answer the
 2 question.
 3 Q. Has there ever been any discussion to your
 4 knowledge in all the years that you've been associated
 5 with CCR in which the subject has been raised, should we
 6 include on the self-review form an item that says, do
 7 students in classrooms receive textbooks?
 8 MR. VIRJEE: In sum and substance?
 9 MR. ROSENBAUM: Sum and substance.
 10 MR. VIRJEE: Objection. Assumes facts not in
 11 evidence. Assumes that doesn't include that already.
 12 MS. READ SPANGLER: Join.
 13 MR. STURGES: Join.
 14 THE WITNESS: Not that specific question.
 15 Q. BY MR. ROSENBAUM: Okay. How about with
 16 respect to the validation forms, has there ever been any
 17 discussion, should we include on the validation forms an
 18 entry which asks whether or not students receive
 19 textbooks in classrooms?
 20 MR. VIRJEE: Objection. Assumes facts not in
 21 evidence. Also vague and ambiguous.
 22 MS. READ SPANGLER: Incomplete hypothetical.
 23 THE WITNESS: Validation forms and the
 24 self-review forms are the same.
 25 Q. BY MR. ROSENBAUM: So the answer is the same?

1 A. Yes.
 2 Q. Okay. Now, is there an item on the self-review
 3 forms that asks in sum or substance whether or not
 4 students receive textbooks that are current?
 5 MR. VIRJEE: Objection. Asked and answered --
 6 excuse me, withdraw that objection. Objection. Vague
 7 and ambiguous.
 8 THE WITNESS: Repeat that question.
 9 Q. BY MR. ROSENBAUM: Sure. On the self-review
 10 form is there a question or an item as to whether or not
 11 students receive textbooks that are current?
 12 MR. VIRJEE: In sum and substance?
 13 MR. ROSENBAUM: Yes.
 14 MR. VIRJEE: Objection. Vague and ambiguous.
 15 MS. READ SPANGLER: And vague and ambiguous as
 16 to the term "current."
 17 THE WITNESS: That particular question is not
 18 on the form.
 19 Q. BY MR. ROSENBAUM: Okay. And is there an item
 20 on the -- strike that.
 21 With respect to the current textbook item that
 22 we were just discussing, has there ever been any
 23 discussion, to your knowledge, among CCR personnel about
 24 whether or not it might be a good idea to include an
 25 item as to whether or not students receive textbooks

1 that are current?

2 MR. VIRJEE: Objection. Assumes facts not in
3 evidence. Assumes that's not already on the form.

4 MS. READ SPANGLER: Join.

5 THE WITNESS: That's a -- that's a difficult --
6 how do I answer that question?

7 MS. READ SPANGLER: It's a yes or no question.

8 THE WITNESS: Oh, yes or no. No.

9 Q. BY MR. ROSENBAUM: Okay. Is there an item on
10 the self-review form that asks whether or not students
11 receive textbooks that they can take home for purposes
12 of study?

13 MR. VIRJEE: Objection. Vague and ambiguous.

14 THE WITNESS: No.

15 Q. BY MR. ROSENBAUM: Has there ever been any
16 discussion in your experience about whether it would be
17 advisable to include such an item?

18 MR. VIRJEE: Objection. Assumes facts not in
19 evidence. Vague and ambiguous.

20 MS. READ SPANGLER: Incomplete hypothetical.

21 THE WITNESS: With the use of the word
22 "textbook," no.

23 Q. BY MR. ROSENBAUM: Okay. With the use of --
24 were you thinking of another word or words?

25 A. (Witness nods head).

1 Q. What was that?

2 A. Materials.

3 Q. And is there an item on the self-review form
4 that asks whether or not students receive materials that
5 they can take home for purposes of study?

6 MR. VIRJEE: Objection. The document speaks
7 for itself.

8 MS. READ SPANGLER: Join.

9 THE WITNESS: Yes.

10 Q. BY MR. ROSENBAUM: Okay. And what does that
11 item say?

12 MR. VIRJEE: Objection. The document speaks
13 for itself.

14 MR. ROSENBAUM: As far as you remember.

15 THE WITNESS: I can't recall. I guess I should
16 say I don't know because I can't verbatim tell you what
17 that --

18 Q. BY MR. ROSENBAUM: What's your best
19 recollection as to what it says?

20 MR. VIRJEE: Same objection. The document
21 speaks for itself.

22 MS. READ SPANGLER: Join.

23 THE WITNESS: My best guess --

24 MS. READ SPANGLER: He's asking if you can
25 paraphrase, basically. And if you think you can

1 accurately, that's fine, as long as we know you're
2 paraphrasing, but otherwise we'd probably need to
3 refresh her recollection with a document.

4 THE WITNESS: Are students receiving the
5 appropriate supplemental and instructional services as
6 well as appropriate materials, paraphrasing.

7 Q. BY MR. ROSENBAUM: Okay. Why is that an
8 important question to ask?

9 MR. VIRJEE: Objection. Calls for speculation.

10 MS. READ SPANGLER: And misstates her
11 testimony.

12 MR. ROSENBAUM: I'll withdraw the question.

13 Q. Do you think that's an important question to
14 ask for the purposes of CCR?

15 A. Yes.

16 Q. Why is that?

17 A. We want to ensure, once again, that
18 specially-funded students are receiving an appropriate
19 education, and the only way we can ensure that is to
20 ensure that they have the appropriate materials and they
21 have an appropriate instructional delivery system, and
22 that's why it's important.

23 Q. And how does that item relate to the importance
24 that you're describing?

25 A. I don't understand your question.

1 MR. STURGES: Objection. Incomprehensible.

2 Q. BY MR. ROSENBAUM: Was there ever any thought
3 given to adding the word "textbooks" to that item, such
4 as receiving textbooks and other materials or other
5 supplemental materials?

6 A. Not that I recall.

7 MR. VIRJEE: Objection. Calls for speculation.

8 MS. READ SPANGLER: Join.

9 Q. BY MR. ROSENBAUM: Would it work any hardship
10 or prejudice to include the word "textbooks," so far as
11 you know?

12 MS. READ SPANGLER: Objection. Calls for
13 speculation.

14 MR. VIRJEE: Objection. Calls for speculation.

15 THE WITNESS: I don't know.

16 Q. BY MR. ROSENBAUM: Can you think of any,
17 sitting here today?

18 A. I can't think of any.

19 Q. Now, to your knowledge -- incidentally, the
20 item that you told me about, the supplemental and other
21 appropriate materials -- you know what I'm referring to,
22 right?

23 A. Yes.

24 Q. You think asking that question infringes on the
25 local autonomy of school boards?

1 MR. VIRJEE: Objection. Calls for speculation.
 2 Vague and ambiguous. Lacks foundation.
 3 THE WITNESS: I don't know.
 4 MS. READ SPANGLER: Join.
 5 Q. BY MR. ROSENBAUM: Can you think of any way
 6 that would impair, obstruct the local authority of local
 7 school districts?
 8 MR. VIRJEE: Same objection. Lacks foundation.
 9 Calls for speculation.
 10 MS. READ SPANGLER: Join.
 11 THE WITNESS: No.
 12 Q. BY MR. ROSENBAUM: Is that a reasonable thing
 13 for CCR to want to know as far as carrying out your
 14 mission?
 15 MR. VIRJEE: Objection. Vague and ambiguous as
 16 to "reasonable." Calls for speculation. Lacks
 17 foundation.
 18 MS. READ SPANGLER: Join.
 19 THE WITNESS: Is it a reasonable? Yes.
 20 Q. BY MR. ROSENBAUM: Why is that?
 21 A. I think it goes back to my answer that all
 22 students should have an equal educational opportunity
 23 with the appropriate supplemental services, materials,
 24 et cetera.
 25 Q. When you use the phrase appropriate services

1 A. Initially I'm thinking of students who might
 2 need amplification, who might need computers. Science
 3 laboratory types of materials or equipment, that could
 4 be in the realm of equipment as well. That's all I can
 5 think of.
 6 Q. Why do you say science laboratories?
 7 A. Well, because when you go into a good science
 8 class, you want to see the appropriate equipment to do
 9 experiments.
 10 Q. That's how you learn science?
 11 A. Pardon me?
 12 Q. That's how you learn science?
 13 MR. VIRJEE: Objection. Calls for speculation.
 14 MS. READ SPANGLER: Join.
 15 MR. VIRJEE: Lacks foundation.
 16 Q. BY MR. ROSENBAUM: Is that right?
 17 A. That's only part of it.
 18 Q. But it's part of it?
 19 A. Uh-huh.
 20 Q. You're saying yes?
 21 MS. READ SPANGLER: You said "uh-huh," and he
 22 needs an audible.
 23 THE WITNESS: Yes.
 24 Q. BY MR. ROSENBAUM: Now, Mrs. Clark-Thomas, in
 25 your experience, have you been in classrooms where

1 and materials, what services and materials would you
 2 include?
 3 A. It's whatever services and materials that meet
 4 their needs, where they can progress at their own pace
 5 and meet the standards and the expectations that have
 6 been set forth.
 7 Q. That would include textbooks?
 8 MR. VIRJEE: Objection. Calls for speculation.
 9 Overbroad.
 10 THE WITNESS: Yes.
 11 Q. BY MR. ROSENBAUM: And other instructional
 12 materials?
 13 MR. VIRJEE: Same objection. Calls for
 14 speculation. Overbroad.
 15 THE WITNESS: Yes.
 16 Q. BY MR. ROSENBAUM: Okay. What other sorts of
 17 instructional materials?
 18 A. Looking at -- in the classroom looking at what
 19 is in their portfolios, any materials that the teachers
 20 are using to improve writing, math, all of those skills,
 21 necessary skills, materials, equipment that might be
 22 needed. That's all I can think of right now.
 23 Q. Can you give me some examples,
 24 Mrs. Clark-Thomas, of the sorts of equipment that you're
 25 thinking about when you use the word "equipment"?

1 students did not have textbooks?
 2 A. Yes.
 3 Q. On more than one occasion?
 4 A. One I can think of at this time.
 5 MR. STURGES: Are we off the Inglewood
 6 questions at this point?
 7 MR. ROSENBAUM: I am, yeah.
 8 THE WITNESS: Yeah, you're off of Inglewood
 9 because I haven't been to Inglewood.
 10 MR. VIRJEE: So you've never been to Inglewood?
 11 THE WITNESS: No.
 12 MR. VIRJEE: That's a good point.
 13 Q. BY MR. ROSENBAUM: What school or district was
 14 that?
 15 A. LA Unified.
 16 Q. Okay. Do you remember the name of the
 17 particular school that was?
 18 A. I can't. I can't remember the name of the
 19 school.
 20 Q. Okay. What did this happen?
 21 A. Last year.
 22 Q. Last calendar year, 2000?
 23 A. We just finished an LA Unified School District
 24 review in January, which would be 2000, 2001 cycle.
 25 MR. VIRJEE: Clarification. January 2000 or

1 January 2001?
 2 THE WITNESS: Okay. Thank you. January 2001.
 3 So that would have been January of 2000, January or
 4 February of 2000, because we were there for two weeks,
 5 went into February.
 6 Q. BY MR. ROSENBAUM: You went into the Los
 7 Angeles Unified School District?
 8 A. Yes.
 9 Q. Do you remember what grade it was?
 10 A. It was the special education class.
 11 Q. Do you remember was it an elementary school or
 12 a middle school or a high school?
 13 A. Elementary.
 14 Q. You don't recall the name of the school?
 15 A. I don't.
 16 Q. Okay. How do you know that the students didn't
 17 have textbooks?
 18 A. The teacher told me.
 19 Q. You specifically asked the teacher that?
 20 MS. READ SPANGLER: Objection. Leading.
 21 Misstates her testimony.
 22 THE WITNESS: She walked outside of the room,
 23 asked me to step out, and she told me.
 24 Q. BY MR. ROSENBAUM: She called you aside?
 25 A. Yes.

1 Q. What did she say to you?
 2 MR. JORDAN: Could we have clarification as to
 3 who?
 4 Q. BY MR. ROSENBAUM: What did the teacher say to
 5 you?
 6 MR. JORDAN: I'm asking for a foundation of the
 7 name of the teacher.
 8 MR. ROSENBAUM: We'll get to that.
 9 Q. Do you remember the name of the teacher?
 10 A. No.
 11 Q. And what did this teacher say to you?
 12 A. She just said, I don't have any materials, I
 13 don't have textbooks. And I hadn't finished my review
 14 of the classroom when she asked me if I would step out,
 15 and I let her talk and then I went back in and just
 16 examined the classroom.
 17 Q. What did you examine? How did you go about
 18 that examination?
 19 A. When we are in classrooms, we first look at the
 20 work, what the child is doing, we observe the teacher to
 21 see that the teacher is teaching what we see the child
 22 doing, if it's related, and ask questions of the
 23 students, what are you doing, what are you working on at
 24 this time, and compare that to what we know of the
 25 curriculum that has already been established by the

1 district, which we already have some information on, and
 2 just observe the classroom environment and look at the
 3 materials, look at portfolios, samples of work, if there
 4 are any, and basically that's it.
 5 Q. And when you were in that classroom, how long
 6 had you been in that classroom before the teacher called
 7 you aside?
 8 A. Approximately -- we usually spend about 20
 9 minutes in a classroom. I had been in there maybe about
 10 five minutes.
 11 Q. Okay. And what did you tell her when she said
 12 that to you?
 13 A. I said, thank you for your observation, I will
 14 go back in and I'll complete my observations and make
 15 note of it accordingly, meaning that we usually have a
 16 debriefing with the principal and his leadership staff.
 17 Q. Did you make a written notation that students
 18 in that classroom did not have textbooks or other
 19 materials?
 20 A. You know, I don't recall.
 21 Q. What would be your practice? Let me strike
 22 that.
 23 Do you have a specific practice as to whether
 24 or not you would note that?
 25 A. We have a practice to note what may not be an

1 item in what we call a summary of findings.
 2 Q. Okay. And what she told you, you would
 3 classify that as not an item; is that right?
 4 A. It probably was not an item.
 5 Q. And why is that?
 6 A. It was something I could talk to the principal
 7 and the district about, and it wasn't a systemic problem
 8 because the other team members did not -- and I neither
 9 found that to be true in other classrooms that we
 10 visited.
 11 (Mr. Reed left the room.)
 12 Q. BY MR. ROSENBAUM: Did you yourself
 13 specifically inquire in other classrooms as to whether
 14 or not other students had textbooks?
 15 A. Yes.
 16 Q. How many other classrooms did you visit?
 17 MR. VIRJEE: At that school?
 18 MR. ROSENBAUM: Uh-huh. All these questions,
 19 until I say otherwise, are about this school.
 20 MR. VIRJEE: She had been talking about LA
 21 Unified, that's why I'm asking.
 22 THE WITNESS: At that school, LA Unified?
 23 MR. ROSENBAUM: Right.
 24 THE WITNESS: You know, I can't answer that
 25 because we tried to go into all of the classrooms, not

1 me as an individual, but the team, to cover every
 2 classroom. I can't remember how many I went into, you
 3 know, specifically.
 4 Q. BY MR. ROSENBAUM: When you say "all the
 5 classrooms," do you mean all the classrooms where there
 6 are students in these 12 programs?
 7 A. Just all of the classrooms. We try to cover
 8 every classroom.
 9 Q. Including the general ed classes?
 10 A. Oh, yes.
 11 MR. VIRJEE: Objection. Vague and ambiguous.
 12 Q. BY MR. ROSENBAUM: And how much time do you
 13 actually spend visiting classroom -- strike that.
 14 You make a calendar and then you set up a
 15 schedule with what you're going to do with respect to
 16 the validation review; is that right?
 17 A. Yes.
 18 Q. And part of that calendar deals with how much
 19 time you're going to spend in classrooms?
 20 A. The schedule allows up to two hours to visit
 21 classrooms.
 22 Q. And when a team member goes into a classroom,
 23 is there a practice as to whether or not he or she goes
 24 by him or herself, or whether or not two or more team
 25 members that will go into a classroom?

1 A. No practice, but it might happen that we end
 2 up -- I might end up in the classroom that another team
 3 member is already there, but we don't make it happen,
 4 come, let's go together.
 5 Q. And typically a visit is about 20 minutes, you
 6 said?
 7 A. About.
 8 Q. Sometime longer?
 9 A. Maybe not longer.
 10 Q. Do you know today, you personally know today
 11 whether or not that classroom has textbooks?
 12 A. No.
 13 Q. To your knowledge, does anyone on that team,
 14 your team, know whether or not there are textbooks in
 15 that classroom?
 16 MR. VIRJEE: Calls for speculation.
 17 THE WITNESS: I don't know. I don't know.
 18 Q. BY MR. ROSENBAUM: To your knowledge, have you
 19 made any inquiry to determine whether or not that
 20 classroom now has textbooks?
 21 A. I have not.
 22 Q. Why is that?
 23 A. I haven't gotten around to it.
 24 Q. Have you directed anyone at CCR to find out if
 25 that classroom has textbooks?

1 A. No.
 2 Q. And why is that?
 3 A. As team leader because, I discovered it. I
 4 will -- I will talk to the director just as soon as I
 5 get around to it.
 6 Q. Okay. You've got a lot of responsibilities?
 7 A. I do.
 8 Q. And you don't work a 10-hour week?
 9 MS. READ SPANGLER: What?
 10 MR. VIRJEE: So stipulated.
 11 Q. BY MR. ROSENBAUM: You could use more staff?
 12 MR. VIRJEE: So could I.
 13 Q. BY MR. ROSENBAUM: Is that right?
 14 A. I've always said that.
 15 Q. Who have you said that to?
 16 A. Stu Greenfeld.
 17 Q. How much more staff could you use?
 18 MR. VIRJEE: Objection. Calls for speculation.
 19 Incomplete hypothetical.
 20 MS. READ SPANGLER: Join.
 21 THE WITNESS: I've requested at least two more.
 22 Q. BY MR. ROSENBAUM: Two more?
 23 A. Consultants.
 24 Q. Okay. And why have you made that request?
 25 A. Stu asked me to kind of analyze our situation

1 and see what we need in order to develop a BCP, a budget
 2 plan, and so I asked for two consultants and one OT.
 3 Q. What's an OT?
 4 A. An OT is an office technician.
 5 Q. Could you use more team staff members? I
 6 remember you told me you had 33 team players. Could you
 7 use more of them?
 8 MR. VIRJEE: Objection. Calls for speculation.
 9 Lacks foundation. Incomplete hypothetical as to "could
 10 you use."
 11 MS. READ SPANGLER: Join.
 12 THE WITNESS: That would be based upon each
 13 program's decision, each program's decision.
 14 Q. BY MR. ROSENBAUM: Have you inquired as to
 15 whether or not they felt more personnel was warranted?
 16 A. No, I haven't.
 17 Q. Why is that?
 18 A. I just leave those decisions up to them, to
 19 make that determination.
 20 Q. Okay. Thank you. In your experience,
 21 Mrs. Clark-Thomas, how often does a CCR team make
 22 observations and findings regarding textbooks?
 23 MR. VIRJEE: Objection. Calls for speculation.
 24 THE WITNESS: I don't know.
 25 Q. BY MR. ROSENBAUM: How many times do you

1 recollect seeing -- let me strike that.
 2 I want to go back to that Los Angeles school we
 3 were talking about. Did the self-review say anything
 4 about absence of textbooks in classrooms?
 5 A. No.
 6 Q. Did you inquire as to why that was?
 7 A. No.
 8 Q. Why is that?
 9 A. I don't know. For one thing, I do not read the
 10 self-reviews, my staff reads the self-reviews.
 11 Q. Okay. And before you go into a school, your
 12 team meets and talks about what you can expect to see,
 13 what you need to check on; is that right?
 14 A. Right.
 15 Q. Was there any discussion that you recall that
 16 there was a classroom that didn't have textbooks?
 17 A. No.
 18 Q. Or that there was a mention on any
 19 self-review --
 20 A. No.
 21 Q. -- about textbooks?
 22 A. There was a discussion, but not about that.
 23 Q. Did the discussion deal with textbooks or
 24 instructional materials?
 25 A. No.

1 Q. Did you make inquiry as to why that item had
 2 not made it to the self-review?
 3 MR. VIRJEE: Objection. Asked and answered.
 4 Also vague and ambiguous.
 5 Inquiry of who?
 6 MR. ROSENBAUM: Inquiry of anyone, either
 7 within CCR or at the school or at the district.
 8 THE WITNESS: No.
 9 Q. BY MR. ROSENBAUM: Any reason why not?
 10 A. No.
 11 Q. Now, did you talk to the principal about what
 12 the teacher had told you regarding textbooks and other
 13 materials?
 14 A. Yes.
 15 Q. And do you remember who the principal was?
 16 A. I can see her face, but I don't remember her
 17 name.
 18 Q. It was a woman?
 19 A. Yes.
 20 Q. That was at the debriefing session?
 21 A. Yes.
 22 Q. What did you say to her?
 23 A. I just said that there is a concern by the
 24 teacher, and I observed it, that this particular class
 25 does not have appropriate materials, no textbooks, et

1 cetera, et cetera.
 2 Q. And what did she say?
 3 A. She said, that's not true, we do have textbooks
 4 and that teacher has not availed herself. She gave me a
 5 reason. I said, oh, you do have textbooks for that
 6 particular classroom? And she said, yes.
 7 So my assumption then was that because that had
 8 been noted verbally, that now that class would have the
 9 textbooks and materials they needed prior to our
 10 leaving.
 11 Q. Okay. Did you go back to the teacher and say,
 12 the principal said you could have availed yourself of
 13 the textbooks, that there were textbooks available and
 14 you could avail yourself of those textbooks?
 15 A. I mentioned it to her, and then I think she was
 16 let go.
 17 Q. The teacher was let go?
 18 A. (Witness nods head).
 19 Q. What did the teacher say to you when you said
 20 this is what the principal says?
 21 A. She just became, you know, really silent. She
 22 really said nothing. She said, I don't think I have a
 23 job anymore, something to that effect.
 24 Q. Did you ever investigate as to the
 25 circumstances of her being let go?

1 A. No, I don't.
 2 Q. Do you know who was right, sitting here today,
 3 whether the principal was right or the teacher was
 4 right?
 5 A. I don't know.
 6 Q. Okay. In your experience, Mrs. Clark-Thomas,
 7 have you heard that there are students in the State of
 8 California who don't get textbooks?
 9 MR. VIRJEE: In her experience in CCR?
 10 MR. ROSENBAUM: No, just any which way.
 11 THE WITNESS: I've heard talk about it, yes.
 12 Q. BY MR. ROSENBAUM: Okay. And do you know where
 13 you've heard that talk?
 14 A. My grandson's classroom.
 15 Q. Where does your grandson go to school?
 16 A. In LA.
 17 Q. Do you know which school?
 18 A. It's in Carson. Annalee Elementary School.
 19 Q. Did your grandson tell you that?
 20 A. My daughter.
 21 Q. Your daughter told you that?
 22 A. Yes.
 23 Q. What did she tell you?
 24 A. She just said, there are no textbooks in this
 25 classroom. She was trying to get my grandson out of

1 that particular class and into another class.
 2 Q. Another class or another school?
 3 A. Another class. She knew of a better class, a
 4 better teacher, et cetera.
 5 Q. What grade was that?
 6 A. First.
 7 Q. When did this discussion take place?
 8 A. In October of this year. He just entered first
 9 grade at that school.
 10 Q. You mean October of the year 2000?
 11 A. Yes.
 12 Q. So it's this school year?
 13 A. Right.
 14 Q. Did you investigate to see whether or not kids
 15 in his classroom had textbooks?
 16 A. No, I didn't, because that's on a personal
 17 basis and it wasn't on business, and I didn't go to that
 18 particular school.
 19 Q. When you heard that, did that surprise you?
 20 A. Probably, because it was personal. It
 21 surprised me.
 22 Q. Was your grandson switched to another class?
 23 A. No.
 24 Q. So as far as you know, this entire year he
 25 hasn't had textbooks?

1 A. I haven't checked with my daughter lately,
 2 except to ask how is he doing, and says he's doing good.
 3 She's happy.
 4 Q. What?
 5 A. Apparently my daughter is happy now, and I
 6 figure if she is happy, everything is okay.
 7 Q. Have you heard from any other source that
 8 students in California don't have textbooks?
 9 A. No.
 10 Q. Have you made any inquiry or investigation to
 11 determine whether or not there are schools or classes in
 12 California where students don't have textbooks?
 13 A. No, I haven't.
 14 MR. VIRJEE: Personally, is that what you're
 15 asking, has she ever done that?
 16 THE WITNESS: Personally, no.
 17 Q. BY MR. ROSENBAUM: Any reason why not?
 18 A. No particular reason.
 19 Q. I know you've got a lot of responsibilities.
 20 As part of your duties, do you look at self-reviews and
 21 validation reviews?
 22 MR. VIRJEE: Mark, are you moving off the
 23 textbook issue now? Is this a good time to take a
 24 break?
 25 MR. ROSENBAUM: Give me about two more minutes.

1 Q. Do you review --
 2 A. Part of my responsibility is to review all of
 3 the validation reviews.
 4 Q. All of them that all the teams prepare?
 5 A. Yes, they all must come through me and then to
 6 Stuart.
 7 Q. Okay.
 8 A. They first go to one of my consultants who'll
 9 get it and prepare it for my review.
 10 MS. READ SPANGLER: He just asked what you do.
 11 Q. BY MR. ROSENBAUM: Okay. And do you also look
 12 at self-reviews?
 13 A. No, unless someone brings me a self-review
 14 that's extraordinarily good. Maybe we want to use this
 15 as a sample.
 16 Q. Okay. And how many of those would you say
 17 you've looked at in the past year?
 18 A. In the past year? I would say about 10.
 19 Q. And in the validation reviews that you've
 20 looked at, you've been looking at all of them since
 21 1994?
 22 A. Yeah, I look at the validations -- I look at
 23 the self-reviews when I'm on a validation review where
 24 I'm participating as team leader.
 25 Q. Okay.

1 A. As do all consultants.
 2 Q. And on how many occasions, if any, have you
 3 seen references to students not having textbooks or
 4 other instructional materials?
 5 MR. VIRJEE: On the self-review, the validation
 6 review?
 7 MR. ROSENBAUM: Either the self-review or the
 8 validation review.
 9 THE WITNESS: I've seen no reference.
 10 Q. BY MR. ROSENBAUM: How about references to
 11 problems with bathroom facilities?
 12 A. Not written, no references.
 13 Q. Okay. How about references to problems with
 14 the physical facilities at a school?
 15 MR. VIRJEE: Objection. Vague and ambiguous as
 16 to "physical facilities."
 17 MS. READ SPANGLER: Join.
 18 THE WITNESS: No references written.
 19 Q. BY MR. ROSENBAUM: Okay. Have you heard oral
 20 references to bathroom facilities?
 21 A. Yes.
 22 Q. What have you heard?
 23 MR. VIRJEE: Now I'm going to have to insist
 24 because we're having the reference to bathroom
 25 facilities.

1 MR. ROSENBAUM: That was a tactical mistake.
 2 (Recess taken.)
 3 Q. BY MR. ROSENBAUM: You have stated,
 4 Mrs. Clark-Thomas, that there are times when CCR does
 5 follow-ups?
 6 A. Yes.
 7 Q. Okay. And those follow-ups, one of the
 8 purposes is to monitor compliance, is that right, how
 9 things are going?
 10 A. It's to follow up on noncompliant issues.
 11 Q. When you say "follow up," what do you mean by
 12 that phrase?
 13 A. To look at the current status and to monitor
 14 the number of days, because we do run on a time clock
 15 line, and to either follow up in-house at headquarters
 16 with documentation coming in, or in some cases -- there
 17 are a few cases, however, where they will go back to the
 18 site and follow-up.
 19 Q. Why is that?
 20 MR. VIRJEE: Why is what?
 21 Q. BY MR. ROSENBAUM: Why are there very few cases
 22 where you go back to the site?
 23 A. Each program makes that determination when it
 24 seems that they need to meet with the superintendent or
 25 program cohort in person. Sometimes they feel they can

1 get a job done better by talking to them in person and
 2 looking at the documentation on-site.
 3 Q. So tell me if I understand this correctly, as
 4 you understand it, the follow-up process is a process in
 5 which CCR or one of the programs works with the district
 6 to try to get the district into compliance; is that
 7 right?
 8 A. That's right.
 9 Q. And so sometimes they'll talk to people at the
 10 district; is that right?
 11 A. That's right.
 12 Q. And they'll give technical assistance to people
 13 in the district?
 14 A. Right.
 15 Q. And sometimes will they talk to people at the
 16 schools?
 17 A. Not the schools generally, just the district,
 18 the designated person at the district.
 19 Q. Okay. And to your knowledge, has there ever
 20 been -- has the State of California ever brought a
 21 lawsuit against an individual district to get it into
 22 compliance?
 23 A. The State of California brought a lawsuit?
 24 Q. Yeah. Has that ever happened?
 25 A. Those would be sanctions. I think they have.

1 Q. Okay. Can you think of any specific examples?
 2 A. I think Orchard Elementary School, Elementary
 3 School District.
 4 Q. Any others that you're aware of?
 5 A. You know, I can't be sure, but I've heard San
 6 Diego mentioned as to possible sanctions, not a lawsuit,
 7 but a sanction.
 8 Q. When you say "sanction," what do you mean?
 9 A. You know, we have this in our compliance
 10 tracking system, which is part of our follow-up we have.
 11 We have a four-stage system, stages one through four,
 12 four being the stage that reaches the determination that
 13 monies will be withheld or plans will not be approved,
 14 or partial approval. That's when the districts go to
 15 the State Board of Education. It's recommended,
 16 recommended by certain program people.
 17 Q. Let me see if I understand you. The four
 18 stages could include the State Board taking over a
 19 particular district, is that what you mean?
 20 MR. VIRJEE: Objection. Completely misstates
 21 her testimony.
 22 THE WITNESS: That, I'm not sure of.
 23 Q. BY MR. ROSENBAUM: I'm not understanding you.
 24 The first stage, what's involved in the first stage?
 25 A. The first stage is, you know, immediately after

1 we have completed a validation review, we give a report
 2 and we indicate that you must come into compliance
 3 within 45 days by developing a corrective action plan.
 4 So the first stage is the consultants within
 5 those 45 days calling the district and saying, how are
 6 you doing, do you need any assistance, your days are
 7 numbered, or you have a few more days and we really need
 8 that plan by, and then they would indicate the date.
 9 The second --
 10 Q. Can you give me -- can you tell me -- when you
 11 say technical assistance, what does that include?
 12 A. That includes --
 13 MR. VIRJEE: Objection. Asked and answered.
 14 THE WITNESS: That includes, as I've said
 15 earlier, the issues that they were found noncompliant
 16 on. The consultant who is responsible for that issue,
 17 again, reiterating to them that this is what you need to
 18 do to come into compliance, that is what you need to
 19 send me to verify.
 20 Q. BY MR. ROSENBAUM: And then the second stage?
 21 A. The second stage, again, is time driven. When
 22 a district has reached probably 180 days, because we do
 23 allow through a compliance agreement up to 180 days
 24 for -- so we're extending their time, giving them enough
 25 time, because there are certain circumstances where a

1 district cannot come into compliance within 45 days.
 2 So the second stage is the consultant
 3 continuing to work with that LEA coordinator to ensure
 4 compliance within that time line.
 5 Q. Okay. And can you tell me when you say there
 6 are circumstances when the district cannot come into
 7 compliance with the 45-day period, what would those
 8 circumstances be?
 9 MR. VIRJEE: Objection. Overbroad.
 10 THE WITNESS: For example, if it was determined
 11 that there were some teachers who were not credentialed
 12 and they're working on a provision or -- and the
 13 district needs more time or that individual teacher is
 14 assumed to complete the necessary coursework in order to
 15 qualify, that kind of circumstance.
 16 Or in the case of special education, when there
 17 are fences that are dividing the special education
 18 classroom from the general campus, might take a little
 19 time to take the fences down and to move kids around.
 20 Those are some of the examples.
 21 Q. BY MR. ROSENBAUM: Okay. And then the third
 22 stage?
 23 A. That stage they have now reached 225 days and
 24 it becomes an issue that the consultant has done all
 25 that that person can do and they have turned it over to

1 their manager or the division director, and it's at that
 2 point that the division director -- well, actually, my
 3 unit will generate a stage three letter, and it's a
 4 warning. We generate the letter, but it must be signed
 5 by the division director of that program.
 6 Q. So the special ed director or the Title 1
 7 director?
 8 A. Or migrant director or whatever. So it's a
 9 warning letter with very strong language.
 10 Q. And what are the nature of the warnings?
 11 A. What's the nature of the warnings?
 12 Q. Uh-huh.
 13 A. It's you have reached 225, or it could be more,
 14 days. And if you get a stage four letter, then we will
 15 be notifying your local school board and we will be
 16 taking your case to the State Board of Education and
 17 recommend sanctions. It's a warning letter.
 18 Q. Okay. If I wanted to find copies of these
 19 stage three letters, do they have a name, are they
 20 called warning letters or stage three letters?
 21 A. Stage three.
 22 Q. Are they kept in a particular file?
 23 A. You'd have to ask me.
 24 Q. Okay. Let me ask you.
 25 A. Okay.

1 Q. How would I get a hold of those stage three
 2 letters?
 3 MR. VIRJEE: Objection. Asked and answered.
 4 She said you'd ask her.
 5 Q. BY MR. ROSENBAUM: You could supply them; is
 6 that right?
 7 A. Yes.
 8 Q. Do you keep them in a particular file?
 9 A. Here's how it works, we generate the letter, we
 10 keep a copy of it, we give it to the specific program
 11 people. It's their responsibility to mail it out. When
 12 they mail it, they are to send us a copy so that we can
 13 place it in the file.
 14 So my staff can give you a list of the stage
 15 three letters that we generated and then let you know
 16 which of the programs informed us that they did mail it,
 17 in fact, that they did mail it. Some of the programs
 18 don't mail. We operate on the time and we're going to
 19 send the letters to them anyway, no matter what.
 20 Q. And if I wanted to find out which districts had
 21 received stage two, what would you call those?
 22 A. We don't have a stage two, but we do have a
 23 reminder and you could say that that's a stage 2. We do
 24 send a letter reminding districts that they're still
 25 noncompliant.

1 Q. That's the 180 days?
 2 A. That's 45 to 180.
 3 Q. And if I wanted to get a hold of those, how
 4 would I do that?
 5 A. A list of those, I could supply that for you.
 6 Q. And what about the first stage, when it gets to
 7 45 days.
 8 A. That's when the consultant calls you directly,
 9 the LEA coordinator, and just says, how are you doing,
 10 are you working on this.
 11 Q. And does CCR keep a record, to your knowledge,
 12 of those phone calls? Could I find out which districts
 13 have gotten the stage one calls?
 14 MR. VIRJEE: Objection. Calls for speculation.
 15 Lacks foundation.
 16 MS. READ SPANGLER: Join.
 17 THE WITNESS: We have a system called DIVS. I
 18 don't think I can answer this question fully, but I know
 19 that DIVS indicates phone calls that have been made by
 20 the consultants and responses that have been received --
 21 provided to them by the district, if a consultants uses
 22 DIVS. We have it set up that way, but I can't say that
 23 they use it. I don't look into it often.
 24 Q. BY MR. ROSENBAUM: That's the acceptable
 25 practice, but you don't know how many times --

1 A. No, I don't?
 2 MR. VIRJEE: Vague and ambiguous as to
 3 "acceptable practice," I guess, what that means.
 4 Objection.
 5 Q. BY MR. ROSENBAUM: Is DIVS, D-I-V-S?
 6 A. D-I-V-S, correct.
 7 Q. All caps?
 8 A. I don't know what it stands for, something
 9 integrated.
 10 Q. And then returning to stage four, what happens
 11 at stage four?
 12 A. That letter is generated by my office for the
 13 signature of the deputy or chief deputy. Remember,
 14 stage three was for the signature of the division
 15 director. And so that letter then indicates that if I
 16 don't hear from you within -- this is usually 365 days.
 17 These are the ones who would get the stage four. So --
 18 Q. And -- I'm sorry.
 19 A. So that letter indicates if I don't hear from
 20 you within a certain number of days, then we could go to
 21 the State Board with this issue, et cetera.
 22 Q. Okay. When you say "deputy," "chief deputy,"
 23 you mean Superintendent Eastin?
 24 A. The deputy or chief deputy of the various
 25 programs.

1 Q. I see. Not the superintendent?
 2 A. Not Delaine. We don't get her signature.
 3 Q. And when you say this could go to the State
 4 Board, help me understand what that means.
 5 A. You know, there's a State Board of Education
 6 meeting monthly, and if we have an agenda item, for
 7 example -- when I say "we," meaning my division, and
 8 when we say we, my division, consolidated programs is in
 9 my division. So I'm not responsible for programs, but I
 10 just happen to know that consolidated programs is in my
 11 division.
 12 And so if that program is having problems with
 13 a district not coming into compliance and a stage four
 14 letter has been generated, then it will be that person's
 15 responsibility to send the letter and to recommend that
 16 this district be put on the agenda, State Board of
 17 Education agenda, for recommendation to whatever.
 18 Q. And that's what I'm trying to figure out. What
 19 does "whatever" mean?
 20 MR. VIRJEE: Objection. Asked and answered.
 21 THE WITNESS: Sanctions, to apply sanctions,
 22 which would include partial approval of their plan.
 23 Sometimes when you just get partial approval,
 24 that means your money that you would generally get from
 25 the State or from the feds is in jeopardy, or

1 withholding of moneys that you have already received, or
 2 withholding of money that would be coming in, you will
 3 not get it.
 4 Q. BY MR. ROSENBAUM: Okay. And does it always --
 5 in your experience, does it always go through this
 6 sequence, first there's the stage one effort, then it's
 7 stage two, and then it's stage three, and then it's
 8 stage four, if necessary?
 9 A. Yes, always.
 10 Q. And the cases that go to stage one, what
 11 percentage of them, in your experience, say, over the
 12 past five years, are resolved at stage one and don't go
 13 to stage two?
 14 MR. VIRJEE: Objection. Calls for speculation.
 15 Lacks foundation.
 16 THE WITNESS: You know, that, I really can't
 17 say. I don't know.
 18 Q. BY MR. ROSENBAUM: In your experience, say,
 19 over the past five years, how many cases have gone to
 20 stage four?
 21 MR. VIRJEE: Objection. Calls for speculation.
 22 Lacks foundation.
 23 THE WITNESS: In the last five years?
 24 MR. ROSENBAUM: Yeah.
 25 THE WITNESS: I don't know.

1 Q. BY MR. ROSENBAUM: Can you think of any?
 2 A. That have gone to stage four?
 3 Q. Yeah.
 4 A. There have been some, but I can't tell you --
 5 Q. Which ones do you remember?
 6 A. I can't remember.
 7 Q. Did Inglewood?
 8 A. I'm pretty sure it did.
 9 Q. Okay. Did Compton?
 10 A. I don't know.
 11 Q. What about Los Angeles?
 12 A. I don't think so.
 13 Q. Okay. Have you ever heard -- do you know what
 14 the Orchard Elementary School District matter was about?
 15 A. I'm not sure. I want to say it's a supplanting
 16 issue, but I am not sure. This is a very small school
 17 district, but there were many problems. I just don't
 18 remember.
 19 MS. READ SPANGLER: Did you say a planting
 20 issue?
 21 MR. VIRJEE: Supplanting issue.
 22 Q. BY MR. ROSENBAUM: What's a supplanting issue?
 23 A. Of funds. But I'm not sure that's correct. It
 24 was just interesting to me when I heard it. That's just
 25 a small district, how could they be in trouble. But

1 anyway, that's what --
 2 Q. And what's your best recollection as to what
 3 San Diego was about?
 4 MR. VIRJEE: Objection. Calls for speculation.
 5 Lacks foundation.
 6 THE WITNESS: I can't remember.
 7 Q. BY MR. ROSENBAUM: Do you specifically remember
 8 whether or not there was a lawsuit filed by the State of
 9 California against the San Diego School District?
 10 MR. VIRJEE: Objection. Asked and answered.
 11 THE WITNESS: I don't think it was a lawsuit.
 12 Q. BY MR. ROSENBAUM: What about the Orchard
 13 Elementary School District, was that a lawsuit?
 14 A. I don't use that terminology, lawsuit.
 15 Sanctions is the terminology that we use.
 16 Q. But you know what a lawsuit is?
 17 A. Yeah, I do. Right.
 18 Q. And, to your knowledge, was a lawsuit filed
 19 against Orchard Elementary?
 20 A. I don't know.
 21 MR. VIRJEE: Objection. Calls for speculation.
 22 Lacks foundation.
 23 Q. BY MR. ROSENBAUM: Okay. Bear with me. I know
 24 we touched on this. When you personally go to a school
 25 for a validation review purpose, do you make it a

1 bathrooms. Is there a reason why you don't direct
 2 anybody to check out the bathrooms?
 3 MR. VIRJEE: Same objection. Assumes facts not
 4 in evidence.
 5 THE WITNESS: It's not part of our standards,
 6 it's not part of our items under any program.
 7 Q. BY MR. ROSENBAUM: Do you direct anyone on the
 8 team to check out overcrowding at the school?
 9 MR. VIRJEE: Objection. Vague and ambiguous as
 10 to "overcrowding."
 11 MS. READ SPANGLER: Join.
 12 MR. VIRJEE: Also assumes facts not in
 13 evidence.
 14 THE WITNESS: No.
 15 MR. STURGES: Join.
 16 Q. BY MR. ROSENBAUM: Why is that?
 17 A. Again, it's not part of the standards.
 18 Q. Incidentally, when you hear the word
 19 "overcrowding," what do you understand it to mean?
 20 A. When I hear the word overcrowdedness?
 21 Q. With respect to schools, what do you understand
 22 that to mean?
 23 A. Too many kids in a classroom.
 24 Q. And when a team comes to a particular site, do
 25 you direct them to check out any of the physical

1 practice to examine the bathrooms in the school?
 2 MR. VIRJEE: Does she personally?
 3 MR. ROSENBAUM: Yes.
 4 THE WITNESS: No, not me personally, no.
 5 Q. BY MR. ROSENBAUM: Members of the team that are
 6 conducting the validation review, are any of them
 7 specifically directed to examine the bathrooms?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to "directed to examine the bathrooms."
 10 THE WITNESS: You said are any of them?
 11 Q. BY MR. ROSENBAUM: Do you direct anybody on the
 12 team to check out the bathrooms?
 13 A. No.
 14 MR. VIRJEE: Objection. Assumes facts not in
 15 evidence. She hasn't said she directed anybody about
 16 anything.
 17 Q. BY MR. ROSENBAUM: Do you direct anybody on the
 18 team to check out the temperatures in the classrooms?
 19 MR. VIRJEE: Objection. Assumes facts not in
 20 evidence. There's been no evidence to indicate she
 21 directs anybody to do anything.
 22 THE WITNESS: No.
 23 Q. BY MR. ROSENBAUM: Why is that?
 24 A. It's not part of our standards or our document.
 25 Q. And I asked you two questions ago about the

1 facilities?
 2 MR. VIRJEE: Objection. Assumes facts not in
 3 evidence. There's no evidence that she directs them to
 4 do anything.
 5 MS. READ SPANGLER: Vague and ambiguous as to
 6 "physical facilities."
 7 THE WITNESS: No.
 8 Q. BY MR. ROSENBAUM: Why is that?
 9 MR. VIRJEE: Same objections.
 10 THE WITNESS: Same answer. They look at
 11 whatever the standards are in their program instrument.
 12 Q. BY MR. ROSENBAUM: And that doesn't include
 13 physical facilities?
 14 MR. VIRJEE: Objection. Calls for speculation.
 15 Lacks foundation. Vague and ambiguous as to "physical
 16 facilities."
 17 MS. READ SPANGLER: And document speaks for
 18 itself.
 19 MR. ROSENBAUM: I'll withdraw.
 20 Q. The same answer with physical facilities that
 21 you gave me as to overcrowding and bathrooms?
 22 A. Right.
 23 Q. Do you direct anyone on the team to check out
 24 whether or not the school has a functioning library?
 25 MR. VIRJEE: Same objection.

1 THE WITNESS: I do not direct. We meet in the
 2 library. That's where all our meetings are.
 3 Q. BY MR. ROSENBAUM: Have you been in a school
 4 that does not have a functioning library?
 5 MS. READ SPANGLER: Vague and ambiguous as to
 6 the term "functioning library."
 7 THE WITNESS: I can't recall.
 8 Q. BY MR. ROSENBAUM: You can't recall one way or
 9 the other?
 10 A. That they did not have a library even a
 11 functioning one? I always saw a library. We'd meet in
 12 them.
 13 Q. Do you inquire as to the hours to which the
 14 library is open or whether or not the kids can take out
 15 books from the library?
 16 A. No.
 17 Q. Why is that?
 18 A. Not part of my responsibility.
 19 Q. Do you direct anyone to check out to see
 20 whether or not the schools have computers available for
 21 students?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to "direct." Also assumes facts not in evidence. No
 24 evidence to indicate she directs anybody to do anything.
 25 THE WITNESS: I do not direct, but a program

1 person does it.
 2 Q. BY MR. ROSENBAUM: And why is that?
 3 MR. VIRJEE: Why is what?
 4 Q. BY MR. ROSENBAUM: Why does a program person do
 5 that?
 6 MR. VIRJEE: Check out the what?
 7 MR. ROSENBAUM: The science laboratories.
 8 THE WITNESS: Whether there are computers.
 9 MR. ROSENBAUM: I'm sorry, that's confusing.
 10 Whether or not there are computers.
 11 THE WITNESS: It's part of their standards,
 12 part of what they are to look for.
 13 Q. BY MR. ROSENBAUM: And what are the standards
 14 with respect to computers?
 15 MR. VIRJEE: Objection. Calls for speculation.
 16 Lacks foundation.
 17 MR. STURGES: Also vague as to which program.
 18 MS. READ SPANGLER: Join both.
 19 THE WITNESS: I do know that the consolidated
 20 programs has an item that relates to looking at the
 21 computer lab, but I'm not sure to the extent of that
 22 other than that.
 23 Q. BY MR. ROSENBAUM: Okay. Do you know if
 24 schools are ever found to be not in compliance with
 25 respect to that item?

1 MR. VIRJEE: Objection. Calls for speculation.
 2 Lacks foundation.
 3 THE WITNESS: I'm not sure.
 4 Q. BY MR. ROSENBAUM: Do you direct members of the
 5 team, any member of the team to check out the numbers of
 6 teachers in the school that are emergency credentialed?
 7 MR. VIRJEE: Objection. Vague and ambiguous as
 8 to "direct." And also assumes facts not in evidence.
 9 There's been no evidence that she directs anybody to do
 10 anything.
 11 THE WITNESS: I do not direct, no.
 12 Q. BY MR. ROSENBAUM: And, to your knowledge, does
 13 anyone do that?
 14 MR. VIRJEE: Objection. Calls for speculation.
 15 MR. ROSENBAUM: Anyone on the team.
 16 THE WITNESS: There's a program who has that as
 17 a standard.
 18 Q. BY MR. ROSENBAUM: And which program is that?
 19 A. EL.
 20 Q. English learner?
 21 A. Yes.
 22 Q. Do the other programs have that?
 23 MR. VIRJEE: Objection. Calls for speculation.
 24 Lacks foundation.
 25 THE WITNESS: I can't recall.

1 Q. BY MR. ROSENBAUM: Do you know why the
 2 English -- strike that.
 3 What is your understanding of what the English
 4 learner program is concerned about with respect to
 5 emergency-credentialed teachers?
 6 MR. VIRJEE: Objection. Lacks foundation.
 7 THE WITNESS: You just entered the word
 8 "emergency."
 9 MR. ROSENBAUM: I'm sorry.
 10 Q. Tell me what your understanding is as to what
 11 the program does with respect to the credentials of
 12 teachers in the EL program?
 13 MR. VIRJEE: Objection. Lacks foundation.
 14 THE WITNESS: My understanding is limited, but
 15 there's discussion about teachers who are qualified.
 16 Once they determine the classrooms and, you
 17 know, the classrooms for English learners and the
 18 staffing, there is a discussion about how many of these
 19 teachers are fully credentialed and where they are in
 20 the credentialing process.
 21 Q. BY MR. ROSENBAUM: Let's break that down a
 22 little bit. The EL program, to your knowledge, is
 23 concerned with whether or not there are qualified
 24 teachers teaching English literature; is that right?
 25 A. Yes.

1 Q. When you use the word "qualified," what do you
2 mean by that?
3 A. That they're fully credentialed.
4 Q. When you say "fully credentialed," what did you
5 mean by that?
6 A. That they have the correct credentials for
7 teaching this particular population.
8 Q. Okay. You regard that as important?
9 MR. VIRJEE: Objection. Calls for speculation.
10 Lacks foundation.
11 THE WITNESS: Yes.
12 Q. BY MR. ROSENBAUM: Why is that?
13 A. I'm sure that program wants to ensure that
14 staff are trained, knowledgeable and qualified to meet
15 the needs of these children.
16 Q. And why is that important?
17 A. Goes back to my earlier statements. All of us
18 are interested in meeting the needs of all children,
19 whether they have special needs or whatever. You know,
20 we're interested in the education, a full education,
21 quality education.
22 Q. If you've already answered this, I apologize,
23 but you're not aware whether or not the other programs
24 are asking this question, whether or not there are fully
25 credentialed teachers; is that right?

1 MR. VIRJEE: Objection. Asked and answered.
2 Calls for speculation.
3 THE WITNESS: I don't know.
4 Q. BY MR. ROSENBAUM: And do members of the team
5 ask whether or not teachers in the general education
6 programs, whether they're fully credentialed?
7 MR. VIRJEE: Objection. Calls for speculation.
8 Lacks foundation.
9 THE WITNESS: I don't know.
10 Q. BY MR. ROSENBAUM: Okay. Have you ever made
11 any inquiry to find out?
12 A. No.
13 Q. Why is that?
14 A. I don't know.
15 Q. Okay. Or what the percent of
16 emergency-credentialed teachers are in the general
17 education program, do members of the team inquire into
18 that?
19 MR. VIRJEE: Objection. Calls for speculation.
20 Lacks foundation.
21 THE WITNESS: I'm not aware that they do.
22 Q. BY MR. ROSENBAUM: Have you ever made any
23 inquiry specifically to find out?
24 A. No.
25 Q. Any reason why not?

1 A. I don't know.
2 Q. You certainly never received any directions to
3 find out that; is that right?
4 A. No, I haven't. No.
5 Q. I want to go back a little bit to something.
6 When the validation team goes to a school, does it ever
7 go to schools that are multi-track?
8 A. Yes.
9 Q. Okay. And does it make inquiry as to each and
10 every track? Does it investigate as to each and every
11 track?
12 MR. VIRJEE: Objection. Vague and ambiguous as
13 to "every track."
14 Q. BY MR. ROSENBAUM: Do you understand what I
15 mean?
16 A. I think I do.
17 Q. Okay. Let me clarify, because I sure don't
18 want to confuse you.
19 There are schools that are multi-track, meaning
20 they may have three or four separate tracks. Are you
21 familiar with that?
22 A. Yes.
23 Q. Okay. And my question to you is, when the
24 validation review takes place, does the validation
25 review take place with respect to each and every track

1 that exists in the school?
2 MR. VIRJEE: Objection. Vague and ambiguous as
3 to "each and every track in the school."
4 THE WITNESS: We consider the tracks. We
5 initially get a calendar from the district that will
6 indicate which tracks are on and which are not or how
7 many, and that will indicate holidays or other special
8 events, testing or whatever, when we should not
9 schedule.
10 So when we're looking at the tracks, then we
11 will consider that when we are placing them on the
12 schedule, the month or the week that we're going to
13 review.
14 Now, once we arrive there, then in their
15 overview of their school they will let us know which
16 tracks are on and where they are and, again, we make the
17 attempt to visit every classroom, which would be a part
18 of whatever track.
19 Q. BY MR. ROSENBAUM: But when you arrive there,
20 in a multi-track school, there's going to be at least
21 one track that's off track; isn't that right?
22 A. That's true.
23 Q. Do you do anything to find out what goes on in
24 that track?
25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "find out what goes on."
 2 MS. READ SPANGLER: Join.
 3 THE WITNESS: I'm not aware that we do.
 4 Q. BY MR. ROSENBAUM: Has there ever been any
 5 discussion about techniques or methods to find out what
 6 takes place with every track?
 7 A. No.
 8 Q. And the self-review process, are schools given
 9 special instructions about what to do with respect to
 10 the fact -- awful question.
 11 Are there special instructions to schools that
 12 are multi-track as to how to deal with the fact that
 13 they have more than one track?
 14 MR. VIRJEE: Objection. Vague and ambiguous.
 15 Nonsensical.
 16 THE WITNESS: No special instructions.
 17 MS. READ SPANGLER: Join.
 18 Q. BY MR. ROSENBAUM: Do you know if the
 19 self-review includes every track?
 20 MR. VIRJEE: Objection. Vague and ambiguous as
 21 to "includes every track." Doesn't make any sense.
 22 THE WITNESS: It should. We don't make any
 23 exception. Every school must conduct a self-review, and
 24 a self-review on every program that's operating, and we
 25 don't take into consideration tracks or no tracks.

1 Every school, every program, every district.
 2 Q. BY MR. ROSENBAUM: But do you know specifically
 3 whether or not the school's self-review includes
 4 analyses of each and every track?
 5 MR. VIRJEE: Objection. Vague and ambiguous as
 6 to "each and every track." It's nonsensical. It
 7 doesn't make sense.
 8 THE WITNESS: I can't answer that.
 9 Q. BY MR. ROSENBAUM: Because?
 10 A. I don't look that closely at all of the
 11 self-reviews.
 12 Q. Okay. And some schools also have magnets; is
 13 that right?
 14 A. Magnets, yes.
 15 Q. There's a home school and there's a magnet
 16 school within the grounds of the school?
 17 A. Yes.
 18 Q. And when a school does a self-review, are they
 19 given any instructions as to how to deal with the fact
 20 if a magnet exists on the campus?
 21 MR. VIRJEE: Objection. Vague and ambiguous as
 22 to "school."
 23 Are you asking about the school or the magnet
 24 school?
 25 MR. ROSENBAUM: That's a good point.

1 Q. Does the self-review include both the home
 2 school and the magnet school, or do you know?
 3 MR. VIRJEE: Objection. Vague and ambiguous.
 4 Are you asking whether they each do a
 5 self-review, or they do one for both schools? It's
 6 vague and ambiguous.
 7 MR. ROSENBAUM: I'm glad to break that down.
 8 Q. There is a self-review -- strike that.
 9 Let's assume there's a school that has a home
 10 school and a magnet school on the same location.
 11 MR. VIRJEE: A location that has a home school
 12 and a magnet school?
 13 MR. ROSENBAUM: All on the same campus.
 14 Q. Do you know if the self-review that you receive
 15 from that campus includes both the home school and the
 16 magnet school?
 17 MR. VIRJEE: Whether a single self-review does
 18 that?
 19 THE WITNESS: The instruction is that every
 20 school, every program, no matter where they are in that
 21 district must conduct a self-review.
 22 Q. BY MR. ROSENBAUM: Okay. Have you ever seen a
 23 self-review that talks about conditions with respect to
 24 both a home school and a magnet school?
 25 MR. VIRJEE: Objection. Vague and ambiguous.

1 THE WITNESS: I don't understand the question,
 2 the conditions.
 3 Q. BY MR. ROSENBAUM: Well, you asked a series of
 4 questions. A self-review is supposed to look at a
 5 variety of items with respect to the school campus; is
 6 that right?
 7 A. Yes.
 8 Q. And my question is, in your experience, have
 9 you seen self-reviews that talk about both the home
 10 school and the magnet school?
 11 A. No.
 12 Q. How about validation reviews?
 13 MR. VIRJEE: Single validation reviews that
 14 talk about both; is that right? Is that what you're
 15 asking?
 16 MR. ROSENBAUM: Yes.
 17 THE WITNESS: If we are validating a magnet
 18 school, and we have, then we validate it. I'm not
 19 familiar with the home school. Whatever schools we
 20 select, if it happens to be a magnet school -- the term
 21 home school didn't ever come up -- but we do review,
 22 validate.
 23 Q. BY MR. ROSENBAUM: Do you know,
 24 Mrs. Clark-Thomas, whether or not there are campuses on
 25 which there is both a home school, that is a school for

1 people who live in a particular attendance area, and
 2 also a magnet school?
 3 A. Yes. Am I aware of that?
 4 Q. Yes.
 5 A. Yeah. Yes, I'm aware of that.
 6 Q. Have you ever conducted a validation review of
 7 such a campus?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to "campus." They don't do validations of campuses.
 10 THE WITNESS: The team or me?
 11 MR. ROSENBAUM: First of all, you personally.
 12 THE WITNESS: I can't recall.
 13 Q. BY MR. ROSENBAUM: How about a team?
 14 A. Yes.
 15 Q. And what does the team look at in those
 16 circumstances?
 17 MR. VIRJEE: In what circumstances?
 18 MR. ROSENBAUM: Where there's both a home
 19 school and a magnet school on a campus.
 20 MR. VIRJEE: Objection. Vague and ambiguous as
 21 to whether they're doing a validation study on a magnet
 22 school or the other, the home school, as you put it.
 23 THE WITNESS: Once the team enters the district
 24 and is on a site, whatever is on that site, they're
 25 going to evaluate it, whether it's over here and it's

1 called a home school or whether it's over here and this
 2 is a magnet program, or behind the fence and it happens
 3 to be a special ed program.
 4 MR. ROSENBAUM: Okay.
 5 THE WITNESS: Whatever's there, they're going
 6 to review.
 7 Q. BY MR. ROSENBAUM: Okay. Do you ever give
 8 directions to members of teams to look at the state of
 9 maintenance at a particular school site?
 10 MR. VIRJEE: Objection. Asked and answered.
 11 Also vague and ambiguous. Assumes facts not in
 12 evidence. There's been no evidence she gives direction
 13 at all.
 14 THE WITNESS: No.
 15 Q. BY MR. ROSENBAUM: Why is that?
 16 MR. VIRJEE: Same objection.
 17 THE WITNESS: Same thing, it's not a part of
 18 the standards, the program's standards.
 19 Q. BY MR. ROSENBAUM: Do you ever give directions
 20 to persons on your team to look at whether or not
 21 teachers are teaching the subjects for which they were
 22 trained?
 23 MR. VIRJEE: Objection. Vague and ambiguous.
 24 Also assumes facts not in evidence. There's been no
 25 evidence that she gives direction at all to the team.

1 THE WITNESS: See, the problem is do I give
 2 direction. What the team does is another question.
 3 Q. BY MR. ROSENBAUM: Does the team ever do that?
 4 A. Yes.
 5 Q. Why do that they do that?
 6 MR. VIRJEE: Objection. Calls for speculation.
 7 THE WITNESS: It's part of the observation
 8 under IPI.
 9 Q. BY MR. ROSENBAUM: Okay. And what is the
 10 observation as you understand it, that part of the
 11 observation?
 12 A. If I could remember your original question now.
 13 Q. Looking for teachers qualified, trained in the
 14 area in which they're teaching.
 15 A. I thought it was if they're teaching what
 16 they're supposed to teach.
 17 Q. Right.
 18 A. The standards under IPI. One indicates that
 19 when they go into the classroom to observe, they are
 20 observing the teacher and what that teacher is teaching,
 21 and looking at the work of the child at the time and
 22 observing the child and what that child is receiving.
 23 Q. Okay. And is one of the items that the team is
 24 supposed to look at is whether or not the teacher is
 25 teaching in an area in which the teacher has, in fact,

1 been trained?
 2 MR. VIRJEE: Objection. Asked and answered.
 3 THE WITNESS: I don't know.
 4 Q. BY MR. ROSENBAUM: Okay. Have you ever made
 5 any inquiry to find out?
 6 A. No.
 7 Q. Okay. Why is that?
 8 A. First of all, I'm not on all the reviews and,
 9 secondly, it just hasn't come up.
 10 Q. As part of the work of teams, are -- let me
 11 strike that.
 12 Does CCR use student surveys?
 13 A. Student surveys?
 14 MR. VIRJEE: Objection. Vague and ambiguous as
 15 to "student surveys."
 16 MS. READ SPANGLER: Join.
 17 THE WITNESS: You'll have to rephrase the
 18 question.
 19 Q. BY MR. ROSENBAUM: Are students talked to about
 20 the conditions they are in?
 21 A. Yes, students are interviewed.
 22 Q. And besides interviews, are students given a
 23 survey instrument?
 24 A. No.
 25 Q. Okay. Has there ever been any talk, to your

1 knowledge, about using a survey instrument?
 2 A. Not to my knowledge.
 3 Q. Okay. And are teachers interviewed?
 4 A. Yes.
 5 Q. And is a survey instrument used with respect to
 6 teachers?
 7 MR. VIRJEE: Just ask for a clarification.
 8 You're asking as part of the validation study?
 9 MR. ROSENBAUM: As part of CCR's work, yeah.
 10 MR. VIRJEE: That's a broader question.
 11 MR. ROSENBAUM: I know it is.
 12 MR. VIRJEE: And I'll object as vague and
 13 ambiguous, and also speculation as to what a district
 14 might do with respect to the self-evaluation.
 15 MS. READ SPANGLER: Can you read back the
 16 question?
 17 MR. ROSENBAUM: I'll withdraw the question.
 18 Q. With respect to the self-review, you've told us
 19 that LEAs are given directions and training as to how to
 20 conduct those; is that right?
 21 A. Yes.
 22 Q. And they're given training materials?
 23 A. Yes.
 24 Q. Are they given directions to conduct surveys of
 25 students?

1 A. Surveys of students?
 2 Q. Yes.
 3 A. Only through using the instruments that we
 4 provide and the questions that they are to ask students
 5 during the self-review.
 6 Q. Okay. Help me understand what that means.
 7 Does CCR give the LEA a survey instrument and say you
 8 ought to send this out to students, you ought to
 9 distribute this to students?
 10 A. No.
 11 Q. Why is that?
 12 MR. VIRJEE: Objection. Calls for speculation.
 13 Lacks foundation.
 14 THE WITNESS: Because we have a -- I guess you
 15 could call it a written survey that's part of our
 16 instrument. They are questions that the LEAs and the CD
 17 staff are to ask students. But not a separate written
 18 survey.
 19 Q. BY MR. ROSENBAUM: Okay. Why do LEAs -- why
 20 are LEAs asked to ask questions of students?
 21 A. The same reason that we ask questions of
 22 students. What are you learning, how do you know what
 23 to do when you're in the classroom, just to get an idea
 24 of that child's feeling about the school. Are drugs
 25 being used on this campus? Each program has a set of

1 questions that they need answered that relate to their
 2 program.
 3 Q. Why is it important to ask students questions?
 4 MR. VIRJEE: Objection. Calls for speculation.
 5 Lacks foundation.
 6 MS. READ SPANGLER: Join.
 7 THE WITNESS: Students can give you a lot of
 8 information, honest. And I think teachers need to know,
 9 the administrators, service providers need to know how
 10 the students feel. They need to have a voice.
 11 Q. BY MR. ROSENBAUM: Why is that?
 12 MR. VIRJEE: Objection. Calls for speculation.
 13 Lacks foundation.
 14 THE WITNESS: It affects their education, their
 15 careers.
 16 Q. BY MR. ROSENBAUM: And it's important for the
 17 Department of Education to know that information from
 18 students; is that right?
 19 MR. VIRJEE: Objection. Calls for speculation.
 20 Lacks foundation. Vague and ambiguous as to "Department
 21 of Education." Also vague and ambiguous as to
 22 "important."
 23 THE WITNESS: It would be my own personal
 24 opinion.
 25 Q. BY MR. ROSENBAUM: Why is that? Why do you

1 believe that?
 2 MR. STURGES: Objection. Relevance.
 3 THE WITNESS: You know, my own personal opinion
 4 is that they are the foundation. You begin with them,
 5 bring them to where they need to be, and then we're
 6 gone.
 7 Q. BY MR. ROSENBAUM: And based on your training
 8 and your many years of experience, why is it important
 9 for you to actually hear from students about what's
 10 going on at the school?
 11 MR. VIRJEE: Objection. Asked and answered.
 12 THE WITNESS: If we get answers that something
 13 is not quite right or something is going on, we then can
 14 inform the administrators.
 15 If drugs are being used, we can inform the
 16 administrators, where the students might not do that. I
 17 think it's important to touch base with all who are a
 18 part of that campus that we are visiting.
 19 Q. BY MR. ROSENBAUM: To ask questions of all of
 20 them about what their needs are; is that right?
 21 A. Yes.
 22 Q. And that would include teachers?
 23 A. Teachers.
 24 Q. Principals?
 25 A. Uh-huh.

1 Q. You're saying yes?
 2 A. Yes.
 3 Q. Parents?
 4 A. Parents.
 5 Q. Who else?
 6 A. Instructional assistants and students.
 7 Occasionally we talk to custodians, if there are any.
 8 And teachers includes specialists and itinerate
 9 staff that are in and out, nurses, psychologists, anyone
 10 who has anything to do with that school, working that
 11 school, that particular site, we gather information from
 12 them to complete our report.
 13 Q. Okay. And you correct me if I'm wrong, but I
 14 take it based on your training and your experience you
 15 don't think CCR could do its job unless all of these
 16 population elements were, in fact, questioned?
 17 MR. VIRJEE: Objection. Calls for speculation.
 18 Lacks foundation. Also vague and ambiguous as to "do
 19 its job."
 20 THE WITNESS: I believe those are important
 21 aspects of CCR.
 22 Q. BY MR. ROSENBAUM: Okay. And do you think that
 23 it infringes, hampers the local autonomy of school
 24 districts for students to be asked about what their
 25 needs are?

1 MR. VIRJEE: Objection. Calls for speculation.
 2 Lacks foundation.
 3 MS. READ SPANGLER: Join.
 4 MR. VIRJEE: Also vague and ambiguous as to
 5 "infringes" and "hampers." Actually, the whole thing is
 6 vague and ambiguous.
 7 THE WITNESS: I don't know.
 8 Q. BY MR. ROSENBAUM: Let me ask you some
 9 questions about English learner.
 10 A. Okay.
 11 Q. One of the items that you -- I apologize. I
 12 want to go back to what we were talking about for a
 13 moment. Are LEAs -- strike that.
 14 As part of your validation reviews, do teams
 15 ask questions of the population segments we've been
 16 talking about, students, principals, teachers, other
 17 administrators, custodians?
 18 A. Yes.
 19 MR. VIRJEE: Objection. Asked and answered.
 20 Q. BY MR. ROSENBAUM: And that's also part of the
 21 self-review process that CCR mandates?
 22 A. Yes.
 23 Q. Okay. Thanks. Let me ask you about English
 24 learner. One of the items that you're concerned about
 25 with respect to English learner is whether or not

1 there's a shortage of qualified teachers; is that right?
 2 A. Yes.
 3 MS. READ SPANGLER: Objection. Leading.
 4 Q. BY MR. ROSENBAUM: Are there certain districts
 5 that, in your experience, have greater shortages of
 6 teachers than others, qualified teachers than other?
 7 MS. READ SPANGLER: Assumes facts not in
 8 evidence.
 9 MR. VIRJEE: Also vague and ambiguous as to
 10 shortage of qualified teachers.
 11 THE WITNESS: I have to say I believe so, but I
 12 can't say I know.
 13 Q. BY MR. ROSENBAUM: And what's the basis of your
 14 belief?
 15 A. Just listening to staff in my division talking
 16 and giving up dates, you know, in our staff meetings.
 17 So I would not know that specifically, but the EL
 18 program reviewers would know that.
 19 Q. Okay. Does CCR give districts technical
 20 assistance as to how to recruit qualified teachers for
 21 English learners?
 22 A. Yes.
 23 Q. Okay. And that is -- that assistance is
 24 provided to those districts that have come back with a
 25 noncompliance item as to availability of qualified

1 teachers; is that right?
 2 A. I don't know.
 3 Q. Okay. Have you ever been part of a process of
 4 giving technical assistance?
 5 A. For?
 6 Q. For qualified teachers for English learners.
 7 A. No.
 8 Q. Okay. But you're aware that somebody in CCR
 9 does that; is that right?
 10 A. Yes.
 11 Q. And that would be someone from the EL
 12 program --
 13 A. Unit.
 14 Q. -- unit; is that right?
 15 A. Yes.
 16 Q. You don't know what that assistance consists
 17 of?
 18 MR. VIRJEE: I'm sorry, I didn't understand the
 19 question.
 20 Q. BY MR. ROSENBAUM: Do you know what the
 21 assistance consists of?
 22 MR. VIRJEE: Objection. Calls for speculation.
 23 Lacks foundation.
 24 THE WITNESS: No.
 25 Q. BY MR. ROSENBAUM: Does CCR give technical

1 assistance to other units -- strike that.
 2 Does CCR give technical assistance dealing with
 3 the availability of qualified teachers in other units
 4 besides English learner?
 5 MR. VIRJEE: Objection. Calls for speculation.
 6 Lacks foundation. Also vague and ambiguous as to "CCR."
 7 MS. READ SPANGLER: Vague and ambiguous as
 8 "qualified teachers."
 9 THE WITNESS: I don't know.
 10 Q. BY MR. ROSENBAUM: Okay. Do you know why the
 11 English learner unit gives technical assistance with
 12 respect to the availability of qualified teachers?
 13 A. Yes.
 14 Q. Why is that?
 15 A. I think it's part of Comite's settlement
 16 agreement that they are required to do that.
 17 Q. Okay.
 18 A. That's as far as my knowledge goes.
 19 Q. Do you know how long that's been taking place?
 20 A. Comite settlement agreement has been going on
 21 for seven years or more.
 22 Q. And that's C-o-m-i-t-e?
 23 A. Yes.
 24 (Discussion held off the record.)
 25 MR. ROSENBAUM: We've just had an

1 off-the-record discussion regarding the remaining time
 2 concerning this deposition.
 3 Mr. Virjee has said that -- if this deposition
 4 is to last more than one day, I understood him to say
 5 that he'd rather not go late into the evening because of
 6 the available flights are at 4:45 and 6:30.
 7 I pointed out that we noticed this deposition
 8 as a day-to-day deposition. We also are prepared to go
 9 quite late tonight, as late as the witness is prepared
 10 to go, however, I will accommodate that request.
 11 And our understanding is that we'll take a
 12 check at 4:00 to see where we're at. But in any case,
 13 we won't go late into the evening, 7:00, 8:00.
 14 MR. VIRJEE: We should probably also note that
 15 the deponent is not available tomorrow. She's got a
 16 doctor's appointment tomorrow, and I'm not available
 17 tomorrow. I don't know about any other counsel, but I
 18 appreciate you accommodating us.
 19 Q. BY MR. ROSENBAUM: We've been talking,
 20 Mrs. Clark-Thomas, about areas in which assistance is
 21 available as part of the self-review and then the
 22 validation process, correct?
 23 A. Yes.
 24 Q. Incidentally, if I say CDE, what does that mean
 25 to you?

1 A. California Department of Education.
 2 Q. And there is California Department of Education
 3 assistance that is available to individual districts; is
 4 that right?
 5 MR. VIRJEE: Objection. Vague and ambiguous as
 6 to "individual assistance."
 7 THE WITNESS: I don't know.
 8 Q. BY MR. ROSENBAUM: Okay. As part of the CCR
 9 review process, is there technical assistance available,
 10 to your knowledge, with respect to staff development?
 11 A. Yes.
 12 Q. Okay. With respect to overcrowding conditions?
 13 MR. VIRJEE: Objection. Asked and answered.
 14 Also vague and ambiguous.
 15 THE WITNESS: I don't know.
 16 Q. BY MR. ROSENBAUM: Okay. And with respect to
 17 the development of curriculum?
 18 A. Yes.
 19 Q. Or in the selection of curriculum?
 20 A. I don't know.
 21 Q. With respect to physical facilities?
 22 MR. VIRJEE: Objection. Vague and ambiguous.
 23 THE WITNESS: I don't know.
 24 Q. BY MR. ROSENBAUM: Okay. And with respect to
 25 the provision of textbooks?

1 MR. VIRJEE: Objection. Vague and ambiguous.
 2 THE WITNESS: I don't know.
 3 Q. BY MR. ROSENBAUM: Okay. And I take it,
 4 correct me if I'm wrong here, when you say you don't
 5 know, you're not aware of such assistance being provided
 6 based on your experience with CCR; is that right?
 7 MR. VIRJEE: Objection. Assumes facts. Also
 8 lacks foundation.
 9 THE WITNESS: That's right.
 10 Q. BY MR. ROSENBAUM: And you haven't seen any
 11 written document or training document that describes the
 12 availability of such assistance in the areas that we
 13 just talked about; is that right?
 14 A. Right.
 15 Q. And what about with respect to -- let me strike
 16 that.
 17 Is one of the items that CCR designates for
 18 review, whether or not schools charge fees for
 19 materials?
 20 A. No.
 21 Q. That is not one of the items?
 22 A. That is not one of the items.
 23 Q. Has there ever been any discussion about
 24 including that as an item?
 25 A. Schools charging fees?

1 Q. For textbooks or other materials.
 2 A. No.
 3 Q. You've never heard that come up?
 4 A. No.
 5 Q. One of -- what you've talked to me about is a
 6 collaborative process at times between CCR and
 7 individual districts; is that right?
 8 MR. VIRJEE: Her testimony will speak for
 9 itself.
 10 Q. BY MR. ROSENBAUM: Is that right?
 11 MR. VIRJEE: Objection. Mischaracterizes her
 12 testimony. Her testimony will speak for itself.
 13 THE WITNESS: I'm not sure I understand the
 14 question.
 15 MS. READ SPANGLER: Join.
 16 Q. BY MR. ROSENBAUM: You get a -- you produce a
 17 notification of findings, you being CCR?
 18 A. Yes.
 19 Q. And then if there are items of noncompliance,
 20 you've talked to me about the four stages in terms of
 21 getting the district into compliance, right?
 22 A. Yes.
 23 Q. There is no stage five?
 24 A. There is no stage five.
 25 Q. That's nuclear war?

1 A. I guess.
 2 Q. And that process, those four stages, that
 3 involves a collaborative effort between CCR people and
 4 district people, right?
 5 A. Yes.
 6 MR. VIRJEE: Objection. Vague and ambiguous as
 7 to "collaborative effort" and "CCR people."
 8 Q. BY MR. ROSENBAUM: And what do you understand
 9 collaborative effort to mean?
 10 A. Talking, communicating, working together.
 11 Q. Do you think that's important based on your
 12 training and experience?
 13 A. Yes.
 14 Q. Why is that?
 15 A. You know, in any situation there should be
 16 communication between at least two people. And in that
 17 situation, in order for us to help them prevent or, you
 18 know, problem solve or prevent noncompliance -- I
 19 mean -- yeah, noncompliance, then we need to talk
 20 together, collaborate. We need to give them guidance.
 21 Q. Why is that?
 22 A. Because we want the -- we, the California
 23 Department of Education, want the districts to be
 24 compliant in order to meet the needs of students.
 25 Q. Why not just say to the districts, do it

1 yourself, and not check up to see whether or not the
 2 districts do it or not?
 3 MR. VIRJEE: Objection. Calls for speculation.
 4 Lacks foundation.
 5 THE WITNESS: We do tell them to do it
 6 themselves through the self-review, take ownership for
 7 it and then let us -- we then -- not let us. We then
 8 come out to verify.
 9 Q. BY MR. ROSENBAUM: Why is that part of the
 10 process important?
 11 MR. VIRJEE: Objection. Calls for speculation.
 12 Lacks foundation.
 13 THE WITNESS: Because it's a mandate from our
 14 federal -- we're reviewed also by the federal
 15 government, and it's a stipulation that we provide
 16 oversight monitoring to LEAs.
 17 Q. BY MR. ROSENBAUM: Okay. And you think the
 18 involvement of CDE itself is important in ending up with
 19 a result of compliance?
 20 MR. VIRJEE: Objection. Vague and ambiguous.
 21 THE WITNESS: I think so.
 22 Q. BY MR. ROSENBAUM: Why is that?
 23 A. Based upon my experience for the many years
 24 that they have been noncompliant over and over again.
 25 Without the addition of having that kind of

1 communication that we have set up in the CCR process,
 2 without that, the same issues will be found noncompliant
 3 year after year.
 4 And now we're beginning to see that there's a
 5 difference, there's progress.
 6 Q. Why do you think that is?
 7 MR. VIRJEE: What is?
 8 MR. ROSENBAUM: That for many years it was the
 9 same thing over and over again and now you're beginning
 10 to see progress.
 11 Q. Why do you think that is?
 12 A. Because we have included in our system a means
 13 to communicate and provide technical assistance. And we
 14 start it at the institutes, we continue it at our
 15 validation reviews, and we continue it at our follow-up,
 16 which is part of the compliance tracking system.
 17 Q. And each one of those is terribly important in
 18 terms of securing compliance; is that right?
 19 A. Yes.
 20 Q. Why is that?
 21 A. Haven't I said that? You want me to say it
 22 again?
 23 Q. When an item of noncompliance is identified as
 24 part of a self-review, does CCR inquire as to how long
 25 that item has been an item of noncompliance?

1 MR. VIRJEE: I'm sorry, can you read that back?
 2 MR. ROSENBAUM: I'll ask it again.
 3 Q. You get a self-review, and those self-reviews,
 4 on occasions, list items of noncompliance; is that
 5 right?
 6 A. Yes.
 7 Q. Does CCR inquire how long has that item of
 8 noncompliance existed?
 9 A. No.
 10 Q. Okay. Why is that?
 11 A. Because we will validate it when we arrive
 12 during the months of November through June of the
 13 following year after we have received and read and
 14 scored the self-review.
 15 So when we arrive and do the evaluation, we
 16 inquire about the status of the noncompliant item that
 17 you found during your self-review.
 18 Q. Let me ask a related question to your answer,
 19 which I appreciate. Does CCR say, look, this item --
 20 strike that.
 21 When do you get the self-reviews from the
 22 different --
 23 A. In July, all of them.
 24 Q. Do you make an inquiry, well, did this item of
 25 noncompliance exist a year ago, two years ago, five

1 years ago?
 2 Is that part of the inquiry that CCR makes?
 3 MR. VIRJEE: Objection. Vague as to time.
 4 MS. READ SPANGLER: Asked and answered.
 5 THE WITNESS: I'm not sure what you mean. When
 6 we get the self-review and review it in July, July 1 of
 7 a certain year, do we inquire for previous years?
 8 MR. ROSENBAUM: Yeah.
 9 THE WITNESS: No.
 10 Q. BY MR. ROSENBAUM: For example, let's say
 11 there's an item there, a lack of qualified teachers. I
 12 take it from your answer, you don't inquire has there
 13 been a lack of qualified teachers for ten years, five
 14 years, one year, eighteen months?
 15 You don't ask that question?
 16 A. No.
 17 Q. You just focus on let's deal with the situation
 18 now?
 19 A. Yes, I do.
 20 Q. Okay. And is that the principle that team
 21 members are trained to follow?
 22 MR. VIRJEE: Objection. Assumes facts not in
 23 evidence.
 24 THE WITNESS: Except for one program.
 25 Q. BY MR. ROSENBAUM: What's that?

1 A. The EL program.
 2 Q. Okay.
 3 A. I believe they follow up. I believe they have
 4 data that could give you that kind of information.
 5 Q. On qualified teachers?
 6 A. Right.
 7 Q. What about other items like -- you're not sure
 8 if you have that, that's just your best belief; is that
 9 right?
 10 A. I better say I'm not sure right now.
 11 Q. And what about other items? Like there's
 12 another item there for -- well, existence of core
 13 curriculum; is that right?
 14 A. Uh-huh.
 15 Q. You're saying yes?
 16 A. Yes.
 17 Q. And let's say a district says, we're out of
 18 compliance with respect to provision of core curriculum
 19 to students.
 20 A. Yes.
 21 Q. Is it part of the practice and training of CCR
 22 to make an inquiry how long have students not been
 23 receiving core curriculum, one year, five years, ten
 24 years, et cetera?
 25 A. Yes.

1 Q. They are directed to do that?
 2 A. There's a -- it's part of a standard that we
 3 use.
 4 Q. How long it's been out of compliance?
 5 A. Right. Because we have the past compliance
 6 history, and so when we look at that compliance history,
 7 look at the self-review and now we're validating, what's
 8 going on, you have been noncompliant, not only now, but
 9 then and before, we have the data in front of us.
 10 Q. That's at the district level?
 11 A. That's at the district level.
 12 Q. Now, what about -- you've told us that not
 13 every school is reviewed every cycle.
 14 A. That's right.
 15 Q. So say you get information that a particular
 16 school has not provided -- is out of compliance with
 17 respect to a particular item. Do you understand what
 18 I'm talking about?
 19 A. Yes.
 20 Q. Is it part of the practice of CCR to find out
 21 how long that particular school has been out of
 22 compliance?
 23 MR. VIRJEE: Objection. Vague and ambiguous.
 24 THE WITNESS: No.
 25 Q. BY MR. ROSENBAUM: Why is that?

1 A. Because it is the responsibility of another
 2 unit, the complaints unit, who then becomes a part of
 3 reviewing with us to investigate that complaint. That's
 4 a complaint.
 5 Q. I see. And when you say -- the complaints unit
 6 includes what?
 7 MR. VIRJEE: Objection. Vague and ambiguous.
 8 What do you mean, "includes what"?
 9 Q. BY MR. ROSENBAUM: What is the complaints unit?
 10 A. It's a unit --
 11 Q. What is the complaints unit?
 12 Is the complaints unit what?
 13 MR. VIRJEE: Complaints unit is what? What is
 14 "what"?
 15 THE WITNESS: It's a unit, an avenue or a
 16 vehicle for LEA's, parents, community people to file
 17 complaints against districts that they allege are
 18 noncompliant.
 19 Q. BY MR. ROSENBAUM: And that include the UCP
 20 that we were talking previously?
 21 A. Yes.
 22 Q. Does it include anything else?
 23 A. It includes just about every program. I mean,
 24 they can complain, the community, parents, whoever can
 25 complain to that unit about anything.

1 Q. Now, if there hasn't been a specific complaint
 2 registered with respect to a particular item at a
 3 particular school, does anyone at CCR check to see how
 4 long that item has been out of compliance at that
 5 school?
 6 MR. VIRJEE: Objection. Vague and ambiguous.
 7 Vague as to time. Before or after the self --
 8 MR. ROSENBAUM: At any point in the process.
 9 MR. VIRJEE: She's already testified at length
 10 what they do after the self-evaluation and the
 11 validation study.
 12 MR. ROSENBAUM: I thought my question was
 13 clear. I don't want to inadvertently cause any
 14 confusion.
 15 Q. An item comes back as being noncompliant at a
 16 particular school. That school, for purposes of my
 17 hypothetical here, has not been the subject of a
 18 validation review previously. Okay?
 19 A. Uh-huh.
 20 Q. You're saying yes?
 21 A. Yes.
 22 Q. My question is, assume that there's never been
 23 a complaint filed, no parent or student has ever filed a
 24 complaint. Does CCR attempt to find out how long that
 25 item has been out of compliance at that school?

1 MR. VIRJEE: Objection. Asked and answered.
 2 Q. BY MR. ROSENBAUM: Is that part of the protocol
 3 for CCR?
 4 A. No, because you used the word "school."
 5 Q. If I had said district, your answer would be
 6 different?
 7 A. Yes.
 8 Q. As to a particular school, the answer is no?
 9 A. No.
 10 Q. Does anybody in the Department of Education
 11 attempt to find out how long that particular school has
 12 been out of compliance with respect to a particular
 13 item?
 14 A. No.
 15 Q. The self-review takes place, and then we go to
 16 the validation review; is that right?
 17 A. Yes.
 18 Q. Okay. Do you have an estimate,
 19 Mrs. Clark-Thomas, as to the number -- the number of or
 20 the percent of self-reviews that the validation review
 21 just signs off on, everything about this self-review is
 22 correct?
 23 MR. VIRJEE: Objection. Asked and answered.
 24 You asked that question earlier.
 25 MS. READ SPANGLER: Assumes facts not in

1 evidence.
 2 THE WITNESS: No, that's not part of your
 3 practice.
 4 Q. BY MR. ROSENBAUM: Because?
 5 A. Repeat your question.
 6 Q. I'm a member of one of the teams that's
 7 conducting a validation review, and part of my job is to
 8 look at those self-reviews; is that right?
 9 A. (Witness nods head).
 10 Q. Can you give me your best judgment as to the
 11 percent of those self-reviews that the validation review
 12 signs off on, no problems, no changes made whatsoever,
 13 no disagreements about any of the determinations that
 14 were made on the self-review?
 15 A. I see. No, I can't give you a percentage.
 16 Q. Do you know if it's more or less than 20
 17 percent?
 18 MR. VIRJEE: Objection. Vague as to time.
 19 THE WITNESS: I just can't. I can't give you
 20 that information.
 21 Q. BY MR. ROSENBAUM: Okay. But there are times
 22 when the validation review looks at the self-review and
 23 says, the self-review is incorrect or the self-review
 24 didn't fully analyze the items that they were supposed
 25 to; is that right?

1 A. That's part of our practice.
 2 Q. And how do you go about that practice?
 3 A. When we're conducting the validation review,
 4 the team leader has a composite in a district level
 5 report of all of the schools that were found
 6 noncompliant, and it's that person's responsibility to
 7 say, okay, where are we with this school and what
 8 verification do you have and where are we with this
 9 school, and so on and so on.
 10 And then that then becomes a part of the
 11 validation report, which would be not only the schools
 12 we visited -- that we have visited or we are visiting,
 13 but it includes a validation of the status of the
 14 self-reviews that were -- of the schools during their
 15 self-review that were found noncompliant.
 16 Q. You've already told us that not every school
 17 for which you -- strike that.
 18 Not every district for which you receive a
 19 self-review does a validation, a site validation,
 20 actually take place?
 21 MR. VIRJEE: That misstates her testimony.
 22 Maybe you misstated your question.
 23 MR. ROSENBAUM: I think I did.
 24 Q. You don't make a site visit for every district
 25 for which you receive a self-review; is that right?

1 MR. VIRJEE: For every district or every
 2 school?
 3 MR. ROSENBAUM: For every district.
 4 THE WITNESS: We make a site -- we visit -- we
 5 review every district on the cycle. We do not visit
 6 every school.
 7 Q. BY MR. ROSENBAUM: And you have no way of
 8 knowing how accurate the self-reviews are at the schools
 9 you don't visit; isn't that correct?
 10 MR. VIRJEE: Other than what she just testified
 11 to?
 12 MR. ROSENBAUM: I want the question fresh.
 13 Q. You don't have any specific way of knowing the
 14 accuracy of the self-reviews at the schools you don't
 15 visit?
 16 MS. READ SPANGLER: Objection. Misstates her
 17 testimony.
 18 MR. VIRJEE: Objection. Misstates her
 19 testimony.
 20 MR. ROSENBAUM: I'm not misstating any
 21 testimony at all. I'm stating a question.
 22 MS. READ SPANGLER: Misleading.
 23 THE WITNESS: I can answer it for one district,
 24 one district, and the answer is, yes, I have a way of
 25 knowing how accurate. That's LA Unified.

1 Q. BY MR. ROSENBAUM: Why is that?
 2 A. Because they supply me with boxes of
 3 documentation that would verify the compliance issues
 4 which were found during the self-review.
 5 Q. Okay. Does every district do that?
 6 A. I can't talk about every district, I can only
 7 talk about the ones that I visit.
 8 Q. What about the districts that you visit, does
 9 every district do that?
 10 MR. VIRJEE: Provide the boxes?
 11 MR. ROSENBAUM: Yeah.
 12 THE WITNESS: Every district does not provide
 13 the boxes.
 14 Q. BY MR. ROSENBAUM: Okay. And why does LAUSD do
 15 that?
 16 MR. VIRJEE: Objection. Calls for speculation.
 17 Lacks foundation.
 18 MS. READ SPANGLER: Join.
 19 THE WITNESS: They've got good people. I don't
 20 know. I don't know.
 21 Q. BY MR. ROSENBAUM: Do you review -- how often
 22 is LAUSD reviewed? Is it reviewed more than other
 23 districts?
 24 A. Yes.
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "LAUSD reviewed."
 2 Q. BY MR. ROSENBAUM: How often is it reviewed?
 3 A. Every year.
 4 Q. And why is that?
 5 A. They sent in a proposal requesting to be
 6 reviewed on an annual basis rather than every four years
 7 because of the vast number of schools that they have.
 8 And it would be impossible for them to do a self-review
 9 on all of their schools. They felt that if they could
 10 review a certain number each year, they could do a
 11 better job and get a handle on how to help their
 12 teachers and be compliant.
 13 Q. Okay. So they have affirmatively sought your
 14 assistance; is that right?
 15 A. They --
 16 Q. Have affirmatively sought your assistance.
 17 They want your assistance?
 18 A. They like our system, yes.
 19 MR. STURGES: I'll object to that as misstating
 20 the testimony.
 21 Q. BY MR. ROSENBAUM: Any other districts you
 22 review every year?
 23 A. Yes.
 24 Q. Which ones?
 25 A. San Juan Unified School District.

1 Q. Why is that?
 2 A. And Oakland, and that's it. Anyone in the top
 3 20 largest districts were afforded or allowed to make
 4 that kind of option, and those three did.
 5 Q. Okay. Do you know the reasons why San Juan
 6 requested it?
 7 A. For the same reason. They wanted to do a
 8 better job in the self-review, have more control.
 9 Q. Okay. And what about -- do you know why
 10 Oakland did?
 11 A. What about Oakland? I didn't hear you.
 12 Q. Do you know why Oakland did?
 13 A. I missed something.
 14 Q. Do you know why Oakland requested an annual?
 15 A. Yes.
 16 Q. Do you know why that was?
 17 A. I believe all of them for the same reason, to
 18 do a better job in the self-review and because of the
 19 vast number of schools that they are responsible for.
 20 Q. Okay. To your knowledge, do any districts
 21 conduct self-reviews related to programs not included in
 22 the 12 programs?
 23 MR. VIRJEE: Objection. Calls for speculation.
 24 Lacks foundation. Also vague and ambiguous as to
 25 "self-review."

1 THE WITNESS: I don't know.
 2 Q. BY MR. ROSENBAUM: Okay. Have you ever made
 3 any inquiry to find out?
 4 MR. VIRJEE: Same objections.
 5 THE WITNESS: When the self-reviews come in,
 6 it's so noted. Did you say programs?
 7 MR. ROSENBAUM: Besides the 12 programs.
 8 THE WITNESS: Right. Just the 12 --
 9 MS. READ SPANGLER: I think you misheard or
 10 misunderstood the question.
 11 Q. BY MR. ROSENBAUM: I'm interested --
 12 self-reviews take place with respect to items concerning
 13 those 12 programs?
 14 A. Yes.
 15 Q. And my question --
 16 MR. VIRJEE: That's through CCR.
 17 MR. ROSENBAUM: Right.
 18 Q. And my question is, to your knowledge, do
 19 districts conduct self-reviews, not necessarily through
 20 CCR, but through any auspice at all as to programs other
 21 than the 12 programs?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to "programs" and "self-review."
 24 THE WITNESS: I don't know.
 25 Q. BY MR. ROSENBAUM: Do you know of if any sort

1 of self-review goes on at the districts besides their
 2 self-reviews that you're familiar with?
 3 A. No.
 4 MR. VIRJEE: Objection. Asked and answered.
 5 Also vague and ambiguous as to "self-reviews."
 6 Q. BY MR. ROSENBAUM: Do you know what CBEDS is?
 7 A. I've heard of it, but I can't articulate
 8 anything about it.
 9 Q. Do you know what it stands for?
 10 A. No. I don't recall.
 11 Q. Okay. You're very close to being admitted to
 12 the bar.
 13 MR. VIRJEE: Not the kind with the swinging
 14 doors either.
 15 MR. ROSENBAUM: Like the rest of us.
 16 Q. Do you know what FCMAT is?
 17 A. Something to do with the special education.
 18 Q. I'm sorry?
 19 A. Does it have something to do with special
 20 education?
 21 MR. VIRJEE: You don't get to ask him
 22 questions.
 23 Q. BY MR. ROSENBAUM: Sitting here today do you
 24 know what FCMAT is, F-C-M-A-T?
 25 A. No.

1 MR. ROSENBAUM: Off the record for a minute.
 2 (Recess taken.)
 3 MR. ROSENBAUM: Off the record we've agreed to
 4 go to 5:30.
 5 MS. READ SPANGLER: Yes.
 6 MR. ROSENBAUM: Let's mark as Exhibit SAD-13, a
 7 four-page document that I will represent we received in
 8 discovery from the Department of Education.
 9 It bears the Bates numbers 29504, and I'm going
 10 to have this marked as Exhibit SAD-13, and present it to
 11 the witness and also supply it to counsel.
 12 MS. READ SPANGLER: Just to clarify, it's 29504
 13 through 29507.
 14 (Exhibit SAD-13 was marked.)
 15 Q. BY MR. ROSENBAUM: Do you have that in front of
 16 you?
 17 A. Yes.
 18 Q. Okay. Why don't you take a brief look at it.
 19 I'm going to ask you some questions. You don't have to
 20 study it now. You're obviously free to look at this as
 21 much as you'd like. And that goes for all the
 22 documents.
 23 Have you had an opportunity to look at this?
 24 A. Yes.
 25 Q. "This" being pages DOE-29504 through 29507?

1 A. Right.

2 Q. Do you recognize this?

3 A. Yes, I do.

4 Q. What is it?

5 A. It's a brochure that we give out on an annual
6 basis at the LEA institutes and our CDE staff at their
7 training.

8 Q. And this is a current copy of what you
9 distribute, referring to Exhibit 13?

10 MR. VIRJEE: Vague and ambiguous as to
11 "current."

12 THE WITNESS: 2001, 2002. Yes, this is the
13 latest.

14 Q. BY MR. ROSENBAUM: Okay. And directing your
15 attention to DOE-29504, the first page of Exhibit 13.
16 Do you have that in front of you?

17 A. Yes.

18 Q. And in the left-hand column, see where it says
19 types of coordinated compliance reviews?

20 A. Yes.

21 Q. And still referring to Exhibit 13, what does
22 beyond CCR mean?

23 A. These are reviews that are not necessarily
24 conducted with the CCR seven teams. And in looking at
25 them you know there's a Comite type -- these are

1 different, other types of reviews. So we have types of
2 reviews where the coordinated team goes out, and then we
3 have these other types where a program -- the programs
4 listed here are doing something on their own.

5 Q. And just so I understand this, I notice --
6 still looking at Exhibit 13, the first page, 29504. Do
7 you see where it says, beyond CCR, and then it says,
8 State program for English learners, and in parentheses
9 it says, Comite follow-up reviews, close parens?

10 A. Right.

11 Q. Does that mean to you that CCR does not conduct
12 that particular review?

13 A. That's right.

14 Q. Your team members are not involved in that
15 review process; is that right?

16 A. That's right.

17 Q. Okay. Does CCR conduct any sort of review with
18 respect to English learners, the members of your teams?

19 A. With respect to the Comite, no. With respect
20 to any of these listed?

21 Q. When you say "these," I don't know what you
22 mean.

23 MS. READ SPANGLER: He said English learners.

24 THE WITNESS: Oh, English learners. Okay.

25 Q. BY MR. ROSENBAUM: Let's start that question

1 fresh. Do I take that properly to mean that CCR does
2 not itself conduct reviews with respect to the English
3 learners program?

4 MR. VIRJEE: Objection. Asked and answered
5 several times during the depo.

6 THE WITNESS: Not correct as you stated it.

7 MR. ROSENBAUM: Correct it for me.

8 THE WITNESS: Consolidated programs has as part
9 of its program the English learners programs, and those
10 reviews are conducted with CCR.

11 Q. BY MR. ROSENBAUM: Okay. Thank you. And still
12 at Exhibit 13, page 29504. Looking at the second column
13 under self-review under purpose, do you see where it
14 says, identify areas in which the assistance of the
15 California Department of Education is needed?

16 A. Yes.

17 Q. That's one of the purposes of the self-review?

18 A. Yes.

19 Q. And what are the areas in which the assistance
20 of the California Department of Education may be needed?

21 A. It's whatever the LEA coordinator determines as
22 they're going through their self-review and they flag
23 they need help in this area. It's letting them know and
24 us know that they can either call us or write it up, and
25 when we arrive we can provide them with the assistance

1 they need.

2 Q. Okay. Thank you. Directing your attention
3 still to Exhibit 13, now page 29505, the second page.
4 Do you see the category validation review in
5 the first column?

6 A. Yes.

7 Q. And one of the purposes is to review the extent
8 of noncompliance when the validation indicates that the
9 local educational agency has mistakenly identified items
10 or tests as indicating compliance; is that right?

11 A. Yes.

12 Q. And that's one of the purposes of the
13 validation review?

14 A. Yes.

15 Q. And why is that important?

16 A. Well, you know, even though an LEA conducts a
17 self-review and indicates that they're compliant on
18 certain items, it does not prohibit or inhibit us from
19 saying, but you're also not compliant on additional
20 items.

21 So they might have only called themselves
22 noncompliant on four, and when we come, even though
23 we're validating that four, there could be some
24 additional items. There could also be some items that
25 they have identified incorrectly as noncompliant.

1 Sometimes they're harder on themselves than they should
 2 be.
 3 Q. And sometimes they're easier on themselves than
 4 they should be?
 5 A. And sometimes they're easier, right. So that's
 6 the purpose for making that statement.
 7 Q. Okay. And directing your attention still to
 8 29505 of Exhibit 13. Do you see where it says
 9 coordinated compliance reviews State goals?
 10 A. Yes.
 11 Q. And see where it says, increase local
 12 responsibility for administering compliance by
 13 encouraging participating local educational agencies and
 14 schools to perform a compliance self-review before the
 15 validation of that review by Department staff?
 16 A. Yes.
 17 Q. Why is that important?
 18 MR. VIRJEE: Objection. Asked and answered.
 19 You asked her that this morning.
 20 THE WITNESS: Those are part of the goals, and
 21 one of them is to allow local educational agencies to
 22 conduct a review, take ownership, identify and correct
 23 before we come in. It's important. It's a benefit.
 24 Q. BY MR. ROSENBAUM: And directing your attention
 25 to 29506 of Exhibit 13. Under process do you see where

1 it says, parent advisory groups and community?
 2 A. Yes.
 3 Q. That's under No. 3 on 29506.
 4 A. Right.
 5 Q. What does that mean?
 6 A. Let's see. These are the activities. All that
 7 you see there are a list of activities that takes place
 8 while we're in the district. And at the school site
 9 interview parent advisory committees to determine that
 10 there are school site councils, the various councils
 11 that are required by the various programs. I think
 12 migrant has a council, consolidated programs has a
 13 council and EL programs has a council. So we interview
 14 those particular groups.
 15 We also as -- let's see. Parent advisory
 16 groups and community input meetings. Okay. So we
 17 also -- the LEA is responsible for letting the community
 18 know that we will be visiting their district, and if
 19 they have any input, they can call and provide us with
 20 input during the two days or a week or two weeks that we
 21 are there.
 22 Q. Okay. And you've already told us that you
 23 regard that as a valuable part of the process?
 24 MR. VIRJEE: Objection. Asked and answered.
 25 Q. BY MR. ROSENBAUM: You regard that as a

1 valuable part of the process?
 2 A. Oh, yes.
 3 MR. VIRJEE: It's already a clue when you say
 4 "you've already told us that."
 5 MR. ROSENBAUM: Let's mark as Exhibit 14
 6 another document that bears the Bates numbers DOE-29493
 7 through DOE-29501. And the front page in all caps it
 8 says Memorandum of Understanding, California Department
 9 of Education and Western Association of Schools and
 10 Colleges Accrediting Commission for Schools. I'm going
 11 to ask the reporter to mark this as Exhibit 14, and I'll
 12 supply copies to the counsel and the witness.
 13 (Exhibit SAD-14 was marked.)
 14 Q. BY MR. ROSENBAUM: I'll ask you to take a look
 15 at this document.
 16 Have you had a chance to look at it?
 17 A. Yes.
 18 Q. I'm referring to Exhibit 14.
 19 MS. READ SPANGLER: Just to clarify, you've
 20 skimmed it, but you haven't read it, right?
 21 THE WITNESS: Right. I just skimmed it.
 22 Q. BY MR. ROSENBAUM: Are you familiar with this
 23 document?
 24 A. Never seen it before.
 25 Q. Do you know what the Western Association of

1 Schools and Colleges Accrediting Commission is?
 2 A. I'm familiar with it.
 3 Q. Do you have any interaction with them in your
 4 capacity with CCR?
 5 A. Yes.
 6 Q. What's the nature of your relationship with
 7 them?
 8 A. When a district or a school, usually it's a
 9 high school district, advises me that a certain high
 10 school is going through WASC, do they also have to
 11 conduct the self-review?
 12 Our policy is that, no, they do not, because
 13 we're trying to integrate all of these different systems
 14 to lessen the burden on schools. So what we'll do is
 15 we'll look at the WASC accreditation report in lieu of
 16 them having to conduct a CCR-related self-review and us
 17 visiting that particular high school or selecting that
 18 high school to visit.
 19 Q. When you say WASC, that is -- you meant
 20 W-A-S-C, all caps, right?
 21 A. Right.
 22 Q. Are you familiar with the accreditation process
 23 that WASC uses?
 24 MR. VIRJEE: Objection. Vague and ambiguous as
 25 to "familiar."

1 MS. READ SPANGLER: Join.
 2 THE WITNESS: No, I'm not.
 3 Q. BY MR. ROSENBAUM: Have you ever been briefed
 4 about what WASC does?
 5 MR. VIRJEE: Objection. Vague and ambiguous as
 6 to "briefed."
 7 THE WITNESS: I've attended short training.
 8 Q. BY MR. ROSENBAUM: Do you remember anything
 9 from that training as you sit here today?
 10 A. No, I don't.
 11 Q. This only applies to high schools, referring to
 12 the WASC Accrediting Commission; is that right?
 13 MR. VIRJEE: Objection. Calls for speculation.
 14 Lacks foundation.
 15 MS. READ SPANGLER: If you know, you can
 16 answer.
 17 THE WITNESS: Repeat your question.
 18 Q. BY MR. ROSENBAUM: The Western Association of
 19 Schools and Colleagues Accrediting Commission, it's your
 20 understanding that deals only with high schools; is that
 21 correct?
 22 MR. VIRJEE: Calls for speculation. Lacks
 23 foundation.
 24 THE WITNESS: That's my only relationship with
 25 it, as it relates to high schools.

1 Q. BY MR. ROSENBAUM: Let me ask you, please, to
 2 look at page 29495 of what's been marked as Exhibit 14.
 3 Do you have that in front of you?
 4 A. Yes.
 5 Q. And if you look at "E" under item 2 on Exhibit
 6 14 on page 29495, do you see where it says, WASC agrees
 7 that when granting extensions to accreditation, WASC
 8 will inform a subject of PQR requirements that the
 9 school must obtain a waiver from the State Board of
 10 Education to exceed a six-year interval between PQRs?
 11 Do you see that?
 12 A. I see that.
 13 Q. Do you know what that means?
 14 A. No.
 15 MR. VIRJEE: Objection. Calls for speculation.
 16 Q. BY MR. ROSENBAUM: Would you look please,
 17 Mrs. Clark-Thomas, at page 29498 of Exhibit 14.
 18 Do you have that in front of you?
 19 A. Yes.
 20 Q. In looking at page 29498 where it says, item
 21 No. 1, under activities, WASC and CDE, all caps, jointly
 22 create a brief addendum, and it's spelled wrong, on
 23 infusing standards on ESLR's.
 24 Do you know who or what a "CDE" is referring
 25 to?

1 MS. READ SPANGLER: Objection. Document speaks
 2 for itself.
 3 THE WITNESS: No. This is the first time I've
 4 ever seen this document.
 5 Q. BY MR. ROSENBAUM: Or heard of this process?
 6 A. Right.
 7 Q. Okay. Thank you.
 8 MR. ROSENBAUM: Let's mark as Exhibit 15 a
 9 document that contains pages DOE-30022 through
 10 DOE-30316, titled on the front page Focus on Learning,
 11 Process Guide for Joint WASC Accreditation and CDE
 12 Program Quality Review.
 13 (Exhibit SAD-15 was marked.)
 14 Q. BY MR. ROSENBAUM: I know you haven't read it,
 15 but have you had a chance to flip through it?
 16 A. I'm looking through it now.
 17 Q. Have you ever seen this before, referring to
 18 what's been marked as Exhibit 15?
 19 A. I have not.
 20 MR. ROSENBAUM: Let's mark as Exhibit 16 a
 21 document. Front page says Coordinated Compliance Review
 22 Training Guide, 2000 to 2001, and it bears Bates No.
 23 DOE-29508 through 29766. I'll have that marked as
 24 Exhibit 16 and put it before the witness and distribute
 25 it to counsel.

1 (Exhibit SAD-16 was marked.)
 2 Q. BY MR. ROSENBAUM: Have you had a chance
 3 briefly to review this?
 4 A. Yes.
 5 Q. You're familiar with this?
 6 A. Yes.
 7 Q. How are you familiar with what's been marked as
 8 Exhibit 16?
 9 A. I developed it with the team that's listed
 10 inside.
 11 Q. Where is that team listed?
 12 A. It's listed on page DOE 29513.
 13 Q. When did you develop this?
 14 A. We developed this starting January 2000. No,
 15 we developed it in 1999.
 16 Q. And this is the training guide that CCR
 17 utilizes?
 18 A. This is the training guide we use for those
 19 that are on the 2000, 2001 cycle. So it was published
 20 in September, or just before September of 1999.
 21 Q. Okay. And who receives this?
 22 A. All of the participants or attendees that
 23 attended the institutes and that are on the cycle to be
 24 reviewed for 2000, 2001, also CDE reviewers and anyone
 25 else who asks for a copy and pays \$22.

1 Q. Or who files a lawsuit.
 2 MS. READ SPANGLER: Yeah, but then you're
 3 really paying more than \$22.
 4 MR. ROSENBAUM: You're not kidding.
 5 Q. Directing your attention, Mrs. Clark-Thomas, to
 6 page DOE-29517 of Exhibit 16.
 7 Do you have that in front of you?
 8 A. Yes.
 9 Q. I'm not going to go through matters that we've
 10 discussed before, but I want some clarification in some
 11 instances, please.
 12 Do you see where it says CDE review findings
 13 and data on Exhibit 16, 29517?
 14 A. Uh-huh.
 15 Q. Are you saying yes?
 16 A. Yes, I see it. Yes.
 17 Q. And the fourth bullet point under there is
 18 program involvement?
 19 A. Yes.
 20 Q. What does that mean?
 21 A. It means that as we're looking at all of the
 22 schools that could be selected and applying all of the
 23 criteria that you see there, we have to ensure that
 24 there are programs at that particular school of the
 25 programs who have decided they needed to go to schools

1 in this district.
 2 Q. Okay. Now, directing your attention to page
 3 29520 of Exhibit 16.
 4 Do you see where it says, consult with
 5 appropriate LEA and regional administrators as step 1?
 6 A. Yes.
 7 Q. These are the steps that you recommend an LEA
 8 take in order to conduct a self-review; is that right?
 9 A. That's right.
 10 Q. And is there a questionnaire that has been
 11 developed as to what the nature of the consultation
 12 should include?
 13 A. No, just the steps and either the check
 14 marks -- you're talking about the nature of when they
 15 consult with these people?
 16 Q. Yeah.
 17 A. First of all, the superintendent selects a
 18 person who he has given the authority to serve as the
 19 LEA coordinator, he has designated that person to be in
 20 charge.
 21 And then beginning with step 2 and in our
 22 training for that LEA coordinator and awareness for all
 23 other attendees, they know what steps are to be taken by
 24 that coordinator and what their responsibilities are
 25 too. So not a questionnaire, but a checklist that's

1 laid out here on page 21 through probably step 7.
 2 Q. Okay. And directing your attention to page
 3 29523.
 4 A. 23?
 5 Q. Uh-huh. Yes. Do you have that in front of
 6 you?
 7 A. Yes, I do.
 8 Q. Okay. And you see where it says around the
 9 middle of the page under conduct a curriculum and
 10 administrative review first of the LEA office and then
 11 of the school sites?
 12 A. Yes.
 13 Q. And then there are four check marks below that?
 14 A. Right.
 15 Q. And then in the second check mark it says,
 16 instructional delivery student (sic). Do you see that?
 17 MS. READ SPANGLER: I think it says "system."
 18 THE WITNESS: System.
 19 Q. BY MR. ROSENBAUM: I'm sorry, instructional
 20 delivery system. Do you see that?
 21 A. Yes.
 22 Q. What does that mean?
 23 A. The self-review team identifies and examines
 24 the core curriculum and instructional delivery system?
 25 MR. ROSENBAUM: Yes.

1 Q. What does that mean?
 2 MR. VIRJEE: Objection. Asked and answered
 3 this morning.
 4 THE WITNESS: Again, it's just looking at --
 5 when they're conducting their self-review or when we're
 6 doing our validation review, we look at the various
 7 strategies, techniques, systems of instruction,
 8 materials, activities to ensure that they meet the
 9 needs.
 10 Q. BY MR. ROSENBAUM: Okay. And directing your
 11 attention to page 29586 --
 12 MS. READ SPANGLER: 36?
 13 MR. ROSENBAUM: No, 86.
 14 Q. Do you have that in front of you?
 15 A. Yes.
 16 Q. This talks about the data that the LEA is
 17 supposed to gather for purposes of ensuring that
 18 multi-funded students learn the school district's core
 19 curriculum; is that right?
 20 A. Yes.
 21 MR. VIRJEE: Objection. The document speaks
 22 for itself.
 23 Q. BY MR. ROSENBAUM: And are there any other data
 24 that -- and this is the set of data -- this is the full
 25 set of data that are to be collected; is that right?

1 MR. VIRJEE: Objection. As to the "full set of
2 data."
3 MS. READ SPANGLER: Correct -- join.
4 MR. VIRJEE: Very ambiguous as to "data." This
5 whole thing asks for data.
6 Q. BY MR. ROSENBAUM: Is that right?
7 A. Included, but not limited to.
8 Q. Is there any other data specified elsewhere?
9 MR. VIRJEE: Objection. The document speaks
10 for itself. Also vague and ambiguous as to "data."
11 The whole self-report is a collection of data.
12 MR. ROSENBAUM: Go ahead.
13 THE WITNESS: Just on 86 and 87, that, again,
14 could include, but not limited to.
15 Q. BY MR. ROSENBAUM: Okay. Let me ask you to
16 turn to 29662.
17 A. 66 --
18 Q. 2. Do you have that in front of you?
19 A. Yes.
20 Q. On 29662 of Exhibit 16, do you see where it
21 says key dimensions?
22 A. Yes.
23 Q. Okay. And the first one, standards, assessment
24 and accountability --
25 A. Maybe we're not on the -- you said 29 --

1 MS. READ SPANGLER: 662.
2 THE WITNESS: Okay.
3 Q. BY MR. ROSENBAUM: Do you see that?
4 A. Yes, I've got it.
5 Q. And you see where it says, standards,
6 assessment, and accountability on 29662?
7 A. Right.
8 Q. What's your understanding of what "standards"
9 means?
10 MR. VIRJEE: Objection. Vague and ambiguous.
11 Also asked and answered.
12 THE WITNESS: Well, they're the curriculum
13 standards, grade level expectations.
14 Q. BY MR. ROSENBAUM: Okay. And what's your
15 understanding of what "accountability" means?
16 MR. VIRJEE: Same objection. Vague and
17 ambiguous. Asked and answered this morning.
18 MS. READ SPANGLER: Join. Asked and answered.
19 THE WITNESS: Accountability. This is, after
20 looking at those standards and looking at assessments,
21 making the determination that there is some kind of
22 growth or student achievement.
23 Q. BY MR. ROSENBAUM: And why is that important?
24 MR. VIRJEE: Objection. Asked and answered.
25 THE WITNESS: It's just important. All of

1 these dimensions are important. They're part of our
2 IASA.
3 Q. BY MR. ROSENBAUM: Your what?
4 A. IASA. And I know you're going to ask me what
5 does that mean.
6 MS. READ SPANGLER: I'll help you out.
7 Improving America's Schools Act.
8 THE WITNESS: Yeah. We were trying to follow
9 the federal mandates.
10 Q. BY MR. ROSENBAUM: Do you know of any
11 equivalent State mandates?
12 MR. VIRJEE: Objection. Calls for speculation.
13 Calls for a legal conclusion.
14 THE WITNESS: I didn't understand your
15 question.
16 Q. BY MR. ROSENBAUM: Is there a State mandate
17 that you consider equivalent to the federal mandate that
18 you just described?
19 MR. VIRJEE: Same objection.
20 MS. READ SPANGLER: Join.
21 THE WITNESS: I think so.
22 Q. BY MR. ROSENBAUM: And what is that?
23 A. Ed. Code section.
24 MR. VIRJEE: Same objection.
25 MS. READ SPANGLER: Join.

1 THE WITNESS: There could be an Ed. Code
2 section equivalent to this.
3 Q. BY MR. ROSENBAUM: Do you know if one exists?
4 A. No.
5 (Discussion held off the record.)
6 Q. BY MR. ROSENBAUM: Let me ask you, please, to
7 look at page 29678.
8 A. 9678?
9 Q. Of Exhibit 16.
10 Have you had a chance to look at that?
11 A. Yes.
12 Q. Do you see where it says ask, a-s-k? It's in
13 the second column.
14 A. Yes.
15 Q. Those are questions that are specifically
16 recommended that inquiry take place regarding; is that
17 right?
18 A. They are questions as guidance.
19 Q. Okay. And that appears throughout this
20 document, right?
21 You being the CCR personnel who prepared this
22 guide, you have identified those questions that you
23 believe are most important, that --
24 A. Along with my team, yes.
25 MS. READ SPANGLER: Let him finish his

1 question.

2 Q. BY MR. ROSENBAUM: These are the most important
3 questions that you and your team believe need to be
4 asked?

5 MR. VIRJEE: Objection. Vague and ambiguous,
6 "most important."

7 MS. READ SPANGLER: Also compound.

8 Q. BY MR. ROSENBAUM: Is that right?

9 A. These are important questions.

10 Q. And did you apply criteria as to what questions
11 you would include and what you would not include?
12 How did you decide what questions to put here?

13 MR. VIRJEE: Objection. Calls for speculation.
14 Lacks foundation.

15 THE WITNESS: Each program person, based upon
16 their expertise and their knowledge of their laws, asked
17 the questions or provided the questions as guidance for
18 not only the team when they're reviewing, but for the
19 self-review LEA people when they conduct a self-review

20 Q. BY MR. ROSENBAUM: Okay. If I don't have the
21 process right, you tell. You say to members of your
22 team, identify those questions that you think need to be
23 asked; is that right?

24 A. Yes.

25 Q. And is there -- was there a set of questions

1 that were drawn up as to what students should be asked?

2 MR. VIRJEE: Objection. Vague and ambiguous.
3 Also calls for speculation.

4 THE WITNESS: Unless you see them listed here,
5 no. There could be questions asked that are not here,
6 that's why I say this whole document includes, but it's
7 not limited to. Each column would -- that would be true
8 for each column.

9 Q. BY MR. ROSENBAUM: But if we don't find the
10 questions in what's been marked as Exhibit 16, they're
11 not going to be written down somewhere else; is that
12 right?

13 MS. READ SPANGLER: Objection. Misstates her
14 testimony.

15 MR. VIRJEE: Calls for speculation. Lacks
16 foundation. Vague and ambiguous as to "written down
17 somewhere else."

18 In what context?

19 THE WITNESS: They may be written down. They
20 may not be part of this document.

21 Q. BY MR. ROSENBAUM: Do you know what other
22 documents that they might be included in?

23 MS. READ SPANGLER: Objection. Calls for
24 speculation.

25 MR. ROSENBAUM: I want to restate the question.

1 Q. Is there any other document that you're aware
2 of where CCR has written down other questions that it
3 believes ought to be asked of the participants in the
4 self-review process?

5 MR. VIRJEE: Objection. Vague and ambiguous as
6 to "CCR."

7 THE WITNESS: No.

8 Q. BY MR. ROSENBAUM: Let me direct your attention
9 to, please, to 29679 of Exhibit 16.
10 Do you have that in front of you?

11 A. Yes, I do.

12 Q. And looking at the second column there, do you
13 see where there's a bullet point that says, whenever
14 primary language is a vehicle of instruction, the
15 teacher must have a bilingual --

16 MR. VIRJEE: That would be the third column.

17 MR. ROSENBAUM: Sure is. I'm sorry.
18 Whenever primary language is a vehicle of
19 instruction, the teacher must have a bilingual,
20 cross-cultural, language, and academic development,
21 paren, BCLAD, end paren, or comparable authorization.

22 THE WITNESS: Yes, I see that.

23 Q. BY MR. ROSENBAUM: Do you know what that means,
24 what BCLAD is?

25 A. It's spelled out above, bilingual,

1 cross-cultural, language, academic development.

2 Q. Do you know what sort of authorization that is?
3 Do you know what the requirements are?

4 MR. VIRJEE: Does she know what the
5 requirements are for BCLAD?

6 MR. ROSENBAUM: Yeah.

7 THE WITNESS: No, I don't.

8 Q. BY MR. ROSENBAUM: Have you ever made inquiry
9 to find out?

10 A. No.

11 Q. Okay. Do you have an opinion as to why that's
12 important that the teacher have a BCLAD or comparable
13 authorization?

14 MR. VIRJEE: Objection. Lacks foundation.
15 Calls for speculation.

16 THE WITNESS: It depends a lot upon the experts
17 in the skills, so I'm sure they had reason and they
18 would know that answer.

19 Q. BY MR. ROSENBAUM: Okay. Same page, 29679 of
20 Exhibit 16, the bullet point underneath where it says
21 S-D-A-I-E in caps?

22 A. Right.

23 Q. Do you have independent knowledge as to what
24 that's about?

25 MR. VIRJEE: What's about?

1 MR. ROSENBAUM: S-D-A-I-E.
 2 MR. VIRJEE: What does SDAIE stand for, is that
 3 what you're asking?
 4 MR. ROSENBAUM: Yeah.
 5 THE WITNESS: You know, I have limited
 6 knowledge.
 7 Q. BY MR. ROSENBAUM: Okay. What is that
 8 knowledge that you do have?
 9 A. That whenever a teacher -- exactly what it says
 10 here, whenever a teacher is teaching or providing
 11 instruction in SDAIE, that that teacher must have a CLAD
 12 credential.
 13 Q. Do you know why that's important?
 14 MR. VIRJEE: Objection. Lacks foundation.
 15 Calls for speculation.
 16 THE WITNESS: No, I don't know why it's
 17 important. I could guess.
 18 MR. VIRJEE: Don't guess.
 19 MS. READ SPANGLER: Don't guess.
 20 MR. ROSENBAUM: Let's mark as Exhibit 17 a
 21 document. The title page is Coordinated Compliance
 22 review, Training Guide Supplement for LEAs, 2001 and
 23 2002, DOE 29767 through 29887.
 24 (Exhibit SAD-17 was marked.)
 25 Q. BY MR. ROSENBAUM: Do you have that in front of

1 A. Yes.
 2 Q. What does "frequent" mean, as you understand
 3 it?
 4 A. These are the issues by program that were most
 5 commonly found noncompliant. They were, we sometimes
 6 say, the most popular issues.
 7 And if you'll look in the column for Adult Ed.,
 8 that issue 1a, in the second column was found
 9 noncompliant in six districts, two was found
 10 noncompliant in eight. So this gives the districts that
 11 are coming up for review for 2000, 2000 and -- I mean,
 12 2001, 2002 an idea of what we look for, and they don't
 13 want to be noncompliant with these issues that they see
 14 here so they're going to work very hard at that.
 15 Q. Okay.
 16 A. In correcting it.
 17 Q. Okay. 29795, do you have that in front you?
 18 A. Yes.
 19 Q. Okay. That's still a continuation of the most
 20 frequent issues of noncompliance; is that right?
 21 A. Right.
 22 Q. With respect to English learners, just so I
 23 understand the codes here, where it says under number
 24 NC, do you see that?
 25 A. Right.

1 you?
 2 A. Yes, I do.
 3 Q. And you've had an opportunity to briefly review
 4 it?
 5 A. Yes.
 6 Q. You're familiar with this document?
 7 A. Yes.
 8 Q. What is this?
 9 A. It's a supplement that the committee, the
 10 training committee developed under my direction to
 11 provide LEAs guidance and provide them with supplemental
 12 materials to the training guide in order to know exactly
 13 what it is they need to do when conducting a
 14 self-review. It's additional information for them.
 15 Q. To help them walk through the process; is that
 16 right?
 17 A. Yes. Right.
 18 Q. And directing your attention to 29794. Do you
 19 see that?
 20 A. 29794?
 21 Q. Yes.
 22 A. Yes.
 23 Q. Of Exhibit 17. That's titled listing of
 24 frequent issues of noncompliance, CCR year 1999 through
 25 2000.

1 Q. Okay. Then it says the first one is 38. It's
 2 issue 3a; is that right?
 3 A. That's right.
 4 Q. And that means 38 districts had a noncompliance
 5 item regarding that issue; is that right?
 6 A. Right.
 7 Q. Okay. And is that based on their self-review,
 8 or is that based on the validation review?
 9 A. The validation review.
 10 Q. Do you know how many districts self-reviewed
 11 and found that item to be a --
 12 A. I don't know.
 13 Q. And you see where it says in the fourth item
 14 down, 25 -- you tell me if I'm translating this right --
 15 25 districts found issue 4b, there is insufficient
 16 qualified staff to provide core curriculum instruction;
 17 is that right?
 18 A. That's right.
 19 Q. And that's in the English learner program?
 20 A. That's right.
 21 Q. Now, do you know with respect to -- strike
 22 that.
 23 Does that mean 25 schools?
 24 A. No, districts.
 25 Q. Okay. So that could mean more than 25 schools?

1 A. Oh, yes.
 2 Q. And why do you say, "oh, yes"?"
 3 A. Because we selected in 1999, I would say, about
 4 450 schools, so this really could -- it has to include
 5 the schools.
 6 Q. When a district says -- let me strike that.
 7 When the validation review says a district is
 8 out of compliance with respect to issue 4b, you already
 9 told us this morning that you're reviewing roughly 10
 10 percent of the schools in that district, right?
 11 A. That's right.
 12 MR. VIRJEE: Objection. Testimony speaks for
 13 itself.
 14 Q. BY MR. ROSENBAUM: And we don't know whether or
 15 not one school among that 10 percent or all the schools
 16 among that 10 percent, or somewhere in between, are out
 17 of compliance; is that right?
 18 A. That's right.
 19 Q. Okay. And is that number maintained anywhere,
 20 the actual number of schools in the district that are
 21 out of compliance for any particular issue?
 22 MR. VIRJEE: For a particular district?
 23 MR. ROSENBAUM: Yes. Thank you.
 24 THE WITNESS: Yes.
 25 Q. BY MR. ROSENBAUM: If you wanted to find out

1 that information, how would I do that?
 2 A. It would be very difficult.
 3 Q. Why is that?
 4 A. Because we would have to manually look through
 5 each of the notification findings to see which school
 6 was listed.
 7 So, you see, our notification of findings is a
 8 district level report. And when we call -- no matter
 9 how many schools we visit, if we find the district
 10 noncompliant, the district is noncompliant districtwide
 11 on that item, not just the two schools we visited.
 12 Q. Okay. Thank you. And is the State Board of
 13 Education notified that there are -- strike that.
 14 Does CCR notify the State Board of Education as
 15 to the number of districts that are out of compliance
 16 with respect to any of the issues that are listed there?
 17 MR. VIRJEE: Objection. Asked and answered.
 18 THE WITNESS: Only if they request it.
 19 Q. BY MR. ROSENBAUM: And do we know the number of
 20 classrooms where there is -- strike that.
 21 Let's stay on page 29795 of Exhibit 17, and
 22 let's look at the 25 districts that are out of
 23 compliance with the -- there is insufficient qualified
 24 staff to provide core curriculum instruction, that
 25 issue.

1 Do you see that?
 2 A. Yes.
 3 Q. Does CCR know how many classrooms in the
 4 district don't have sufficient qualified staff to
 5 provide core curriculum instruction?
 6 MR. VIRJEE: Objection. Vague and ambiguous.
 7 Vague as to time and overbroad.
 8 MS. READ SPANGLER: Join.
 9 THE WITNESS: CCR staff includes a lot of
 10 people, but the one staff person who did this review
 11 might have notes on that.
 12 Q. BY MR. ROSENBAUM: But are they specifically
 13 directed to write down anywhere the number of classrooms
 14 where there is insufficient qualified staff to provide
 15 core curriculum instruction?
 16 A. They're not instructed, but in practice they
 17 indicate in notes the facts that you just asked for, how
 18 many classrooms they visited, how many teachers they
 19 talked to to verify this.
 20 Q. Okay. If you've answered me, then I apologize
 21 for going back to this.
 22 This is what I want to understand. First
 23 question: You have a lot of forms for members of the
 24 team to fill out information that they learned; is that
 25 right?

1 A. Yes.
 2 Q. In fact, we were just talking several minutes
 3 ago about the data that individuals were supposed to
 4 collect; is that right?
 5 A. Right.
 6 Q. And CCR has forms where team members are
 7 supposed to enter data as part of the validation review?
 8 A. That's right.
 9 Q. Now, my question to you is, is there any form,
 10 to your knowledge, which specifically says to a team
 11 member, put down the number of classrooms where there is
 12 insufficient qualified staff to provide core curriculum
 13 instruction?
 14 MR. VIRJEE: Objection. Asked and answered.
 15 THE WITNESS: No.
 16 Q. BY MR. ROSENBAUM: Or the number of students
 17 who are not receiving core curriculum instruction?
 18 A. No.
 19 Q. Or the number of individual classes?
 20 A. No.
 21 Q. Or the subject matters of those classes?
 22 A. No, no particular form.
 23 Q. Okay. And are notes that individual team
 24 members main -- that they keep, is there a requirement
 25 that those notes be kept?

1 MR. VIRJEE: Objection. Vague and ambiguous as
 2 to "notes" and "requirement."
 3 THE WITNESS: Requirement, no.
 4 Q. BY MR. ROSENBAUM: Do you have your notes from
 5 the classes you visited five years ago?
 6 A. No.
 7 Q. Three years ago?
 8 A. I doubt it.
 9 Q. This year?
 10 A. Probably.
 11 Q. What do you do at the end of the year with
 12 those notes?
 13 A. I use those to refresh my memory, so that when
 14 I'm looking again at the IPI, I can ask questions about
 15 what I saw.
 16 Q. Okay. And at some point you dispose of those
 17 notes?
 18 A. Yes.
 19 Q. And is there a set procedure or practice that
 20 team members are trained with with respect to
 21 maintaining their notes?
 22 A. There is a practice that team members retain
 23 their instrument and their notes that are on that
 24 instrument in case of audit exceptions or audits by the
 25 State Bureau -- State Audit Bureau or whoever, or the

1 feds. They are to keep their instrument, which has
 2 something written on it.
 3 Q. Do you in your practice -- in your practice do
 4 you calculate the number of students, for example, who
 5 have insufficient qualified staff to provide core
 6 curriculum instruction at any particular school?
 7 A. No. No.
 8 Q. Okay. Are team members trained to do that?
 9 A. I don't know.
 10 Q. Okay. Is there any form or document that
 11 exists which has an entry spot that says, for example,
 12 with respect to there is insufficient qualified staff to
 13 provide core curriculum instruction, why that's the
 14 problem, why the district is out of compliance?
 15 MR. VIRJEE: Objection. Vague and ambiguous.
 16 THE WITNESS: Is there any document?
 17 MR. ROSENBAUM: Yeah.
 18 THE WITNESS: It's part of the instrument of
 19 this program.
 20 Q. BY MR. ROSENBAUM: To put down the cause?
 21 MR. VIRJEE: Objection. Vague and ambiguous as
 22 to "cause."
 23 THE WITNESS: I'd have to look at their
 24 instrument, because the instrument and that item
 25 specifies what it is they are to make a determination on

1 and where they're to look, what they're to do to make
 2 that determination, and what they should see to
 3 determine if it's compliant.
 4 Q. BY MR. ROSENBAUM: Do you remember any item
 5 that says, put down your judgment as to why a particular
 6 school is not compliant with respect to a particular
 7 item?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to why a school is not in compliance.
 10 THE WITNESS: I don't remember.
 11 Q. BY MR. ROSENBAUM: Okay. And you talked to me
 12 earlier about the protocol you follow, and part of that
 13 protocol involves an exit interview; is that right?
 14 A. Exit, yes.
 15 Q. And what's the exit interview? What's the
 16 purpose of the exit interview?
 17 A. It's the exit "review," not "interview."
 18 But the purpose of it is to -- I think I talked
 19 about this. The pre-exit?
 20 Q. Yes.
 21 A. The pre-exit. And then I'll tell you about the
 22 exit.
 23 MS. READ SPANGLER: He only asked you about the
 24 exit.
 25 THE WITNESS: Exit, it's to read the report to

1 whoever is present, and leave the report with the LEA
 2 coordinator and give them further instructions, 45 days
 3 to come into compliance, at which point they need for
 4 you to send it.
 5 Q. BY MR. ROSENBAUM: If I'm using the wrong
 6 phrase, you tell me. Is part of the protocol -- when
 7 you visit a school for purposes of validation, is part
 8 of the protocol to conduct an interview with the
 9 principal as to the observations that have been made?
 10 MR. VIRJEE: Objection. Vague and ambiguous as
 11 to "interview." Also asked and answered.
 12 THE WITNESS: That does include part of our
 13 protocol.
 14 Q. BY MR. ROSENBAUM: When you talk to the
 15 principal, is it your practice, Mrs. Clark-Thomas, to
 16 say to the principal, why is this school out of
 17 compliance with respect to this particular item?
 18 MS. READ SPANGLER: The CCR team itself or --
 19 MR. ROSENBAUM: You, or a member of the CCR
 20 team.
 21 THE WITNESS: That's part of our debriefing
 22 with the principal. When we give our observations to
 23 him of that particular school, it's a snapshot of his
 24 school, and there's dialogue.
 25 Q. BY MR. ROSENBAUM: And you've participated in

1 those debriefings?
 2 A. Yes.
 3 Q. Scores of them?
 4 A. Yes.
 5 Q. And has a principal ever said to you, I don't
 6 have the resources to provide a particular item?
 7 A. I've heard that before.
 8 Q. Okay. With respect to, for example, having
 9 available staff, have you heard it with respect to that?
 10 A. I've heard that before too, yes.
 11 Q. I'm sorry, my question wasn't clear. You've
 12 heard people say, I just don't have the staff, the
 13 principal says that?
 14 A. Yes.
 15 Q. And has the principal said -- have you asked
 16 principals why there is insufficient qualified staff to
 17 provide core curriculum instruction?
 18 A. The program person asks that question.
 19 Q. And you've been present when that question has
 20 been asked?
 21 A. Sure.
 22 Q. Scores of times?
 23 A. Sometimes.
 24 Q. Okay. And what sort of answers do you hear?
 25 A. Basically it's some of the answers that you

1 just gave, I just don't have the resources, I can't find
 2 qualified staff, how do we go about doing this, can you
 3 give me any suggestions.
 4 Q. Okay. And what is then said from a CCR
 5 personnel in response to those?
 6 That's the time when the consultant will say,
 7 we're going to enter into an agreement and give you
 8 approximately -- more than 45 days to come into
 9 compliance.
 10 But then they go further to -- I need to talk
 11 to you, maybe, in private and I'm going to go over these
 12 so that we don't take up the rest of the team's time.
 13 So I know that they make an effort to talk to
 14 the principal or the district administrator in charge
 15 and say, here are some things that you can probably do.
 16 Q. Have you ever been present when that discussion
 17 has taken place?
 18 A. No.
 19 Q. Okay. Have you ever been present when
 20 principals have said, I have too many students in this
 21 school?
 22 A. I haven't heard that one.
 23 Q. Okay. Does CCR, to your knowledge, train
 24 personnel to talk to principals about how to get
 25 additional resources?

1 MR. VIRJEE: Objection. Overbroad.
 2 THE WITNESS: It is broad because the training
 3 is done for each program by their manager in their
 4 individual areas, wherever they are. That's when we
 5 split off from the general session, which I am
 6 responsible for, the general, giving general direction.
 7 Then they go to their individual program areas where the
 8 program managers do the training.
 9 Q. BY MR. ROSENBAUM: So I don't mean to be -- if
 10 you just said this, tell me, but I take it your answer
 11 is no, that there is not specific training that you're
 12 aware of to CCR personnel as to how to answer the
 13 question about availability of resources?
 14 MR. VIRJEE: Objection. Asked and answered.
 15 She just answered that question.
 16 THE WITNESS: No.
 17 Q. BY MR. ROSENBAUM: And as part of the CCR
 18 process, do parents receive information as to what the
 19 district should be doing in terms of coming into
 20 compliance with all the items that we've been talking
 21 about?
 22 A. Yes.
 23 Q. Okay. Does every parent in the school receive
 24 that?
 25 A. I don't know.

1 MR. VIRJEE: Calls for speculation.
 2 Q. BY MR. ROSENBAUM: I'm sorry?
 3 A. I don't know.
 4 Q. Okay. I take it from that answer that there's
 5 no requirement that every parent receive information as
 6 to what each student should receive in terms of the 12
 7 programs; is that right?
 8 A. I believe there is a requirement. Whether they
 9 receive it or not, I thought that was your question.
 10 Q. Yeah.
 11 A. And I have to say I don't know.
 12 Q. Have you ever made any inquiry to find out?
 13 A. We make inquiries when we're doing a validation
 14 review of the parents who show up and of documentation
 15 that we see of parents who may show up during their
 16 monthly meetings, or any other documentation,
 17 newsletters, or whatever, that might have been
 18 distributed.
 19 Q. Okay. And is one of the items on the checklist
 20 whether or not parents receive information as to the
 21 requirements of these individual programs?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to "checklist."
 24 What checklist?
 25 MS. READ SPANGLER: What checklist?

1 MR. ROSENBAUM: That's a good objection.
 2 Q. Regarding the -- you have a number of items
 3 that you cover that relate to satisfaction of the 12
 4 programs, is that right, whether or not the programs are
 5 in compliance at the particular school; is that right?
 6 A. Yes.
 7 Q. Now, my question is, do parents receive
 8 information as to what those requirements are?
 9 MR. VIRJEE: Objection. Vague and ambiguous.
 10 THE WITNESS: Yes.
 11 Q. BY MR. ROSENBAUM: Does CCR document whether or
 12 not parents, in fact, received those requirements?
 13 MR. VIRJEE: Objection. Vague and ambiguous.
 14 Asked and answered.
 15 THE WITNESS: The requirements are part of the
 16 self-review. Parents are part of the self-review, and
 17 at institutes we have a special parent training, so,
 18 yes.
 19 Q. BY MR. ROSENBAUM: Okay. I take it you think
 20 it's a good idea for parents to be informed of the
 21 requirements of the program?
 22 A. Yes.
 23 Q. And to be informed about what their kids should
 24 be receiving in order to get equal educational
 25 opportunities?

1 A. Yes.
 2 Q. Why is that?
 3 A. They are partners with the educators who are
 4 with their children eight hours a day, or whatever
 5 amount of time, and they have to work together in order
 6 to achieve whatever is expected.
 7 Q. And I take it that you also regard the parents
 8 as an important source of information in order to
 9 determine whether or not those are being met?
 10 MR. VIRJEE: Objection. Asked and answered.
 11 You asked that this morning too.
 12 Q. BY MR. ROSENBAUM: Is that right?
 13 A. Yes.
 14 Q. Okay. Still staying on English learner on page
 15 29795 of Exhibit 17. You see where it says 38
 16 districts?
 17 A. Yes, 38 districts.
 18 Q. Do you know of the districts that you evaluated
 19 for the year 1999, 2000, how many of these districts had
 20 English learner programs?
 21 A. I can -- had English learner programs? Again,
 22 I know the answer, but I can't give you a correct answer
 23 right now.
 24 Q. Okay. I appreciate that. Can you just give me
 25 your best estimate?

1 A. My best estimate would be 425, minus 56.
 2 Q. You're testing me, aren't you?
 3 A. Take 56 away from that, and that would be the
 4 number that received an EL.
 5 Q. Directing your attention to page 29796 of
 6 Exhibit 17. Do you have that in front of you?
 7 A. Yes.
 8 Q. Okay. And you see where it says integrated
 9 program items?
 10 A. Yes.
 11 Q. Is integrated program -- we were talking
 12 earlier about consolidated programs. Is that --
 13 A. It's like integrating all 12 of those programs.
 14 Different from consolidated programs.
 15 Q. So these would be districts where -- tell me
 16 again what that is.
 17 A. Only one district was found noncompliant on --
 18 MS. READ SPANGLER: You're asking what IPI is?
 19 MR. ROSENBAUM: Yeah.
 20 Q. That's the IPI that you were talking to me
 21 about, right?
 22 A. Yes.
 23 Q. And do you know what that district was?
 24 MR. VIRJEE: Which district?
 25 Q. BY MR. ROSENBAUM: Where it says district 1 was

1 noncompliant with issue number 1, what district was
 2 that?
 3 A. I don't know.
 4 Q. And same thing, number of district, No. 1, 1
 5 district for issue 2, multi-funded students do not
 6 receive appropriate supplemental services?
 7 A. I don't know which it is.
 8 Q. Let me ask you to please turn to 29819.
 9 A. 29819.
 10 Q. Yes, of Exhibit 17. Do you have that?
 11 A. Yes.
 12 Q. And that's a notification of -- part of a
 13 notification of findings form; is that right?
 14 A. Yes.
 15 Q. Not the entire form, but one page of it?
 16 A. This is just one page of it, 29819.
 17 Q. Is this an actual notification of findings, or
 18 is this just a hypothetical that you all drew up?
 19 A. It's an actual self-review.
 20 Q. Okay. And see where it says, column 1, total
 21 items?
 22 A. Yes.
 23 Q. That's the number of items for each of these
 24 programs that are being reviewed; is that right?
 25 A. That's correct.

1 Q. And then the second column, number of
2 noncompliant issue items, that's the number of items
3 that the school has identified?
4 A. Yes.
5 Q. Okay. Where it says nonapplicable, does that
6 mean that the particular school just doesn't have a
7 program in that area?
8 A. That's right.
9 Q. Okay. Let me ask you, please, to look at
10 29821. What's that?
11 A. This is, again, another page of the self-review
12 where we required them to provide us with a brief but
13 clear definition of the program, and in this case it's
14 the consolidated programs.
15 Q. Yes.
16 A. And then after they've given us a description,
17 we want to know where this school is noncompliant in
18 that program, so the first column tells us the issue
19 number, 1, CON1a, and it describes the noncompliant
20 findings, and the third column tells us exactly what
21 they're going to have to do in order to become
22 compliant. It's a resolution plan.
23 Q. And then you've told us several times now you
24 do follow-up?
25 A. We evaluate this.

1 Q. What does that mean? You validate that this
2 was, in fact, an item of noncompliance?
3 A. And where are you with it, are you now in
4 compliance, because you've had a year to do your
5 self-review and to correct any items, so how are you
6 doing?
7 Q. That was the question I wanted to ask you. Is
8 there a set schedule as to the status of the compliance?
9 MR. VIRJEE: Objection. Asked and answered.
10 And I think you're misunderstanding. The
11 problem is this is a self-review.
12 MR. ROSENBAUM: I understand that.
13 Q. And then you validate, right?
14 A. Yes.
15 Q. So you validate that, in fact, this item of
16 noncompliance exists?
17 A. Yes.
18 Q. And, in fact, this is the resolution claimed?
19 A. Right.
20 Q. Now, my question is, do you then go forward to
21 see whether or not the item clears up?
22 A. Yes.
23 MR. VIRJEE: Objection. Asked and answered.
24 Q. BY MR. ROSENBAUM: And my question is, when
25 does that occur, when does that timing occur?

1 MR. VIRJEE: Objection. Asked and answered.
2 We've been all through the stages, stage one,
3 two, three, stage four. We talked all about it.
4 Q. BY MR. ROSENBAUM: You do it at 45 days?
5 I'm sorry, that was not my understanding of how
6 it worked. If I misunderstood, I'm sorry.
7 A. We conducting our validations between November
8 and June, so the on-site validation takes place to
9 validate this finding.
10 Q. But if I misunderstood you, I apologize. I
11 want to see if I understand this.
12 You validate -- the first thing you do is you
13 validate that the item of noncompliance exists; is that
14 right?
15 A. If it still exists.
16 MR. VIRJEE: At the on-site?
17 THE WITNESS: When we got on-site.
18 Q. BY MR. ROSENBAUM: Okay. And let's say that
19 you go on-site and you say, yes, this item continues to
20 exist, right?
21 A. Yes.
22 Q. Okay. Then the next thing that you validate is
23 whether or not there's a resolution plan like they've
24 said here; is that right?
25 A. Well, the resolution plan that they may have,

1 I'm looking at it too and I'm making the determination
2 that this still didn't get it, you're still not
3 compliant, or, great resolution plan, good documentation
4 of that plan, you're compliant with this item.
5 Q. This is what I don't understand, and I
6 apologize if I'm just dense here.
7 You say, gosh, this is a great resolution plan,
8 but the item -- the noncompliance continues to exist,
9 for example, let's say they say, we don't have enough
10 qualified teachers. Okay?
11 A. Right.
12 Q. And then you say, well, you got a pretty good
13 plan here to deal with that. That's part of the
14 validation review, that could be part of it?
15 A. It could be.
16 Q. My question is, does CCR at any point go back
17 and say this the item has been cleared up?
18 A. Oh, yes.
19 MR. VIRJEE: Objection. Asked and answered.
20 Q. BY MR. ROSENBAUM: When does that happen?
21 A. It's through our stage system.
22 Q. Okay.
23 A. As the status reports are given to the various
24 consultants or programs, there's a particular form where
25 they will let my unit know that this has now been

1 resolved, and a letter is generated and sent to the
 2 district saying, you are now compliant with this
 3 particular item.
 4 Q. Okay. And, again, I apologize for my density
 5 here.
 6 The first time that happens is at 45 days?
 7 MR. VIRJEE: Objection. Misstates her
 8 testimony. She's testified all about this.
 9 MR. ROSENBAUM: I'm just dense.
 10 Q. Tell me when the first time this happens is?
 11 A. It could happen in 45 days. It might take
 12 longer.
 13 MR. VIRJEE: Might take shorter, might happen
 14 at the on-site. She's already testified to all this.
 15 MR. ROSENBAUM: I don't think this has been
 16 done, and if it has, I apologize for it.
 17 Q. My question is, are there set times when CCR
 18 goes back after the validation on-site process to see
 19 whether or not compliance has been made?
 20 MR. VIRJEE: You mean goes back to -- visits
 21 the site?
 22 MR. ROSENBAUM: That's the first question, yes.
 23 MR. VIRJEE: Objection. Asked and answered.
 24 She answered that this morning. She said it
 25 happens infrequently. She said it happens by telephone,

1 sometimes they go back to the site. We've already been
 2 all over this.
 3 THE WITNESS: True. That's the answer.
 4 Q. BY MR. ROSENBAUM: That's the answer that he's
 5 referring to?
 6 A. Yes, that's the answer.
 7 Q. And then that is entered on what sort of
 8 document?
 9 A. There is a form called CTS 14.
 10 Q. Okay.
 11 A. When it is resolved.
 12 Q. When it is actually resolved?
 13 A. Right. Otherwise 14 is generated and it
 14 continues to be noncompliant.
 15 Q. Okay. I'll ask you one more quick question,
 16 and then we'll be at 5:30.
 17 Look at 29841, please, of Exhibit 17.
 18 Do you have that?
 19 A. Yes.
 20 Q. The signature of the reviewers, do you see
 21 that, or the names of the reviewers?
 22 A. Yes.
 23 Q. Are those self-review people, or are those part
 24 of your team?
 25 A. Not my team.

1 Q. Those are the self-reviewers?
 2 A. That's right. These are the ABC Unified School
 3 District Reviewers.
 4 Q. Okay. And have all those people been to your
 5 training institute?
 6 MR. VIRJEE: Objection. Calls for speculation.
 7 Lacks foundation.
 8 MS. READ SPANGLER: Join.
 9 THE WITNESS: I'm assuming.
 10 Q. BY MR. ROSENBAUM: That's the protocol?
 11 A. At least one. Yes, that's the protocol.
 12 Q. When you say "at least one?" What does that
 13 mean?
 14 A. I remember seeing that one person.
 15 Q. But the protocol would be for all of them to
 16 attend?
 17 A. Yes, or receive some kind of training.
 18 MR. ROSENBAUM: Thanks very much for your time.
 19 I know this is a diversion from your work, and I
 20 appreciate your conscientious responses. Thanks.
 21 Let's go off the record for a moment to talk
 22 about resumption.
 23 (Discussion held off the record.)
 24 MR. ROSENBAUM: While we were off the record we
 25 were talking about resumption of this deposition. We

1 would like to resume this deposition as quickly as
 2 possible.
 3 I understand that Mr. Virjee is not available
 4 tomorrow or next week. I would appreciate being called
 5 really no later than Monday, if possible, to try to set
 6 this up.
 7 MS. READ SPANGLER: Sure.
 8 MR. ROSENBAUM: I'd like to do as many of these
 9 depositions as quickly as we possibly can.
 10 MR. JORDAN: For the record, there's a few
 11 questions I'd like to ask too, so I'd like to be kept in
 12 the loop.
 13 MR. ROSENBAUM: Sure. Our desire is to move
 14 this as rapidly as we can.
 15 MR. VIRJEE: We'll make sure you're in the loop
 16 and know when we're going forward, Peter, and everyone
 17 else too.
 18 (The deposition concluded at 5:29 p.m.)
 19 ---o0o---
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 21
 22
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 25

1 Please be advised that I have read the
2 foregoing deposition. I hereby state there are:
3
4 (check one) _____ NO CORRECTIONS
5 _____ CORRECTIONS ATTACHED
6
7

8 _____
9 Date Signed

10 _____
11 ELEANOR M. CLARK-THOMAS

12 Case Title: Williams vs State of California
13 Date of Deposition: Thursday, April 5, 2001
14 ---o0o---

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25

1 REPORTER'S CERTIFICATE

2
3 I certify that the witness in the foregoing
4 deposition,
5 ELEANOR M. CLARK-THOMAS,
6 was by me duly sworn to testify the truth, the whole
7 truth, in the within-entitled cause; that said
8 deposition was taken at the time and place therein
9 named; that the testimony of said witness was reported
10 by me, a duly certified shorthand reporter and a
11 disinterested person, and was thereafter transcribed
12 into typewriting.

13 I further certify that I am not of counsel or
14 attorney for either or any of the parties to said cause,
15 nor in any way interested in the outcome of the cause
16 named in said deposition.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 13th day of April, 2001.

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25

TRACY LEE MOORELAND, CSR 10397
State of California

1 DEPONENT'S CHANGES OR CORRECTIONS
2 Note: If you are adding to your testimony, print the
3 exact words you want to add. If you are deleting from
4 your testimony, print the exact words you want to
5 delete. Specify with "Add" or "Delete" and sign this
6 form.
7 DEPOSITION OF: ELEANOR M. CLARK-THOMAS, VOLUME I
8 CASE: WILLIAMS VS STATE OF CALIFORNIA
9 DATE OF DEPOSITION: THURSDAY, APRIL 5, 2001
10 I, _____, have the following
11 corrections to make to my deposition:

8	PAGE	LINE	CHANGE/ADD/DELETE
9			
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
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21	_____	_____	_____
22	_____	_____	_____
23	_____	_____	_____
24	_____	_____	_____

25 ELEANOR M. CLARK-THOMAS _____ DATE _____