

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

ELIEZER WILLIAMS,)
)
 Plaintiff(s),)
)
 vs.) No. 312236
)
 STATE OF CALIFORNIA, et. al.,)
)
 Defendant(s),)
 _____)

DEPOSITION OF PETER DIBBLE
Sacramento, California
Wednesday, June 18, 2003
Volume II

Reported by:
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CSR No. 5883
Job No. 43724

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1 BE IT REMEMBERED that, on Wednesday, the 18th day
2 of June, 2003, commencing at the hour of 9:41 a.m.
3 thereof, at the Law Offices of Morrison & Foerster, 400
4 Capitol Mall, Suite 2700, Sacramento, California,
5 before me, LISA RICHARDSON, a Certified Shorthand
6 Reporter in and for the State of California, duly
7 authorized to administer oaths and affirmations, there
8 personally appeared,
9 PETER DIBBLE,
10 a Witness in the within-entitled action called by the
11 Plaintiff herein, who having been duly sworn by the
12 Certified Shorthand Reporter to tell the truth, the
13 whole truth, and nothing but the truth, was thereupon
14 examined and interrogated as hereinafter set forth.
15 --oOo--
16 EXAMINATION BY MS. PEARLMAN
17 Q Mr. Dibble, good morning.
18 A Morning.
19 Q I'd just like to ask you some follow-up things
20 from yesterday.
21 First, in your validation reviews, does your
22 unit look at whether ELs in mainstream core curriculum
23 classes have EL authorized teachers?
24 A If it's -- yes. Yes.
25 Q In all cases?

1 A If the mainstream English class is core
2 curriculum.
3 Q And if -- so is it your understanding under
4 the state's English learner policy -- program, that all
5 EL students in mainstream core curriculum classes must
6 have an EL certified teacher?
7 MS. READ-SPANGLER: Objection, calls for a
8 legal conclusion.
9 MS. KOURY: Also been asked and answered.
10 THE WITNESS: No.
11 Q BY MS. PEARLMAN: Why not?
12 MS. KOURY: Objection, calls for speculation,
13 calls for a legal conclusion.
14 You can answer if you know.
15 THE WITNESS: Three scenarios.
16 EL certified teachers are required for ELD,
17 for core curriculum. And if students are performing at
18 a level that is equal or above that of native English
19 speakers, then that requirement can fall away.
20 Q BY MS. PEARLMAN: And in that last scenario,
21 if EL students are performing at equal level or above
22 native English speakers, should those ELs be
23 reclassified --
24 MS. READ-SPANGLER: Objection.
25 I'm sorry, were you finished with your

1 question?
2 Q BY MS. PEARLMAN -- as FEP?
3 MS. KOURY: Objection, vague and ambiguous,
4 calls for a legal conclusion, and it's also been asked
5 and answered. As a matter of fact, I think he
6 reiterated that exact testimony yesterday afternoon.
7 Q BY MS. PEARLMAN: You can answer.
8 MS. KOURY: Go ahead.
9 THE WITNESS: Yesterday I said yes, they
10 should be reclassified. I would like to add to that.
11 If the performance level of native English
12 speakers is low, then I would question reclassification
13 in comparing these kids.
14 Q BY MS. PEARLMAN: And in your validation
15 reviews, does your unit make any determination as to
16 the level of the native English speaker's English?
17 MS. KOURY: Objection, vague and ambiguous.
18 THE WITNESS: No.
19 Q BY MS. PEARLMAN: Yesterday I believe you
20 testified that districts are no longer required to
21 produce staffing plans; is that correct?
22 MS. KOURY: Objection, mischaracterizes his
23 testimony.
24 You can answer.
25 THE WITNESS: Yes.

1 Q BY MS. PEARLMAN: And for how long has this
2 been the case?
3 MS. KOURY: Objection, calls for speculation.
4 MS. READ-SPANGLER: Also lacks foundation.
5 THE WITNESS: I said yesterday I don't
6 remember.
7 MS. PEARLMAN: I would like to mark as an
8 exhibit
9 (Plaintiff's Exhibit
10 No. SAD 271 was marked for
11 identification.)
12 MS. PEARLMAN: Marked as Exhibit SAD 271 a
13 document with Bates numbers DOE 110866 through 110891
14 entitled "1999-2000 EL Staffing Plan Annual Report."
15 MS. READ-SPANGLER: On my copy 110886 is
16 missing.
17 MS. READ-SPANGLER: Mine as well.
18 MS. PEARLMAN: Mine as well.
19 MS. READ-SPANGLER: Do you want to take a
20 break and get a copy of that? Because if it's in the
21 original -- or do you want to pull it out of the
22 original?
23 MS. PEARLMAN: Why don't we pull it out of the
24 original.
25 Q Mr. Dibble, are you familiar with, not this

1 particular document, but these types of documents?
2 A No.
3 Q When we were talking about the staffing plans
4 yesterday, were you referring to a document different
5 than this type of document I just handed you?
6 MS. KOURY: Objection, calls for speculation.
7 I think he just stated he's not familiar with this
8 document.
9 Go ahead.
10 Q BY MS. PEARLMAN: You can answer.
11 A The question is?
12 Q When we were talking about the staffing plans
13 yesterday that you said districts are no longer
14 required to prepare, were you referring to a document
15 different than this document marked as Exhibit SAD 271?
16 MS. KOURY: Also assumes facts.
17 THE WITNESS: I just simply said staffing
18 plans aren't required anymore.
19 Q BY MS. PEARLMAN: The staffing plans to which
20 you were referring, what is your understanding of what
21 the purpose of those staffing plans was?
22 MS. READ-SPANGLER: If you have one.
23 THE WITNESS: This is before my time.
24 It was, as I recall, to allow a district to
25 indicate how it would remedy a shortage of teachers.

1 Q BY MS. PEARLMAN: And are you aware of -- do
2 you have any knowledge of to whom the district provided
3 the staffing plan, if to anyone?

4 MS. KOURY: Objection, calls for speculation.
5 He's already indicated that -- well...

6 MS. READ-SPANGLER: Don't guess. She's asking
7 if you have direct knowledge.

8 THE WITNESS: Say the question again.

9 MS. PEARLMAN: I will ask you a different
10 question.

11 Q Are you aware of whether the district plans
12 provided the staffing plans to the state Department of
13 Education?

14 MS. READ-SPANGLER: The district plans?

15 Q BY MS. PEARLMAN: The districts provided the
16 staffing plans to the state Department of Education.

17 A I don't remember.

18 Q Do you know now whether the districts are
19 required to produce something else with a plan to
20 remedy shortages of teachers?

21 MS. KOURY: Objection, vague and ambiguous.

22 Are you limiting that to just a document, or
23 some sort of --

24 MS. PEARLMAN: A document.

25 MS. READ-SPANGLER: Also assumes facts not in

1 of the shortages of qualified EL teachers?

2 MS. KOURY: Objection, vague and ambiguous,
3 it's also overbroad.

4 MS. READ-SPANGLER: Who is them?

5 Q BY MS. PEARLMAN: You can answer.

6 MS. KOURY: Did you understand the question?

7 THE WITNESS: Who is them?

8 MS. PEARLMAN: Can you read back my question,
9 please?

10 (Record read.)

11 Q BY MS. PEARLMAN: Your consultants.

12 MS. READ-SPANGLER: Also lacks foundation,
13 assumes facts not in evidence.

14 THE WITNESS: Sometimes if asked for.

15 Q BY MS. PEARLMAN: And in your understanding,
16 is that type of data something your consultants
17 regularly ask for?

18 MS. READ-SPANGLER: Objection, calls for
19 speculation. Assumes facts not in evidence.

20 THE WITNESS: That's my understanding.

21 Q BY MS. PEARLMAN: I believe -- I just wanted
22 to make sure I understand something you testified to
23 yesterday.

24 Is it your testimony that all teachers who
25 teach EL's core curriculum classes must have a CLAD

1 evidence. Lacks foundation.

2 THE WITNESS: I'm sorry, repeat the question.

3 Q BY MS. PEARLMAN: You testified yesterday that
4 it's your understanding that districts are no longer
5 required to produce staffing plans. Correct?

6 A Correct.

7 Q Do you know whether the districts are required
8 to produce some other type of document that sets forth
9 a plan to remedy shortages of qualified teachers?

10 MS. READ-SPANGLER: Same objections.

11 THE WITNESS: In my knowledge, no.

12 Q BY MS. PEARLMAN: Do you know whether the
13 Department of Education keeps data on the shortages of
14 EL qualified teachers in districts?

15 MS. KOURY: Objection, vague and ambiguous,
16 also I think that's been asked and answered.

17 MS. READ-SPANGLER: And lacks foundation,
18 assumes facts not in evidence.

19 THE WITNESS: Did you say do I know if or
20 where they keep --

21 Q BY MS. PEARLMAN: Do you know whether.

22 A Whether. No. No, I don't know.

23 Q And I think you testified to this yesterday,
24 but in doing the validation reviews that your unit
25 does, do the districts provide them with overall data

1 certification?

2 MS. KOURY: Objection, asked and answered even
3 again today.

4 MS. READ-SPANGLER: And misstates his
5 testimony.

6 MS. KOURY: Also calls for a legal conclusion.
7 You can answer.

8 Q BY MS. PEARLMAN: You can answer.

9 A EL students who are receiving core curriculum
10 should have a CLAD teacher. There's a proviso. If
11 students are performing at, typically at a rate
12 sufficient that's equal or above native English
13 speakers, that may fall away.

14 Q And would -- is it -- do you monitor -- strike
15 that.

16 Is your understanding that an SB 1969 or 395
17 would not be sufficient for teachers teaching core
18 curriculum to EL students?

19 MS. KOURY: Objection, vague and ambiguous,
20 it's also been asked and answered. I think we went
21 through this thoroughly yesterday.

22 You can answer that if you can.

23 THE WITNESS: As I recall my answer about
24 teacher certification, for EL students in core
25 curriculum and ELD was CLAD or equivalent. The

1 equivalent I answered was the SB 1969 or the 395
2 certificate.

3 MS. PEARLMAN: I believe that's different than
4 your testimony yesterday. But I just wanted to double
5 check.

6 MS. READ-SPANGLER: Just to clarify, when you
7 say CLAD, do you include BCLAD?

8 MS. PEARLMAN: I was concerned whether he was
9 making a distinction between CLAD and SB 395 and 1969.

10 Q Yesterday you stated that one of your
11 responsibilities was to revise and rewrite the training
12 guide; is that correct?

13 MS. READ-SPANGLER: Objection, misstates his
14 testimony.

15 THE WITNESS: No.

16 Q BY MS. PEARLMAN: Are you working on revising
17 and rewriting the CCR training guide?

18 MS. KOURY: Objection, vague and ambiguous.

19 THE WITNESS: No. I'm working on EL items.

20 Q BY MS. PEARLMAN: When you say "EL items," are
21 those the EL items that are contained in the CCR
22 training guide?

23 A Yes.

24 Q And what are some of the major areas that you
25 are working on in terms of EL items?

1 Go ahead.

2 MS. READ-SPANGLER: And also I'm just going to
3 state for the record. Like I mentioned yesterday, this
4 was covered extensively in Eleanor Clark-Thomas'
5 deposition. So, you know, to the extent you think you
6 are going to end up going a third day, which is
7 something we are going to resist. You have spent a lot
8 of time on this, I just want to tell you to use your
9 time wisely.

10 MS. PEARLMAN: Fine.

11 MS. READ-SPANGLER: Avoid duplication.

12 MS. PEARLMAN: Your talking on the record is
13 taking up a lot of time as well. Thank you.

14 MS. READ-SPANGLER: You know, that's
15 exceedingly rude of you to say that. I'm allowed to
16 make a record.

17 MS. PEARLMAN: You are allowed to make
18 objections. You are allowed to make various
19 objections.

20 MS. READ-SPANGLER: You are supposed to avoid
21 cumulative and duplicative depositions.

22 MS. PEARLMAN: Fine. Make that objection.

23 Q Mr. Dibble, can you answer that question,
24 please?

25 A About 15 years ago when Wade Renaldson was

1 MS. KOURY: Objection, vague and ambiguous,
2 it's also overbroad.

3 THE WITNESS: All of them.

4 Q BY MS. PEARLMAN: Can you tell me anything
5 specifically that you've changed?

6 MS. KOURY: Objection, vague and ambiguous,
7 overbroad, it also assumes facts that he's changed
8 anything.

9 THE WITNESS: We've barely just started.

10 Q BY MS. PEARLMAN: And are there certain things
11 that you plan to revise or rewrite in the EL section of
12 the training guide?

13 MS. KOURY: Objection, vague and ambiguous,
14 calls for speculation. Assumes facts.

15 THE WITNESS: We are working on a draft that
16 simplifies the language for the EL items. It's in its
17 embryonic stage.

18 Q BY MS. PEARLMAN: Yesterday you also talked
19 about one of your duties and responsibilities was to
20 oversee the compliance tracking system with respect to
21 ELs.

22 Can you -- would you please tell me what the
23 compliance tracking system is?

24 MS. KOURY: Objection, misstates -- to the
25 extent it misstates his testimony.

1 associate superintendent, before his tenure in office
2 the Department of Education had and still does lots and
3 lots of programs, lots of funding sources that are
4 implemented by local education agencies. A lot of
5 these had some sense of a monitoring requirement in
6 them. Sometimes it was program audit, sometimes it was
7 fiscal audit, and sometimes it was a combination of the
8 two.

9 Each program unit would schedule a review at a
10 school, and it could take from a day to 10 days. And
11 there were often cases where a school district was
12 requested to have an on-site review from a number of
13 programs, five, ten a year. So their year, their
14 scholastic year was often interrupted by visitations
15 from departments from throughout the Department of
16 Education.

17 So it was decided at that time when -- about
18 15 years ago, give or take a few years, that all of
19 these programs would be aggregated into coordinated
20 compliance review; meaning that instead of going out as
21 individual units, they would go out as a team and visit
22 a district at one time in a joint effort.

23 In order to keep a track of what was found
24 noncompliant and have it centrally housed now that we
25 had a coordinated effort, the compliance tracking

1 system was initiated.

2 The compliance tracking system is one in which
3 when a notification of findings is returned after a
4 visit to a district, it's returned to coordinated
5 compliance review management unit, reviewed by their
6 consultants, and given to a computer expert who
7 actually enters all of these items into the compliance
8 tracking system.

9 From that, each unit can access the compliance
10 tracking system to see where their particular programs
11 and their districts are noncompliant.

12 The oversight that I have on compliance
13 tracking system for English learners --

14 MS. KOURY: Excuse me. I think her question
15 was what is the CTC tracking system.

16 MS. PEARLMAN: Thank you. Coaching the
17 witness. Could you please let your witness answer the
18 question?

19 MS. KOURY: He's gone for ten minutes. The
20 question has been answered.

21 MS. PEARLMAN: Why don't you read back the
22 question, because actually I think she asked how he
23 oversees it.

24 MS. KOURY: In which case --

25 MS. READ-SPANGLER: He was actually getting to

1 responsibilities for the compliance tracking system?

2 MS. KOURY: Objection, vague and ambiguous.

3 THE WITNESS: We use the compliance tracking
4 system as a tool in our office.

5 Q BY MS. PEARLMAN: In situations where an LEA
6 remains noncompliant on an EL issue, do your
7 consultants ever go back to that site and make another
8 visit prior to the four-year cycle?

9 MS. KOURY: Objection, calls for speculation,
10 it's an incomplete hypothetical. It's also vague and
11 ambiguous and calls for a narrative.

12 THE WITNESS: Yes.

13 Q BY MS. PEARLMAN: Yesterday you mentioned
14 biweekly reports that you make that go through the
15 division director to the superintendent, correct?

16 A I said I thought that's where they went to
17 Jack O'Connell via the assistant superintendent.

18 Q I think you said they had the number of
19 noncompliance the EL unit has found, correct?

20 A Sometimes, yes.

21 Q Do those reports provide any information about
22 those noncompliance other than just the numbers?

23 A Typically just the numbers.

24 Q From those biweekly reports, could you

25 determine the numbers of teachers in training that your

1 that.

2 Why don't you reread the question so he can
3 focus on it.

4 MS. PEARLMAN: You guys stick to making your
5 objections rather than making this long history on the
6 record.

7 MS. READ-SPANGLER: You know, Jenny, we were
8 really courteous to you yesterday when you weren't
9 feeling well and rambling, so why don't you return the
10 courtesy.

11 Can you read back the question?

12 (Record read.)

13 MS. KOURY: I think he's answered that
14 question.

15 Q BY MS. PEARLMAN: Mr. Dibble, have you
16 finished your answer?

17 MS. KOURY: Go ahead.

18 THE WITNESS: Yes.

19 Q BY MS. PEARLMAN: What is your role with
20 respect to the compliance system?

21 MS. KOURY: Objection, calls for a narrative.

22 THE WITNESS: We use the compliance tracking
23 system to work with districts on occasion to remind
24 them that they remain noncompliant.

25 Q BY MS. PEARLMAN: Any other oversight

1 unit has discovered from the validation reviews?

2 A No.

3 Q Could you determine the number of teachers
4 providing ELD without proper EL authorization from
5 those reports?

6 MS. KOURY: Objection, the document speaks for
7 itself, calls for speculation. It's also vague and
8 ambiguous.

9 MS. PEARLMAN: If you guys would have produced
10 the document.

11 THE WITNESS: No.

12 MS. READ-SPANGLER: Why are you saying that?
13 You've never asked for it. You don't need to make
14 snide little asides.

15 MS. PEARLMAN: Can we go off the record for a
16 second?

17 (Off the record.)

18 Q BY MS. PEARLMAN: Mr. Dibble, from the
19 biweekly reports that we were just talking about --

20 THE WITNESS: We are on the record?

21 MS. READ-SPANGLER: Yes.

22 Q BY MS. PEARLMAN: Do those biweekly reports
23 provide the number of teachers teaching SDAIE without
24 proper EL authorization?

25 MS. KOURY: Objection, vague and ambiguous.

1 The document speaks for itself. Calls for speculation.

2 THE WITNESS: No.

3 Q BY MS. PEARLMAN: And do those biweekly
4 reports provide the number of teachers teaching core
5 curriculum to ELs without proper EL authorization?

6 MS. KOURY: Objection, vague and ambiguous,
7 the document speaks for itself. Calls for speculation.

8 THE WITNESS: No.

9 Q BY MS. PEARLMAN: Yesterday you mentioned
10 January Meier's unit. What's the name of the unit she
11 manages?

12 MS. READ-SPANGLER: Objection, asked and
13 answered.

14 THE WITNESS: I couldn't remember yesterday.
15 It's LPA, something like that. Language proficiency.
16 I don't recall.

17 Q BY MS. PEARLMAN: What's your understanding of
18 the responsibilities of that unit?

19 MS. KOURY: Objection, calls for speculation.

20 THE WITNESS: There are two things I think I
21 know what they do.

22 One is the language census R30 report, and I
23 think the other is the federal program called Title,
24 Title 3. And Jan does a lot of other things, but I
25 don't know what they are.

1 A As I stated --

2 MS. READ-SPANGLER: Go ahead.

3 THE WITNESS: As I stated yesterday, it's not.

4 Q BY MS. PEARLMAN: Okay. So this document --
5 do you know whether this is being changed in the more
6 current version of the CCR training guide?

7 A No, I do not know.

8 Q Yesterday we talked about instruction provided
9 by bilingual aids. And I just want to be clear.

10 Does your unit monitor whether bilingual aids
11 are providing core curriculum instruction to ELs?

12 MS. KOURY: Objection, vague and ambiguous.

13 THE WITNESS: Yesterday we did not talk about
14 bilingual aids.

15 MS. PEARLMAN: Okay.

16 Q Does your unit monitor whether bilingual aids
17 provide core curriculum instruction to ELs?

18 MS. KOURY: Objection, vague and ambiguous.

19 THE WITNESS: Yesterday we talked about
20 paraprofessionals providing sometimes follow-up
21 opportunities for EL students.

22 MS. PEARLMAN: Okay.

23 Q So to answer my question --

24 MS. PEARLMAN: Can you read back my question,
25 please?

1 Q BY MS. PEARLMAN: Do you hold regularly-
2 scheduled staff meetings with your staff?

3 MS. READ-SPANGLER: Objection, asked and
4 answered.

5 THE WITNESS: In the summertime, yes.

6 Q BY MS. PEARLMAN: And how often are those
7 meetings in the summertime?

8 A They will be -- they will probably be every
9 two weeks.

10 Q And generally what's the purpose of those
11 meetings?

12 A To go over office procedures and an extended
13 opportunity for discussing the EL items.

14 Q If we could turn to what was marked yesterday
15 as Exhibit SAD 270. If you could turn to page what's
16 Bates stamped number 139674, the last full paragraph
17 that's entitled "CDE Reviews Findings and Data."

18 The last sentence says, "School sites will be
19 selected for validation reviews based on," and it lists
20 several factors. The third bullet point is "Quality of
21 self-review."

22 Is it your understanding that -- or what is
23 your understanding as to whether the quality of the
24 self-review is considered still in determining the
25 school sites to be selected for validation reviews?

1 (Record read.)

2 MS. KOURY: Objection, vague and ambiguous as
3 to the term "bilingual aids."

4 You can answer.

5 THE WITNESS: No.

6 Q BY MS. PEARLMAN: Since becoming manager of
7 the EL unit, EL -- the EL monitoring unit, have you
8 done any site reviews yourself?

9 A Yes.

10 Q Approximately how many?

11 A Approximately 20.

12 Q And to the best of your recollection, what are
13 some of the districts that you monitored yourself?

14 MS. READ-SPANGLER: You are talking about
15 since he became a manager?

16 MS. PEARLMAN: Right.

17 MS. KOURY: Objection, vague and ambiguous.

18 I take it you mean he didn't do it by himself,
19 but part of the team, correct?

20 MS. PEARLMAN: Right. Sorry.

21 Q What were some of the districts you
22 participated in the site reviews?

23 A Los Angeles Unified School District.
24 Jamestown Elementary School District. Mountainview
25 School District in LA County.

1 MS. READ-SPANGLER: Make sure you keep your
2 voice up.
3 THE WITNESS: I will try.
4 Oh. Claremont Unified.
5 More?
6 Q BY MS. PEARLMAN: If you can remember any
7 more.
8 A I can't remember any more right now.
9 Q And why did you decide to participate in the
10 site review of LAUSD?
11 MS. KOURY: Objection, assumes facts.
12 THE WITNESS: There weren't enough people if I
13 didn't go.
14 Q BY MS. PEARLMAN: And why did you decide to
15 participate in the site review of Claremont Unified?
16 A The consultant got sick.
17 Q During these site reviews that you
18 participated in since becoming manager of the EL
19 monitoring unit, did you visit any classrooms?
20 MS. KOURY: Objection, compound.
21 THE WITNESS: Yes.
22 Q BY MS. PEARLMAN: And in visiting those
23 classrooms, do you recall whether you observed any
24 instances where bilingual aids were providing core
25 curriculum instruction to ELs?

1 MS. KOURY: Objection, vague and ambiguous,
2 it's also compound.
3 THE WITNESS: No.
4 Q BY MS. PEARLMAN: No, you didn't see any?
5 A I don't recall.
6 Q Do you have any knowledge as to whether
7 bilingual aids are frequently providing core curriculum
8 instruction to ELs?
9 MS. KOURY: Objection, vague and ambiguous,
10 calls for speculation, and it's an incomplete
11 hypothetical.
12 THE WITNESS: When there's an ancillary person
13 in the classroom, I don't know if it's a bilingual aid
14 or simply a paraprofessional.
15 Q BY MS. PEARLMAN: Are you aware of whether
16 there are either bilingual aids or paraprofessionals
17 frequently providing core curriculum instruction to
18 ELs?
19 A I'm sorry, you are going to have to define
20 "bilingual aid."
21 Q Okay. Let's just take out bilingual aid then
22 and just use the term paraprofessional.
23 Are you aware of whether paraprofessionals are
24 frequently providing core curriculum instruction to ELs
25 in California?

1 MS. KOURY: Objection, vague and ambiguous,
2 calls for speculation.
3 THE WITNESS: Most typically they do
4 follow-up.
5 Q BY MS. PEARLMAN: And if one of your
6 consultants were to observe a paraprofessional
7 providing core curriculum instruction to an EL, would
8 that be considered an issue of noncompliance?
9 MS. KOURY: Objection, vague and ambiguous,
10 it's also an incomplete hypothetical.
11 THE WITNESS: If a trend were being
12 established that this was the introductory part of the
13 lesson, we would begin questioning that.
14 Q BY MS. PEARLMAN: And when you say "trend,"
15 what do you mean by that?
16 A If it was more than one isolated short-term
17 incident.
18 Q In monitoring, how many classrooms -- in
19 monitoring LEAs, how many classrooms do your
20 consultants typically make?
21 MS. READ-SPANGLER: Objection, calls for
22 speculation.
23 THE WITNESS: The rule of thumb is at a site
24 all classrooms.
25 Q BY MS. PEARLMAN: And when you say "at a

1 site," you are talking about a school site; is that
2 correct?
3 A Correct.
4 Q If you could turn to Exhibit SAD 270 to what's
5 Bates stamped as 139817.
6 And the first item here under -- in the middle
7 of the page under Roman Numeral I says, "Standards,
8 Assessment and Accountability."
9 Are these items that your unit monitors with
10 respect to ELs?
11 MS. KOURY: Objection.
12 MS. READ-SPANGLER: Objection, vague and
13 ambiguous.
14 MS. KOURY: Are you referring just to this
15 particular item?
16 MS. PEARLMAN: To Standards, Assessment and
17 Accountability.
18 MS. KOURY: Objection, vague and ambiguous.
19 THE WITNESS: This is a key dimension under
20 which compliance items are located.
21 Q BY MS. PEARLMAN: Why is it in your experience
22 important to monitor standards with respect to ELs?
23 MS. READ-SPANGLER: Objection, misstates his
24 testimony.
25 MS. KOURY: It's also vague and ambiguous,

1 incomplete hypothetical.

2 THE WITNESS: Under that key dimension we
3 monitor reclassification, EL1.

4 Q BY MS. PEARLMAN: Why is it important to
5 monitor reclassification?

6 MS. KOURY: Objection, assumes facts, vague
7 and ambiguous.

8 THE WITNESS: To insure that districts are
9 indeed providing a program leading to a child's
10 reclassification.

11 Q BY MS. PEARLMAN: Under the column entitled
12 "Compliance item," first column there, and it says in
13 the second sentence, "Each former English learner who
14 has been redesignated as FEP has demonstrated English
15 language proficiency comparable to that of the average
16 native English speakers." Let's just stop there for a
17 second.

18 How does your unit monitor whether former
19 English learners have demonstrated English language
20 proficiency comparable to that of the average native
21 English speaker?

22 A By looking at test scores and report cards.

23 Q What types of test scores?

24 A CELDT scores, CAT-6, criterion reference
25 scores -- I'm sorry, criterion reference test scores.

1 A Recently we -- I'm sorry. No.

2 Q Why not?

3 A We take a sampling.

4 Q And any criteria that you use to determine how
5 large that sample is?

6 A Depends on the consultant.

7 Q So it's up to the consultant to decide how
8 many students' test scores to review?

9 MS. KOURY: Objection, mischaracterizes his
10 testimony.

11 THE WITNESS: It has been.

12 Q BY MS. PEARLMAN: To your knowledge, do FEPs
13 receive any specialized services after becoming
14 designated FEP?

15 MS. KOURY: Objection, vague and ambiguous.
16 Also asked and answered.

17 THE WITNESS: Reclassified FEPs, right?

18 Q BY MS. PEARLMAN: Yes. Sorry.

19 A The answer is yes.

20 Q What types of services?

21 A For two years they are monitored with
22 additional assessments to make sure that their English
23 remains proficient. Their report cards are looked at.

24 Many times their parents are consulted. And often the
25 EL coordinator at the site will talk with the teacher,

1 Did I say report cards?

2 Q You did say report cards.

3 Can you explain what you mean by report cards?

4 A A report card is a traditional way of
5 providing some kind of an indication as to the relative
6 success or lack of success of a student. Those of us
7 who went to public school in California -- I can stop
8 now.

9 Q I'm sorry. So you are referring to individual
10 report cards?

11 A Yes, I am.

12 Q And then the second part of that sentence
13 which says, "and can participate equally with them in
14 the school's regular instructional program."

15 How does your unit monitor whether former ELs
16 can participate equally with native English speakers in
17 the school's regular instructional program?

18 A This is actually more of a post
19 reclassification follow-up. And we look at report
20 cards. And if reclassified kids are getting Ds and Fs,
21 we start asking more questions.

22 Q When monitoring whether FEPs demonstrate
23 English language proficiency comparable to that of
24 native English speakers, does your unit look at the
25 test scores for each reclassified EL?

1 "How is this child fairing?"

2 Q When you mentioned additional assessments, to
3 what are you referring?

4 A Typically criterion reference tests designed
5 by the school.

6 Q And based on your experience, have you ever
7 encountered a reclassified FEP being classified as EL
8 later?

9 MS. KOURY: Objection, vague and ambiguous.
10 Also an incomplete hypothetical.

11 THE WITNESS: Yes.

12 Q BY MS. PEARLMAN: Now, on that same page
13 looking at the third column entitled "Examples of how
14 to achieve compliance," if you go to the second check
15 mark there. Can you see that? It says, "Objective
16 assessment of the student's English comprehension and
17 speaking proficiency."

18 A Yes.

19 Q What is your understanding of what is
20 monitored in order to get an objective assessment of
21 the English, student's English comprehension?

22 MS. READ-SPANGLER: If you need to, read the
23 entire context.

24 MS. KOURY: Point of clarification.

25 Are we under "Examples of how to achieve

1 compliance"?

2 MS. READ-SPANGLER: Yeah. That's what she

3 said.

4 MS. KOURY: Sorry.

5 THE WITNESS: I might say that this is

6 entitled "Examples of how to achieve compliance."

7 These are notes to the school district typically. And

8 on that question, objective assessment, anymore it

9 would be the CELDT test.

10 Q BY MS. PEARLMAN: I'm sorry, you said anymore

11 it would be the CELDT test?

12 A Yes. As of the last probably two years.

13 Q Okay.

14 A Additionally, the district may design

15 criterion reference or even standardized tests to

16 assess this particular issue.

17 Q And with respect to the item under that,

18 objective assessment of student's English and reading

19 and writing skills, is that also referring to CELDT or

20 some criterion reference test the district might

21 create?

22 MS. KOURY: Objection, leading. Misstates his

23 testimony.

24 THE WITNESS: Yes.

25 Q BY MS. PEARLMAN: Would you please look at the

1 next page, which is 139818, under "Examples of how to

2 achieve compliance," the third column.

3 The first bullet point says, "Data indicate

4 that each student in the sample redesignated from EL to

5 FEP has the English language skills of comprehension,

6 speaking, writing, reading and writing necessary to

7 succeed in the school's regular instructional program."

8 Are there guidelines that the district has in

9 order to determine whether the EL redesignated has the

10 skills necessary to succeed in the school's regular

11 instructional program?

12 MS. READ-SPANGLER: Objection, calls for

13 speculation.

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

15 THE WITNESS: You remember these are typically

16 help notes to a district. A district might design

17 something like that.

18 Q BY MS. PEARLMAN: In your experience, do

19 districts systematically maintain such data as referred

20 to in bullet point 1?

21 MS. READ-SPANGLER: Objection, calls for

22 speculation.

23 MS. KOURY: Vague and ambiguous.

24 THE WITNESS: Some do, some don't.

25 Q BY MS. PEARLMAN: With respect to the next

1 bullet point, "The district or site has evidence of how

2 former EL students as a group are performing in

3 comparison with their native English speaking peers in

4 the core curriculum."

5 In your experience, what type of evidence do

6 districts review in order to determine whether EL

7 students are performing -- how EL -- former EL students

8 are performing in comparison with their native English

9 speaking peers in core curriculum?"

10 A Utilizing test data, typically a comparative

11 analysis.

12 Q What do you mean by "comparative analysis"?

13 A Looking at test scores for ELs, which is

14 English only, and looking at test scores for ELs.

15 Q What types of test scores?

16 A In this case the STAR testing, other

17 district-designed testing mechanisms.

18 Q Does your unit monitor how the district is

19 comparing former EL students to native English speaking

20 peers' performance in core curriculum?

21 MS. KOURY: Objection, vague and ambiguous.

22 It's also been somewhat asked and answered.

23 THE WITNESS: We try to get at EL1, the

24 compliance item, and we might use that technique to get

25 at that.

1 Q BY MS. PEARLMAN: Based on your experience,

2 what is the average time it takes for an EL to be

3 reclassified as an FEP?

4 MS. KOURY: Objection, calls for speculation,

5 calls for expert testimony. And it's also an

6 incomplete hypothetical.

7 THE WITNESS: Almost impossible to answer.

8 Q BY MS. PEARLMAN: Can we turn --

9 MS. READ-SPANGLER: Actually before we turn,

10 since we've been going for about an hour, can we take a

11 break?

12 (A break was taken.)

13 Q BY MS. PEARLMAN: Could I direct you, please,

14 Mr. Dibble, to the page that is Bates stamped 139819.

15 And under the column "Compliance item," the

16 first one EL2, "The district has established a process

17 and criteria to determine the effectiveness of the

18 program provided to English learners."

19 Why is it important that the district have

20 established such a process?

21 MS. KOURY: Objection, vague and ambiguous.

22 MS. READ-SPANGLER: And just to clarify. His

23 opinion of why it's important? Important to whom? Do

24 you want to put that in your question?

25 Q BY MS. PEARLMAN: Why, to your knowledge, is

1 this a compliance item?

2 A It's important to know if a district's program
3 is working for EL students.

4 Q When you say "working for EL students," what
5 do you mean?

6 A If indeed English is being acquired and the --
7 if there is -- and if the kids are getting core
8 curriculum.

9 Q When you say "if the kids are getting core
10 curriculum," what do you mean by that?

11 A If they are having relative performance
12 success in the core curriculum.

13 Q And that's relative to whom?

14 A I would have to say it could be relative to
15 kind of a district determination, some sense of
16 calibration probably stems by the district.

17 Q In the third column under "Examples of how to
18 achieve compliance," second bullet point it says, "The
19 schools are providing resources, personnel and services
20 for EL students that match the district's adopted
21 programs."

22 How in your experience is the determination
23 made that such resources, personnel and services match
24 the district's adopted programs?

25 MS. KOURY: Objection, vague and ambiguous,

1 Most typically districts have a plan, a
2 written plan. Sometimes the plan is one that is more
3 verbalized than written. It's a reflection of the
4 pedagogy that's taking place in the classrooms.
5 Somebody at the school site can explain what that is.

6 Q And to your understanding, why isn't a master
7 plan required?

8 MS. KOURY: Objection, calls for speculation.

9 THE WITNESS: I don't know.

10 Q BY MS. PEARLMAN: On that same page under
11 "Compliance items" under EL2b, the first -- it says,
12 "The evaluation process includes the following.

13 1. A way to demonstrate that the programs for
14 English learners produce, within a reasonable period of
15 time (a) English language proficiency comparable to
16 that of average native speakers of English in the
17 district. And (b) academic results indicating that
18 English learners have achieved sustained parity of
19 academic achievement with students who entered the
20 district's school system already proficient in
21 English."

22 I'm just going to ask you a couple questions
23 about each part of that sentence.

24 First part where it says, "within a reasonable
25 period of time."

1 assumes facts.

2 THE WITNESS: Reminding us that these are
3 helpful hints to the district, that the district might
4 present something in this area saying this is how EL2a
5 is compliant, and a resource personnel might be a CLAD
6 teacher when required. I can give another example.

7 Q BY MS. PEARLMAN: Please do.

8 A Resources might be supplementary materials as
9 outlined in the plan, if they have a plan.

10 Q When you use the word "plan," to what are you
11 referring?

12 A What I'm doing is being careful of using the
13 word "master plan," which is not a requirement, but is
14 a good idea to have a plan.

15 Q When -- sorry. But what type of plan are you
16 referring to?

17 A A program plan which specifies instructional
18 program for English learner children.

19 Q And is such a plan something that your unit --
20 strike that.

21 Whether a district has such a plan, is that
22 something your unit monitors?

23 A It's an interesting question. We do not
24 require a master plan, but we require them to
25 demonstrate various practices, et. cetera.

1 Do you have an understanding of what a
2 reasonable period of time is?

3 A Yes.

4 And I might add, you can see why it's
5 important that we revise some of these items.

6 Q What is your understanding of what a
7 reasonable period of time is in this section?

8 A A reasonable period of time is one that a
9 district would establish, usually. It's a difficult
10 one, frankly. Kind of begs the question how long does
11 it take kids to learn English, et cetera, et. cetera.

12 The point being, make sure you have a program,
13 make sure kids are in it, make sure they are getting
14 English.

15 Q Are the -- to your knowledge, does -- your --
16 does your unit provide any guidelines to the districts
17 in terms of what a reasonable period of time is with
18 respect to EL2b 1?

19 MS. KOURY: Objection, vague and ambiguous,
20 misstates the guidelines.

21 THE WITNESS: No.

22 Q BY MS. PEARLMAN: To your knowledge, does the
23 Department of Education provide any guidelines as to
24 what a reasonable period of time is with respect to
25 EL2b item 1?

1 A No.
 2 Q To your knowledge -- does your unit provide
 3 any guidelines or information to the districts
 4 regarding research on how long it takes an EL to become
 5 proficient in English?
 6 MS. KOURY: Objection, vague and ambiguous,
 7 calls for speculation.
 8 THE WITNESS: Please remember that our unit
 9 has been, by the compliance plan, limited to simply
 10 monitoring.
 11 It is my understanding in the past that lots
 12 of that was done. It's possible that the Comite'
 13 follow-up unit continues to do exactly that.
 14 Q BY MS. PEARLMAN: Do you have any
 15 understanding as to whether, other than Comite', the
 16 Department of Education provides any information,
 17 research to the districts as to how long it takes
 18 English language learners to become proficient in
 19 English?
 20 MS. KOURY: Objection, asked and answered, and
 21 also calls for speculation.
 22 MS. READ-SPANGLER: And extremely overbroad.
 23 You are including all the information in the
 24 CDE and on their web site, presumably, and everything?
 25 THE WITNESS: I speculate that --

1 MS. READ-SPANGLER: No. Don't speculate. You
 2 can estimate, but don't guess or speculate.
 3 THE WITNESS: I don't know.
 4 Q BY MS. PEARLMAN: Looking back at that
 5 sentence at item a, "English language proficiency
 6 comparable to that of the average native speakers of
 7 English in the district."
 8 How does your unit monitor whether the ELs
 9 have obtained English language proficiency comparable
 10 to that of the average native speakers?
 11 MS. KOURY: Objection, asked and answered. We
 12 went through this already.
 13 THE WITNESS: I beg your pardon. Just for
 14 clarification, I think you said 2a, but you meant 2b?
 15 Q BY MS. PEARLMAN: I'm sorry, I meant 2b,
 16 1(a).
 17 A The (b) parenthesis part "academic results"?
 18 Q No, the first one.
 19 A "English language proficiency comparable"?
 20 Q Hmm-hmm.
 21 A Now we got that. The question?
 22 Q What does your unit do to monitor English
 23 language proficiency comparable to that of the average
 24 native speakers of English?
 25 MS. KOURY: Objection, asked and answered.

1 THE WITNESS: Again, we would look at the test
 2 scores.
 3 Q BY MS. PEARLMAN: And am I correct that in
 4 monitoring that you look at the test scores within the
 5 district; is that correct?
 6 MS. KOURY: Objection, vague.
 7 MS. READ-SPANGLER: Do you understand the
 8 question?
 9 THE WITNESS: Maybe I'm picking straws.
 10 We might look at them while we are in the
 11 Department of Education. So within the district.
 12 MS. KOURY: Did you mean physically within the
 13 district?
 14 MS. READ-SPANGLER: I don't think he did
 15 understand the question.
 16 MS. PEARLMAN: That's okay.
 17 Q What I meant was, when you are looking at test
 18 scores, okay, you are talking about test scores of ELs
 19 in comparison to test scores of native English
 20 speakers; is that correct?
 21 MS. KOURY: Of students within the same
 22 district.
 23 THE WITNESS: We compare --
 24 MS. PEARLMAN: That's my next question.
 25 THE WITNESS: We compare students to students

1 within that district.
 2 Q BY MS. PEARLMAN: Does your unit monitor the
 3 performance of EL students in a particular district
 4 with respect to the performance of native English
 5 speakers overall?
 6 MS. KOURY: Meaning statewide?
 7 MS. PEARLMAN: Hmm-hmm.
 8 THE WITNESS: No.
 9 Q BY MS. PEARLMAN: Let's look -- oh. Let me
 10 ask you.
 11 In that same section, point (a) where it says,
 12 "English language proficiency comparable to that of
 13 average native speakers of English."
 14 What is your understanding of how the average
 15 is determined?
 16 MS. KOURY: Objection, vague.
 17 THE WITNESS: Districts utilize STAR test data
 18 and develop a median or average point on this very
 19 issue.
 20 Q BY MS. PEARLMAN: Based on your experience,
 21 is -- let me strike that.
 22 When you are talking about STAR test data, are
 23 you talking about the SAT-9 testing?
 24 A It was SAT-9, it's now CAT-6.
 25 Q And based on your experience, is CAT-6 a valid

1 measure of English language student's academic
2 performance?

3 MS. KOURY: Objection, vague and ambiguous as
4 to "valid." It also calls for expert testimony,
5 speculation.

6 THE WITNESS: I really don't know.

7 Q BY MS. PEARLMAN: Yesterday you talked about
8 training sessions and the CCR training institutes where
9 you are trained on analyzing test scores; is that
10 correct?

11 A Yes.

12 Q And in those training sessions, has there --
13 that you've attended -- was there ever a discussion
14 about the validity of STAR testing for EL students to
15 determine their academic performance?

16 MS. KOURY: Objection, overbroad, vague and
17 ambiguous.

18 THE WITNESS: No.

19 Q BY MS. PEARLMAN: You also talked about some
20 meetings that your division used to have with the
21 managers of each unit yesterday.

22 A Yes.

23 Q In those meetings, do you recall ever
24 discussing the validity of STAR testing for EL
25 students?

1 where we begin to explore the question of is the
2 district providing a catch up plan or is the district
3 insuring simultaneous academic performance while
4 acquiring English. We would usually look at the catch
5 up plan.

6 Q BY MS. PEARLMAN: Are you done?

7 A I'm done. I'm done.

8 Q When you use the term "Catch up plan," to what
9 are you referring?

10 A Since the implementation of Prop 227 and its
11 requirement that English be taught in an English
12 setting, districts have an option to spend the allotted
13 amount of time providing children with English language
14 acquisition, and then they must have a plan to go back
15 after that allotted amount of time, one, two, three,
16 five years and catch the children up in the rest of
17 their academic areas, because they may have not been
18 successful in that because they did not know English,
19 and the medium of instruction was in English.

20 Q And other than the catch up plan, does your
21 unit review anything else in order to make a
22 determination as to whether academic results indicating
23 English learners have achieved and sustained parity of
24 academic achievement with native English speakers?

25 A Yes.

1 MS. KOURY: Objection, vague and ambiguous and
2 overbroad.

3 THE WITNESS: Basically no. But, I recall the
4 perennial question of should EL students be required to
5 take STAR testing.

6 Q BY MS. PEARLMAN: And do you recall what was
7 said about whether EL students should be required to
8 take -- participate in STAR testing?

9 A I remember lots of moaning and groaning and,
10 "Oh, my gosh, what are we going to do. We don't know."

11 Q Anything else?

12 A No.

13 Q Going back to the document before you on the
14 same page, which is 139819, and again in column 1 under
15 EL2b 1(b), the (b) part of the sentence, where it says,
16 "Academic results indicating that English learners have
17 achieved and sustained parity of academic achievement
18 with students who entered the district school system
19 already proficient in English."

20 What does your unit do to monitor the academic
21 results of ELs to determine whether they've achieved
22 parity with native English speakers?

23 MS. READ-SPANGLER: Objection to the extent
24 that misstates the document.

25 THE WITNESS: This is part -- this is the part

1 Q What is that?

2 MS. KOURY: Objection, mischaracterizes the
3 testimony. I think he already testified to that.

4 Go ahead.

5 THE WITNESS: Yes.

6 Q BY MS. PEARLMAN: What are those?

7 A Test scores, norm reference standardized test
8 scores, criterion reference test scores, and report
9 cards.

10 Q In the next column under "District and Site,"
11 the first bullet point where it says, "Review the
12 district's evaluation plan for determining program
13 effectiveness."

14 Does your unit provide any guidelines to LEAs
15 as to what an evaluation plan should or might look
16 like?

17 MS. KOURY: Objection, vague and ambiguous.

18 THE WITNESS: No.

19 Q BY MS. PEARLMAN: To your knowledge, does the
20 Department of Education provide any guidelines as to
21 what a district's evaluation plan might look like?

22 MS. KOURY: Objection, calls for speculation.
23 It's also vague and ambiguous and overbroad.

24 THE WITNESS: I believe the Comite' follow-up
25 unit does some of that work in the districts they work

1 with.

2 Q BY MS. PEARLMAN: The next bullet point where
3 it says, "Review the evaluation plan to determine if it
4 is" -- before I go to that.

5 Is it your understanding that all districts
6 must have an evaluation plan for determining program
7 effectiveness? We've already talked about that.
8 Sorry. Let me ask it, I'm not sure.

9 Is it your understanding that districts must
10 have an evaluation plan for determining program
11 effectiveness in order to be compliant?

12 A For a district to be compliant they must have
13 a way to demonstrate the programs for English learners
14 produced within a reasonable period of time, blah,
15 blah, blah. So yes.

16 I'm sorry, did you say "plan"?

17 Q Yes. I'm using the term that's in the
18 training manual.

19 A Yes.

20 Q Yes, they must have such an evaluation plan?

21 A Yes.

22 MS. KOURY: Objection, asked and answered.

23 Q BY MS. PEARLMAN: In your experience, do most
24 districts have such an evaluation plan for determining
25 program effectiveness?

1 MS. KOURY: Objection, asked and answered.

2 THE WITNESS: Tell me what "most" is.

3 Q BY MS. PEARLMAN: The majority of districts.

4 A Yes.

5 Q Okay. Let's go to the next bullet point under
6 "District and Site" where it says, "Review the
7 evaluation plan to determine if it is based on district
8 standards and includes multiple measures for each
9 content area." A couple of terms there.

10 What does your unit review in order to
11 determine whether the plan is based on district
12 standards?

13 A The -- I don't know if we are very clear on
14 that. I don't know if we are very clear on this item
15 as we review it.

16 Q And when you say "not very clear," what do you
17 mean by that?

18 A We may not always look at this particular
19 piece of the item exactly as written.

20 I would go on to say that districts clearly
21 have to have content performance standards in place.
22 And we've been working with districts to have their
23 English development standards in place. And a
24 sophisticated district will say, "Here's our standards
25 and here's where kids are getting to those standards."

1 And they have a mechanism for establishing that. It's
2 some kind of a report basis, okay.

3 But this is not -- our utilization of this is
4 not that sophisticated yet.

5 Q Is that something that you are working on,
6 increasing the sophistication on?

7 MS. KOURY: Objection, vague as to "working
8 on."

9 Go ahead.

10 THE WITNESS: In fact, it's very much a
11 direction I would like for us to take.

12 Q BY MS. PEARLMAN: The second half of that
13 sentence where it says, "Includes multiple measures for
14 each content area."

15 What does your unit monitor in terms of
16 multiple measures for each content area?

17 A Multiple measures is a wonderful current
18 practice in education.

19 Multiple measures means that you use more than
20 just one test. You might use multiple tests. You
21 might use teacher observation. You might use the
22 portfolio technique. In some cases we might involve
23 parents. Report cards is another possibility. What it
24 does is eliminate kids being strictly relegated to
25 success based on one test.

1 Q Next bullet point where it says, "Review the
2 assessment procedures to determine the progress of
3 individual English learners and groups of students."

4 What does your unit monitor in terms of
5 assessment procedures?

6 A We look to see if the district is utilizing
7 the STAR testing, criterion reference testing. Do they
8 have a system in place to actually analyze that data,
9 and is somebody doing it.

10 Q And then the next bullet point where it says,
11 "Review district criteria for determining English
12 language proficiency and academic success."

13 Again, what does your unit monitor in terms of
14 district criteria for determining English language
15 proficiency and academic success?

16 A For determining English language proficiency
17 we look at the CELDT results and other mechanisms that
18 may have been devised by the district as adjunct to the
19 CELDT.

20 Academic success would be test scores,
21 criterion reference, norm reference and report cards.

22 Q And the next column under, "Examples of how to
23 achieve compliance," the first bullet point says,
24 "English learners are successfully closing the gap in
25 academic English proficiency between themselves and

1 their native English speaking peers."

2 In your experience, how did the districts
3 determine whether the ELs are closing the gap in
4 academic English proficiency?

5 A Analysis of test data and often teacher
6 observation.

7 Q You say "teacher observation." What are you
8 talking about?

9 A Teacher, a teacher's assessment of the child's
10 progress and performance based on performance in the
11 classroom, based on tests.

12 Q In your understanding, since Proposition 227
13 was passed, have ELs in the State of California been
14 closing the gap in terms of English proficiency between
15 themselves and native English speaking peers?

16 MS. READ-SPANGLER: Objection, calls for an
17 expert opinion, legal conclusion.

18 MS. KOURY: Way overbroad and calls for
19 speculation.

20 MS. READ-SPANGLER: And you might want to
21 change it to implementing.

22 MS. PEARLMAN: I will take that.

23 Q Since implementing 227, do you have knowledge
24 as to whether the gap between ELs and their English
25 speaking peers has been closing in terms of academic

1 THE WITNESS: Analysis of test data, teacher
2 observation, parent consultation. I'm done.

3 Q BY MS. PEARLMAN: The next bullet point there
4 says, "The rate of participation of EL and redesignated
5 FEPs in the GATE program and advanced and college prep
6 courses is comparable to that of native English
7 speaking students."

8 In your experience, do you have any knowledge
9 as to the rate of participation of ELs and FEPs in such
10 programs as compared to native English speaking
11 students across the state?

12 MS. KOURY: Objection, vague and ambiguous,
13 also overbroad.

14 MS. READ-SPANGLER: Yeah. It's very compound.
15 You are asking all the districts?

16 Q BY MS. PEARLMAN: Is there any statewide data
17 on that that you are aware of?

18 MS. KOURY: Same objections.

19 THE WITNESS: No.

20 Q BY MS. PEARLMAN: Does your unit keep any data
21 comparing ELs and FEPs participation in such programs
22 to those of native English speaking -- speakers on a
23 statewide basis?

24 MS. KOURY: Objection, asked and answered. He
25 just said he's not aware of any.

1 English proficiency?

2 MS. READ-SPANGLER: Same objections.

3 THE WITNESS: I don't know.

4 Q BY MS. PEARLMAN: Does your unit monitor the
5 performance of ELs in English language proficiency as
6 compared to native English speaking students throughout
7 the state?

8 MS. KOURY: Objection, vague and ambiguous.

9 MS. READ-SPANGLER: Overbroad.

10 MS. KOURY: It's also, I mean, there's been
11 testimony on that.

12 THE WITNESS: No.

13 Q BY MS. PEARLMAN: The next bullet point in
14 that same column, "English learners are learning at a
15 rate which will enable them to achieve academically in
16 English at a level substantially equivalent to that of
17 their native English speaking peers after a reasonable
18 period of time."

19 In your experience, what do districts look at
20 to determine whether English learners are learning at a
21 rate which will enable them to achieve academically in
22 English at a level substantially equal to that of
23 native English speakers?

24 MS. READ-SPANGLER: Objection, lacks
25 foundation.

1 THE WITNESS: No.

2 Q BY MS. PEARLMAN: Please turn to the next page
3 of this document which is Bates stamp number 139820,
4 compliance item 1-EL2b (Continued).

5 In the second column under "Review level and
6 guidance," it states, "Are English learners acquiring
7 English language skills, including academic English
8 proficiency?"

9 What is your understanding of the term
10 "academic English proficiency"?

11 A Cognitive academic learning proficiency
12 skills. Sufficient English to be successful in a
13 program -- I'm sorry -- in a subject that is taught in
14 English.

15 Q And again, when monitoring this, does your
16 unit look at test scores? Is that what you look at?

17 MS. KOURY: Objection, vague and misleading,
18 because it's not a compliance item.

19 THE WITNESS: I would have to say on this
20 particular question it might be more of an interview;
21 talking with coordinators and teachers, and possibly
22 analysis of test data. We typically ask teachers about
23 this. "What's your understanding of this?"

24 Q Under the same column under "Interview," four
25 sentences there, the fourth sentence down which says,

1 "What evidence do you have for growth over time in ELD
2 and academic achievement?"

3 Based on your experience, do districts keep
4 data on EL growth over time in ELD and academic
5 achievement?

6 MS. KOURY: Objection, vague, ambiguous,
7 overbroad. Compound.

8 THE WITNESS: Yes.

9 Q BY MS. PEARLMAN: How -- based on your
10 experience, how do districts do that?

11 MS. READ-SPANGLER: Objection, compound.

12 THE WITNESS: Longitudinal data utilizing test
13 results. Done.

14 Q BY MS. PEARLMAN: In your experience, does --
15 are districts required to keep such longitudinal data
16 with using test scores?

17 MS. KOURY: Objection, vague and ambiguous.

18 THE WITNESS: Well, in a way to establish
19 compliance. They have to show us that there are
20 results and they are moving forward. So in a kind of
21 vicarious way, yes. As an absolute regulation? No.

22 Q BY MS. PEARLMAN: And in your experience, do
23 most districts maintain such longitudinal data
24 regarding -- strike that.

25 Are you aware of whether on a statewide basis

1 MS. KOURY: I thought you did.

2 MS. PEARLMAN: No. Because we didn't know if
3 you had seen it.

4 Q What does your unit do to monitor --

5 MS. KOURY: Here.

6 THE WITNESS: Yes, I know that.

7 Q BY MS. PEARLMAN -- - to monitor whether
8 districts are providing services to English learners
9 that insure they are acquiring English language
10 proficiency?

11 MS. KOURY: Objection to the extent that that
12 particular sentence is taken out of context with the
13 rest of the compliance item.

14 THE WITNESS: What I did earlier when we were
15 talking about 2b and I talk about the catch up plan, as
16 you recall I was rifling through the items to find out
17 exactly where that's located.

18 2b begins that catch up plan notion, but 3
19 really starts to address it. That's where it truly
20 comes into effect so that the district is providing
21 services to English learners to insure they are
22 acquiring proficiency.

23 Well, that's the program. They have to have
24 English language proficiency. So is there a program in
25 place. The "and" part, "and recouping any academic

1 there is longitudinal data regarding EL achievement in
2 ELD?

3 MS. KOURY: Objection, vague and ambiguous.
4 If you understand the question.

5 THE WITNESS: No, I'm not aware of that.

6 Q BY MS. PEARLMAN: Are you aware of any
7 statewide data regarding EL -- statewide longitudinal
8 data regarding EL academic achievement?

9 MS. KOURY: Objection, vague and ambiguous,
10 overbroad.

11 THE WITNESS: No, I'm not aware of that.

12 Q BY MS. PEARLMAN: Turn, please, to the next
13 page, which is Bates stamped 139821. Under the first
14 column "Compliance item," II-EL3 it states, "The
15 district is providing services to English learners to
16 insure that they are acquiring English language
17 proficiency and recouping any academic deficits that
18 may have been occurred in other areas of the core
19 curriculum."

20 What does your unit do to monitor -- did you
21 have a chance to see that, Mr. Dibble?

22 A I'm sorry? What was the question?

23 Q We are looking at --

24 A Just the question.

25 Q I hadn't actually asked the question.

1 deficits that may have been incurred in other areas."

2 That's the true, the true genesis of the catch up plan.

3 So providing a version they are getting
4 English -- hold on a minute -- are they also getting
5 core subjects. If not, what are you doing to make sure
6 they get that. Are you doing it simultaneously with a
7 designed program, or are you providing them English
8 language acquisition and a return visit once they
9 acquire English to bring them aboard on the core
10 subjects.

11 The 2b part, the reason I got a little bit
12 fouled up on that, that starts the evaluation part of
13 exactly that. These are not necessarily in linear
14 order. They are in linear in number, but they are not
15 in order of natural progression in a program.

16 So what that means is do you have a catch up
17 plan. What is your idea as to how kids are going to
18 recoup because they didn't understand what was
19 happening in social studies.

20 Q BY MS. PEARLMAN: Okay. And I think in your
21 answer you said whether your unit also looks to
22 determine whether kids are getting core curriculum; is
23 that correct?

24 A Well, kind of. You are close.

25 The question is one, kids are getting English

1 language acquisition. Learning English.

2 Q Right.

3 A Two, what is school about. It's about core
4 curriculum, and other things. Are kids getting the
5 core. Answer. No, they are not. They are learning
6 English. Whoops. What are you going to do about that.
7 We are going to give them a catch up plan. We are
8 going to teach them English for -- this is only an
9 example -- three years, then we are going to give them
10 intensive, in English, ideas about what social studies
11 and math and so forth is. That's the catch up plan.
12 The other is simultaneous. They are getting English
13 over here, but no matter what, we are not going to let
14 that gap create itself so we have to recoup. We are
15 going to provide them with everything we can to make
16 sure they get core subjects simultaneously.

17 Two different approaches to insuring kids get
18 English language and they get core proficiency.

19 Q And does your unit monitor the effectiveness
20 of those two different approaches?

21 MS. READ-SPANGLER: Objection, vague and
22 ambiguous.

23 MS. KOURY: It's overbroad and already -- he's
24 already testified on the issue.

25 But go ahead.

1 "English learners participate in English development
2 lessons that are appropriate for their identified
3 levels of language proficiency."

4 In your experience, what -- how do districts
5 determine whether such lessons are appropriate for the
6 level of language proficiency?

7 A A lot of times it's leveled curriculum; that
8 if you are at this level of proficiency, this is the
9 pre-designed program that you give. Publishers normed
10 leveling program. Lots of teachers are very skillful
11 in knowing what student's needs are and providing
12 materials appropriate in terms of such things as
13 vocabulary level, comprehension. So teachers can do
14 this. I'm done.

15 Q Does your unit do anything to monitor whether
16 the district, the district is properly determining
17 whether English language development lessons are
18 appropriate for student's identified levels of
19 proficiency?

20 MS. KOURY: Objection, vague and ambiguous.
21 He's already -- I mean, I guess in addition to what
22 else he's already testified to?

23 THE WITNESS: What we'll do is use EL3 which,
24 among many other things, we interpret as saying, "Do
25 you have a program in place for kids?" A program in

1 THE WITNESS: No.

2 Q BY MS. PEARLMAN: Just a general question.

3 On the second column under "Review level/
4 guidance," there's an item, second bullet point that
5 says, "Interview administrators, teachers and other key
6 planners."

7 When your consultants go to a site, how do
8 they decide which administrators to interview?

9 A Typically we ask for any administrator, any
10 personnel, anybody involved with EL students to be
11 available for an interview.

12 Q Okay. And with regard to teachers, how do
13 your consultants typically determine which teachers to
14 interview at a site?

15 A There are two ways of doing that. Most
16 typically we interview all the teachers. Another
17 possibility is selected teachers. And the selection
18 could be one per grade level, one per department.

19 Q And if it's the second scenario that you are
20 selecting the sample of teachers, do the sites select
21 that sample of teachers or do your consultants usually
22 select them?

23 A Typically it's collaborative.

24 Q In the third column, Examples of how to
25 achieve compliance," the first bullet point states,

1 place for kids means that lessons are in place at an
2 appropriate level.

3 So we will interview teachers, we will
4 interview parents, we will interview paraprofessionals
5 and will ask that question. "What is your program? Is
6 it appropriate for students? And why?"

7 And they will provide evidence like, "We are
8 using these books. We are using these publishers of
9 English language development programs." Sometimes
10 parents say, "I like him to learn English a little bit
11 faster." So we often have the conversation about what
12 is a learning curve and et. cetera. So we do
13 investigate that. It's done in a lot of different
14 ways. That's typically how we would do it.

15 I'm sorry. Did I say we actually look at
16 books in the room and so forth? Did I say that?

17 Q No, you did not say that. You said they would
18 provide you with materials.

19 A We will do that. That's enough.

20 Q And when you look at the books in the room,
21 generally what are the consultants looking for?

22 A A correlation of the level of the book and the
23 child's proficiency. We can look at the child's
24 proficiency by looking at the child's records.

25 Sometimes we follow kids through a day, so we learn a

1 lot about that kid so it's not kind of in the blind.
 2 We know that this is an early intermediate
 3 child, so the child goes in the classroom, is given
 4 assignment, we go over, "May I see what you are doing?"
 5 We look at it. Interview the teacher. Sure.
 6 MS. READ-SPANGLER: When you are at a good
 7 breaking point, could we take a short brake?
 8 MS. PEARLMAN: That's fine. We can do it
 9 right now.
 10 (A break was taken.)
 11 Q BY MS. PEARLMAN: Going back to the same page,
 12 Bates number 139821. In the third column there
 13 "Examples of how to achieve compliance."
 14 Looking at the second bullet point there where
 15 it says, "English language development lessons reflect
 16 curriculum materials and approaches which are designed
 17 to promote English learners' acquisition of listening,
 18 speaking, reading and writing skills in the second
 19 language."
 20 Does your unit review the ELD materials to
 21 make any determination whether they are designed to
 22 promote English learners' acquisition of listening,
 23 speaking, reading and writing skills?
 24 MS. KOURY: Objection.
 25 I'm sorry, are you finished?

1 Objection to the extent that the question is
 2 misleading in that this is under "Examples of how to
 3 achieve compliance." It's also vague and ambiguous,
 4 and I think there's already been some testimony about
 5 it.
 6 THE WITNESS: We might use this if the
 7 district has prepared that material. This is, again,
 8 an example of how to achieve compliance. A tip to the
 9 district how to get at 3. So we may look at this area,
 10 yes.
 11 Q BY MS. PEARLMAN: So you might review the
 12 materials?
 13 A We are looking at the second bullet?
 14 Q Yes.
 15 A I'm just reminding everybody this is a tip to
 16 get to 3.
 17 The question is?
 18 Q Does your unit then -- does it do anything to
 19 monitor whether the ELD materials promote English
 20 learners' acquisition of listening, speaking, reading
 21 and writing skills in the second language?
 22 A Yes.
 23 Q And what does it do?
 24 A If the district is using one of the state
 25 board adopted, state Board of Education adopted series,

1 we would verify that's what the district is using.
 2 Because the state board adopted it, we would say that's
 3 appropriate. If the district is using something other
 4 than that, we would review the material to make sure
 5 that it's at the appropriate level for the students,
 6 that it indeed is English language acquisition
 7 materials.
 8 Q Do your consultants receive any training on
 9 what constitute appropriate ELD materials?
 10 A Yes.
 11 Q What type of training?
 12 A They receive training from the curriculum
 13 branch, the curriculum -- I think it was the curriculum
 14 frameworks and materials office provides training on
 15 the ELD materials.
 16 Q Any other training?
 17 A We spent a great deal of time last summer, had
 18 a presentation from a person again from curriculum
 19 frameworks who is in charge of the office that networks
 20 with state Board of Education adopted materials. She
 21 gave us a one-day training. And we spent probably a
 22 good week actually looking at materials and discussing
 23 them among ourselves. And some of the consultants went
 24 to the display out at Sacramento County Office of
 25 Education that is open to the public and exhibits

1 curriculum materials. They especially look at the
 2 English language development materials.
 3 Q And as part of that training, did you discuss
 4 the state's ELD materials that are part of the new K
 5 through 8 reading language arts series?
 6 MS. KOURY: Objection, vague.
 7 THE WITNESS: Yes.
 8 Q BY MS. PEARLMAN: And do you recall what the
 9 discussions were regarding those new materials?
 10 A No, because I was conducting a review at the
 11 time.
 12 Q Are you aware of whether any districts have
 13 purchased the new approved textbooks for the K through
 14 8 reading language arts?
 15 A Which ones?
 16 Q There's a series, Open Court is one of them.
 17 A If you want to talk about Open Court, yes,
 18 they have purchased those. Some of -- some, some
 19 districts I'm aware of have purchased those particular
 20 materials.
 21 Q Are you aware of which districts?
 22 A The one I can name is Sacramento City Unified
 23 School District.
 24 Q Do you know whether Sacramento City has
 25 purchased those Open Court materials for all of its EL

1 students?

2 A No.

3 Q Let's turn to the next page which is marked as
4 139823.

5 A 23?

6 Q Yes.

7 The compliance item there II-EL3b. The third
8 sentence that says, "The district may choose to
9 concentrate first on teaching English so long as the
10 district subsequently brings students to grade level in
11 all other areas of the curriculum within a reasonable
12 amount of time."

13 What's your understanding of what a reasonable
14 amount of time is with respect to this section?

15 A Typically defined by the district.

16 Q In that same section under compliance item
17 EL3b, the last sentence there says, "Actions to
18 overcome academic deficits must be taken before
19 deficits become irreparable."

20 How does your unit monitor whether -- first
21 let me ask you.

22 What's your understanding of deficits becoming
23 irreparable --

24 MS. READ-SPANGLER: Objection, calls for an
25 expert opinion.

1 THE WITNESS: I don't know how you do it
2 without looking at students.

3 Q BY MS. PEARLMAN: Does your unit do such
4 monitoring? So your answer is yes?

5 MS. KOURY: I don't think he really understood
6 your question.

7 Q BY MS. PEARLMAN: Does your -- when your unit
8 goes into a school site or district site, does it look
9 to see whether there are any students who have, as you
10 said, reached -- have -- are in a situation where the
11 deficits have become irreparable?

12 A Yes.

13 Q What does it do?

14 MS. KOURY: Objection, asked and answered.

15 THE WITNESS: We look at test scores and
16 report cards.

17 Q BY MS. PEARLMAN: And the second column
18 "Review level/guidance," under the column "Ask," the
19 second point there where it says, "What evidence and
20 group data has the school gathered to demonstrate
21 students' achievement in learning grade level
22 academics?"

23 In your experience, what type of evidence
24 do districts maintain with regard to students
25 maintaining -- to demonstrate student's achievement in

1 Q BY MS. PEARLMAN -- regarding that section?

2 MS. READ-SPANGLER: Objection, calls for an
3 expert opinion, vague and ambiguous.

4 THE WITNESS: Before students drop into F
5 level on report cards. Before students drop out at the
6 bottom of test scores.

7 Q BY MS. PEARLMAN: What is your -- when you say
8 "the bottom of test scores," what criteria are you
9 using to determine bottom?

10 A Depends on what the median achievement at the
11 district is.

12 Q And what does your unit do to monitor whether
13 the LEA's taking actions to overcome academic deficits
14 before such deficits become irreparable?

15 MS. KOURY: Objection, vague and ambiguous,
16 also misleading to the extent it takes one sentence out
17 of context from the rest of the compliance item.

18 THE WITNESS: We would look at their catch up
19 plan.

20 Q BY MS. PEARLMAN: Anything else?

21 A No.

22 Q Does your unit monitor whether particular
23 students are dropping to the F level or the bottom of
24 the test scores?

25 MS. KOURY: Objection, asked and answered.

1 learning grade level academics?

2 A The question was what records do they retain?

3 Q Yes.

4 A I don't know they would retain records, but
5 they would look at evidence.

6 Q What type of evidence?

7 A Testing and report cards.

8 Q In the third column, "Examples of how to
9 achieve compliance," the first bullet point which
10 states, "Lessons reflect curriculum materials and
11 approaches that are designed for English learners and
12 are appropriate to their English proficiency level.
13 Example. Specially designed academic instruction in
14 English, SDAIE, primary language instruction, or other
15 generally recognized education methodologies."

16 What is your understanding of the term
17 "generally recognized education methodologies"?

18 A Methodologies taught in methods classes at the
19 universities.

20 Q Do districts receive some guidance from the
21 Department of Education as to what these generally
22 recognized education methodologies are?

23 MS. KOURY: Objection, vague and ambiguous,
24 overbroad.

25 MS. READ-SPANGLER: Calls for speculation.

1 THE WITNESS: I don't know.

2 Q BY MS. PEARLMAN: Does your unit have any
3 guidelines as to what the generally recognized
4 education methodologies are?

5 MS. KOURY: Objection, vague and ambiguous.

6 THE WITNESS: Does the guideline have to be
7 written?

8 Q BY MS. PEARLMAN: Why don't we start with
9 there.

10 Does your unit have any written guidelines as
11 to what the generally recognized education
12 methodologies are?

13 A No.

14 Q And does your unit have any oral or understood
15 guidelines as to what the generally recognized
16 education methodologies are?

17 A Yes.

18 Q And what are those?

19 A The guidelines?

20 Q Right.

21 A Discussion, staff meeting, talk. Talk over
22 coffee as to what is being observed, and what is being
23 found, and where we are about approaches to instruction
24 for English language learners.

25 Q To your knowledge, do schools keep data as to

1 information regarding the SDAIE materials that each
2 student has?

3 MS. KOURY: Objection, vague and ambiguous,
4 compound, overbroad, and it's also an incomplete
5 hypothetical.

6 THE WITNESS: I don't know.

7 I need a break.

8 MS. READ-SPANGLER: Let's just break for
9 lunch.

10 (The luncheon recess was taken.)

11 Q BY MS. PEARLMAN: Previously, Mr. Dibble, we
12 had discussed the Open Court series for -- the textbook
13 series for the new reading language arts curriculum.
14 And I asked you about that.

15 Do you know whether -- in your experience in
16 the last year, have any districts adopted and
17 purchased -- any districts purchased the Reader's
18 Choice materials for the new reading language arts
19 materials?

20 MS. KOURY: Objection, calls for speculation.

21 THE WITNESS: Yes.

22 Q BY MS. PEARLMAN: Do you know what districts
23 specifically?

24 A No. The consultants returned from the field
25 and told me that that had been adopted by various

1 the ELD materials that each EL student has?

2 MS. KOURY: Objection, vague and ambiguous,
3 calls for speculation.

4 MS. READ-SPANGLER: Compound.

5 THE WITNESS: I'm sorry, I really don't
6 understand that question. Keep a record on what a kid
7 has?

8 Q BY MS. PEARLMAN: Right. What each kid has.

9 MS. KOURY: Same objections.

10 THE WITNESS: I don't know.

11 Q BY MS. PEARLMAN: And in your experience, do
12 districts maintain records as to the ELD materials that
13 each EL student has?

14 MS. READ-SPANGLER: Same objections.

15 THE WITNESS: I don't know.

16 Q BY MS. PEARLMAN: In your experience, do
17 districts maintain data on the SDAIE materials that
18 each EL student has?

19 MS. KOURY: Objection, vague and ambiguous,
20 overbroad, compound.

21 THE WITNESS: SDAIE is not necessarily
22 materials.

23 Q BY MS. PEARLMAN: But -- it's not necessarily
24 materials. But do they have information regarding --
25 if there are SDAIE materials, do the districts maintain

1 districts. I don't recall which districts.

2 Q And what about -- do you have any knowledge
3 whether districts have adopted -- purchased the
4 materials produced by Holt, Reinharts and Winston
5 entitled Literature and Language Arts?

6 A Yes.

7 Q Do you know which districts?

8 A No.

9 Q I will ask the same question with regard to
10 the Houghton Mifflin Company series entitled Houghton
11 Mifflin, Reading a Legacy of Literacy.

12 Do you know whether districts have purchased
13 those materials?

14 A No, I don't.

15 Q Same question with regard to the McDougal
16 Little series entitled McDougal Little, Reading and
17 Language Arts Program.

18 Do you know whether districts have purchased
19 that series?

20 MS. KOURY: Calls for speculation.

21 THE WITNESS: No, I don't know.

22 Q BY MS. PEARLMAN: And finally with respect to
23 the Prentiss Hall series entitled Prentiss Hall
24 Literature, Timeless Voices, Timeless Themes.

25 Do you know whether any districts have

1 purchased those new materials for reading language
2 arts?
3 MS. KOURY: Same objection.
4 THE WITNESS: Yes.
5 Q BY MS. PEARLMAN: Which districts?
6 A I don't know.
7 Q Have you reviewed any of these textbook
8 materials for the new reading language arts curriculum?
9 A Yes.
10 Q Which series?
11 A Open Court.
12 Q And for what purpose did you review the Open
13 Court series?
14 A Appropriateness for ELD instruction.
15 Q What was your conclusion as to that?
16 MS. READ-SPANGLER: Objection, calls for an
17 expert opinion and a legal conclusion.
18 THE WITNESS: If used in conjunction with good
19 teaching, they would be appropriate for ELD
20 instruction.
21 Clarification if I might.
22 Q BY MS. PEARLMAN: Yes.
23 A The ELD piece of Open Court.
24 Q What do you mean by the term "good teaching"?
25 A Actually using the Open Court ELD material as

1 an English language acquisition strategy versus a
2 reading only strategy.
3 Q Do you know whether -- let's take Sacramento
4 City is the district you said purchased the Open Court
5 materials.
6 A Yes.
7 Q Do you know whether Sacramento City has
8 provided any teacher training sessions on teaching the
9 ELD materials in the Open Court series?
10 MS. KOURY: Objection, calls for speculation.
11 THE WITNESS: Yes.
12 Q BY MS. PEARLMAN: What type of training has
13 Sacramento City provided?
14 A I spoke with their EL coordinator, and the
15 publisher was going to provide them with the training.
16 That was about a year ago.
17 Q And do you know whether such training was
18 provided?
19 A No.
20 MS. KOURY: Are you asking him if he knows
21 definitely whether, in fact --
22 MS. PEARLMAN: Yeah. That's fine. If the
23 answer is no, you don't know.
24 THE WITNESS: No.
25 Q BY MS. PEARLMAN: Do you -- are you aware of

1 any districts other than Sacramento City that were --
2 strike that.
3 Do you know of any districts that have had
4 training on the Open Court series?
5 MS. KOURY: Objection, calls for speculation.
6 THE WITNESS: Yes.
7 Q BY MS. PEARLMAN: Do you recall which
8 districts?
9 A Yes. Elk Grove Unified.
10 Q Do you know what type of training that was?
11 A No.
12 Q Let's go back to what's Bates stamped 139821,
13 EL3.
14 MS. KOURY: 139821 did you say?
15 MS. PEARLMAN: Yes.
16 Q The first sentence in EL3, "Compliance item"
17 says, "The district is providing services to English
18 learners to insure that they are acquiring English
19 language proficiency and recouping any academic
20 deficits that may have occurred in other areas of core
21 curriculum."
22 If your unit finds that a district is failing
23 to comply with this item as described in that sentence,
24 what does your unit do?
25 A Marks them noncompliant on the notification of

1 findings.
2 Q Okay. And does your unit do anything to help
3 the district comply --
4 MS. KOURY: Objection -- I'm sorry.
5 Q BY MS. PEARLMAN: -- with that item that's
6 marked out of compliance?
7 MS. KOURY: Objection, vague and ambiguous in
8 terms of "help."
9 Do you understand the question?
10 THE WITNESS: Hmm-hmm.
11 Yes.
12 Q BY MS. PEARLMAN: What types of things does
13 your unit do to assist the districts in complying?
14 A It informs the district that they have to
15 submit a response to us in writing, to utilize the
16 guide points in the training guide to address the
17 issue.
18 Once received, a proposed resolution of
19 noncompliance, it's reviewed. And if it's acceptable,
20 it's considered resolved. If not, the district
21 receives a letter back and probably a telephone call
22 saying, "You remain noncompliant. You need to provide
23 additional evidence."
24 Q Does your unit have any power to enforce
25 compliance? And let's just take with EL3.

1 MS. READ-SPANGLER: Objection, vague and
2 ambiguous.
3 THE WITNESS: I need to work on the word
4 "enforce." Definition of the word "enforce."
5 Q BY MS. PEARLMAN: Let me use the word "ensure
6 compliance." Does that help you?
7 MS. KOURY: Are you referring to -- never
8 mind.
9 MS. READ-SPANGLER: Same objection.
10 THE WITNESS: We mark the districts
11 noncompliant. They are in the compliance tracking
12 system as noncompliant until they fix it.
13 Q BY MS. PEARLMAN: Does your unit have the
14 power to impose sanctions for noncompliance with, let's
15 say, again EL3?
16 MS. KOURY: Objection to the term -- vague and
17 ambiguous as to the term "sanctions."
18 Are you referring to monetary sanctions?
19 Q BY MS. PEARLMAN: You can answer.
20 A We can propose to administration to propose
21 the state Board of Education to notify local boards of
22 education that the district is noncompliant.
23 Q And --
24 Can you read back that answer?
25 (Record read.)

1 Q BY MS. PEARLMAN: Since becoming manager of
2 the English learner monitoring units, have -- has your
3 unit ever gone through this process of proposing to
4 administration to propose to the state board to notify
5 local boards of a finding of noncompliance?
6 A Actually, yes. But I want to make a
7 correction.
8 Q Sure.
9 A I recall that the letter to the local Board of
10 Education goes through our administration, it does not
11 need to go to the state Board of Education. I was
12 wrong. I misstated.
13 Q So --
14 A And the answer is yes.
15 Q Okay. Let me take your clarification first
16 for a second.
17 So when you say your unit proposes to
18 administration to write a letter, what administration
19 are you referring to?
20 A The senior administration, deputy level at the
21 California Department of Education.
22 Q Is that a particular post, particular
23 position, one person, or several?
24 A In this case it's the deputy superintendent
25 for the branch.

1 Q And who is that person?
2 A Gino Flores.
3 Q And then as I understand it, Gino Flores or
4 someone from his office would then notify the local
5 boards of the noncompliant issue?
6 A Actually what happens is we prepare a form
7 letter, put the district's name on it, and requires
8 Gino's signature.
9 Q And then you said that yes, since you've
10 become manager of the English learner monitoring unit
11 you have done this procedure of writing the letter
12 regarding the noncompliance and sending it to the local
13 board.
14 A Yes.
15 Q In what instances?
16 MS. KOURY: Objection, overbroad, compound.
17 THE WITNESS: In several instances where
18 districts have remained noncompliant for over a certain
19 amount of days.
20 Q BY MS. PEARLMAN: What's that certain amount
21 of days?
22 A I believe these letters are sent out after the
23 district has remained noncompliant for -- I'm going to
24 estimate that we say 365 days.
25 Q So it's supposed to be one year?

1 A Yes. I can't remember exactly what the days
2 are. But it's in that neighborhood.
3 Q And in -- over the last year, what are some of
4 the specific instances where one of these letters has
5 been generated by your unit?
6 MS. KOURY: Objection, compound, overbroad,
7 calls for a narrative.
8 THE WITNESS: They have remained in the
9 compliance tracking system with one or more
10 noncompliant items for EL.
11 Q BY MS. PEARLMAN: And do you recall any
12 particular districts where such a letter was generated
13 to notify the local boards of the EL noncompliance
14 issues?
15 A We send lots of those. And I'm sorry, right
16 now I really can't remember the names of the districts.
17 We do lots of those.
18 Q Do you keep a file in your office of all these
19 letters -- there a certain term for these letters?
20 A Yes, there is.
21 Q What is the term for the letters?
22 A Stage letters.
23 Q Stage?
24 A Stage letters.
25 Q Do you or does someone in your office have a

1 file of these -- the stage letters that have been
2 generated since you've been the manager of the English
3 language monitoring unit?

4 A Absolutely.

5 Q Just a point of clarification regarding the
6 generation of these letters.

7 Is it an automatic process of once the
8 computer system identifies the EL issues of
9 noncompliance for over 365 days that the letters are
10 automatically generated?

11 MS. KOURY: Objection --

12 MS. READ-SPANGLER: Objection --

13 MS. KOURY -- misstates his testimony.

14 He didn't testify about a computer

15 automatically doing anything.

16 It's also vague and ambiguous.

17 MS. READ-SPANGLER: I will also object that it
18 mischaracterizes or misstates his testimony in that he
19 said he was estimating 365 days.

20 THE WITNESS: Yes.

21 MS. PEARLMAN: Again, just a point of
22 clarification.

23 Q The stage letters are sent when there's more
24 than one issue of noncompliance in EL matters?

25 A One or more.

1 A No.

2 Q Can you turn, please, to the same document,
3 the page Bates number 139839. That's item 10. EL10.
4 Did you find that, Mr. Dibble?

5 A Yes.

6 Q Under the first compliance item EL10 which
7 states, "Adequate basic resources are available for
8 English learners, and EIA-LEP funds are used only to
9 supplement, not supplant, the district's general funds
10 as well as any other categorical funds the district
11 receives."

12 What is your understanding of the term
13 "adequate basic resources"?

14 A English learner students are the
15 responsibility of the district, and they are to receive
16 what all other students receive through general fund,
17 district general funds.

18 Q So is it -- am I correct that basic resources,
19 it's your understanding that refers to the general fund
20 resources?

21 A That's correct.

22 Q What does your unit do to monitor whether
23 adequate basic resources are available for English
24 learners?

25 A We look at budgets and expenditure reports.

1 Q Okay. Other than the stage letters, does your
2 unit do anything to ensure compliance with any of the
3 EL items that are found to be noncompliant?

4 MS. KOURY: Objection, vague and ambiguous.

5 Are you speaking beyond sending the letters
6 he already testified to the local board?

7 MS. PEARLMAN: That's what I just said.

8 THE WITNESS: Yes.

9 Q BY MS. PEARLMAN: What else?

10 A Before stage letters go we send what we call
11 summary letters. Summary letters are softer reminders.

12 Then we enter into stage 2 which is a letter
13 to the project coordinator. Stage 3 is to the
14 superintendent. And stage 4 is to the state board.

15 We also have a spread, it has a hard copy
16 listing of all the district's one or more noncompliance
17 remaining noncompliant.

18 The job of the consultants when they are
19 in-house is to call the districts assigned to them,
20 remind them to find out if they need some clarification
21 or assistance in how to get this accomplished.

22 Q Since becoming manager of the English learner
23 monitoring unit, are you aware of any monetary
24 sanctions that have been imposed against districts for
25 noncompliance with EL items?

1 Q Anything else?

2 A Yes.

3 Q What?

4 A We may ask, particularly persons outside of
5 the classroom, what is their funding source. We may
6 ask administrators, vice principals and coordinators,
7 "What is your funding source?"

8 Q The next column, "Review level/guidance," the
9 second bullet point under there, which states, "Review
10 the availability and verify the use of primary language
11 materials, when appropriate, and materials in English
12 appropriate to nonnative speakers for the teaching of
13 the district's core curriculum - basic classroom
14 materials, library collections and so forth."

15 I just want to ask you, how do your consultant
16 determine whether primary language materials are
17 appropriate?

18 A The question here is not the appropriateness
19 of the primary language materials, but the question is,
20 is it -- you check it when it's appropriate, as in when
21 you have primary language instruction. If you don't
22 have primary language instruction, you wouldn't check
23 this. That's "where appropriate" means.

24 Q On the following page, Bates 139840, the third
25 column, "Examples of how to achieve compliance," first

1 bullet point states, "District sources provide adequate
2 services in ELD, primary language instruction, SDAIE,
3 and instruction that promotes each student's self-image
4 and cross-cultural understanding."

5 What is your understanding of instruction that
6 promote each student's self-image and cross-cultural
7 understanding?

8 A That's really important in a classroom
9 setting, that a classroom reflect the culture and
10 language of all the students there, that it not be uni-
11 cultural in nature in terms of what's graphically
12 portrayed on the bulletin boards, in the materials, in
13 the books, in the words of the teacher.

14 Q And do your consultants monitor whether
15 instruction promotes each student's self-image and
16 cross-cultural understanding?

17 MS. KOURY: Objection, misleading, to the
18 extent this is an example of a noncompliant item.

19 THE WITNESS: Yes.

20 Q BY MS. PEARLMAN: How?

21 A By observing classroom environment,
22 interviewing teachers. Talking a lot to parents.

23 Q Let's flip back to page marked 139831, which
24 is EL6.

25 In item 6a, second sentence which states,

1 MS. KOURY: Yeah.

2 THE WITNESS: No. But, if it's marked
3 noncompliant and they present to us a proposed
4 resolution, they have to show us how they are going to
5 overcome the shortage. We may -- probably would not
6 call that a plan.

7 Q BY MS. PEARLMAN: On the following page marked
8 139832, item EL6b, the first sentence which says, "An
9 adequate number of qualified teachers have been
10 assigned to provide access to core curriculum
11 instruction to ensure an equal educational opportunity
12 for each English learner."

13 What is your understanding of the term "equal
14 educational opportunity" as set forth in that item?

15 MS. KOURY: Objection to the extent it calls
16 for a legal conclusion.

17 You can go ahead.

18 THE WITNESS: It means that EL children, as
19 should all children, should have access to the core
20 curriculum. If they don't, then it's not an equal
21 educational setting.

22 Q BY MS. PEARLMAN: And when you use the term
23 "core," to what are you referring?

24 A Core.

25 Q To what are you referring, core?

1 "Upon documentation of a local shortage of qualified
2 teachers to provide English language development
3 instruction, the district has adopted and is
4 implementing interim measures by which it plans to
5 remedy this shortage."

6 What do your consultants do to monitor this
7 compliance issue?

8 MS. READ-SPANGLER: Objection, asked and
9 answered.

10 MS. KOURY: We thoroughly went through this
11 earlier.

12 Go ahead.

13 THE WITNESS: We make determination if there
14 is a shortage by comparing class and course to pupil
15 enrollments and teachers assigned. If it's
16 appropriate, we leave it alone. If there's a shortage,
17 we ask the district what they are going to do to
18 overcome the shortage. And usually the teacher says,
19 "I'm sorry," and usually the district and/or the school
20 says, "We have placed teachers in training."

21 Q BY MS. PEARLMAN: Are districts required to
22 have a plan to overcome the shortage in order to be in
23 compliance?

24 MS. READ-SPANGLER: Objection, asked and
25 answered repeatedly.

1 A Core curriculum is typically designed -- I'm
2 sorry. Core curriculum is defined by the district.

3 Q In your understanding, are there any statewide
4 standards regarding core curriculum?

5 A Yes.

6 Q What are those?

7 A Those are called the curriculum content
8 standards.

9 Q Is it your testimony, then, that the districts
10 have discretion on how to design a core curriculum to
11 meet the curriculum content standards the state sets?

12 MS. KOURY: Objection, vague and ambiguous.

13 MS. READ-SPANGLER: Also object to the extent
14 it calls for a legal conclusion. It's outside this
15 witness' area of experience.

16 THE WITNESS: I don't know.

17 Q BY MS. PEARLMAN: Does your unit -- strike
18 that.

19 Have you or anyone in your unit analyzed the
20 impact that core curriculum teachers without EL
21 authorization have on EL students' performance?

22 MS. READ-SPANGLER: Objection, calls for
23 speculation, calls for an expert opinion.

24 MS. KOURY: Vague and ambiguous.

25 THE WITNESS: No.

1 Q BY MS. PEARLMAN: To your knowledge, has
 2 anyone in the Department of Education done such
 3 analysis?
 4 MS. KOURY: Objection, calls for speculation.
 5 Calls for expert testimony. And it's still vague and
 6 ambiguous.
 7 THE WITNESS: No.
 8 Q BY MS. PEARLMAN: To your knowledge, has
 9 anyone at the district level done such an analysis?
 10 MS. KOURY: Same objections.
 11 THE WITNESS: I don't know.
 12 Q BY MS. PEARLMAN: Going back to EL6b, if a
 13 district is found to be out of compliance with EL6b in
 14 that there are not an adequate number of qualified
 15 teachers assigned to provide access to core curriculum
 16 and instruction to ensure an equal educational
 17 opportunity for each English learner, does your unit do
 18 anything to assist the district to come into compliance
 19 with that item?
 20 MS. KOURY: Objection, vague and ambiguous as
 21 to the term "assist."
 22 THE WITNESS: Yes.
 23 Q BY MS. PEARLMAN: What things does your unit
 24 do?
 25 A We tell them that they need to submit to us a

1 proposed resolution of noncompliance.
 2 Q Does your unit establish any time in which --
 3 time period in which the district has to meet
 4 compliance for item EL6b?
 5 A Yes.
 6 Q What's that time?
 7 A The first time is within -- the first response
 8 is required within 45 days with a signature -- of the
 9 dating of the notification of findings.
 10 Q And is that -- if the district still does not
 11 comply within that 45 days, is there another time
 12 period set in which they must comply?
 13 MS. KOURY: Objection, vague and ambiguous.
 14 THE WITNESS: No. However, they will start
 15 getting letters.
 16 Q BY MS. PEARLMAN: And when you refer to --
 17 A Summary and stage letters.
 18 Q In your -- during validation reviews, do your
 19 consultants monitor whether ELs are being taught by
 20 teachers on emergency credentials? I'm talking about
 21 regular emergency credentials.
 22 MS. KOURY: Objection, vague and ambiguous.
 23 THE WITNESS: No.
 24 Q BY MS. PEARLMAN: Why not?
 25 MS. KOURY: Objection, calls for speculation

1 and also for expert testimony.
 2 Go ahead.
 3 THE WITNESS: Our assignment according to
 4 compliance items is to check for CLAD or equivalent.
 5 Q BY MS. PEARLMAN: To your knowledge, are all
 6 new teachers being trained in ELD practices?
 7 MS. KOURY: Objection, calls for speculation.
 8 MS. READ-SPANGLER: Vague and ambiguous.
 9 New teachers? You want to narrow what you
 10 mean by that?
 11 Q BY MS. PEARLMAN: Teachers who are now
 12 obtaining their teacher credential ling.
 13 A Teachers to be?
 14 Q Yeah. Thank you.
 15 MS. KOURY: Also calls for a legal conclusion.
 16 THE WITNESS: Yes.
 17 Q BY MS. PEARLMAN: And from where did you gain
 18 that understanding?
 19 MS. KOURY: You can answer that.
 20 THE WITNESS: In a staff meeting with managers
 21 from our division. Managers meeting.
 22 Q BY MS. PEARLMAN: What was said at that
 23 meeting regarding teachers to be being trained in ELD?
 24 A The bill which authorizes this was passed out
 25 at the meeting.

1 Q Any further discussion on that bill?
 2 A Yes.
 3 Q What was that, said in that discussion?
 4 A "What a great idea."
 5 Q Do you agree with that?
 6 A Yes.
 7 Q Do you know whether that -- or to your
 8 knowledge, are all teachers to be being trained in
 9 SDAIE methods?
 10 MS. KOURY: Objection, vague and ambiguous,
 11 also calls for speculation.
 12 Do you mean in terms of whether it's required
 13 or whether it's actually implemented?
 14 You can answer that if you can.
 15 THE WITNESS: I estimate that, because
 16 prospective teachers are being taught basically the
 17 CLAD content, and within CLAD content there is SDAIE
 18 methodology. So I estimate that is so.
 19 Q BY MS. PEARLMAN: And based on your current
 20 experiences as manager of the English learner --
 21 MS. READ-SPANGLER: You can call it the ELM
 22 unit or the EL monitoring unit.
 23 THE WITNESS: Just don't call us Elmers.
 24 Q BY MS. PEARLMAN -- the EL monitoring unit,
 25 are prospective teachers being taught CLAD principles?

1 MS. KOURY: Vague and ambiguous, calls for
2 speculation.
3 MS. READ-SPANGLER: Lacks foundation, too.
4 THE WITNESS: In my experience as the ELM unit
5 manager, it's my understanding that prospective
6 teachers are being taught CLAD content.
7 Q BY MS. PEARLMAN: In any of the manager
8 meetings, has the issue of ELs being taught by teachers
9 on emergency credentials been discussed?
10 MS. KOURY: Objection, vague and ambiguous.
11 THE WITNESS: No.
12 Q BY MS. PEARLMAN: Based on your opinion and
13 experience, are ELs more likely to have teachers on
14 emergency credentials than other low-income nonELs?
15 MS. KOURY: Objection, lacks foundation, calls
16 for speculation, calls for expert testimony. Vague.
17 THE WITNESS: I don't know.
18 Q BY MS. PEARLMAN: Let's turn to page 139833,
19 which is EL7.
20 First sentence under the "Compliance item" EL7
21 says, "The district provides an adequate in-service
22 training program which results in qualifying existing
23 and future personnel to provide appropriate
24 instructional services to English learners."
25 What does your unit do to monitor whether the

1 district is providing adequate in-service training
2 program to qualify existing and future personnel to
3 provide appropriate instructional services to ELs?
4 A We look at professional development calendars.
5 We look at school site council minutes. We look at
6 fliers and announcements. We look at minutes, if there
7 are, from staff meetings. Occasionally we will find a
8 written report from a teacher who has attended a
9 professional development workshop and has written it
10 up. We interview teachers and make inquiries. And we
11 also include paraprofessionals and interview them to
12 ask what kind of professional development they have had
13 pertinent to instructional services for English
14 learners.
15 Q Do your consultants ever attend these training
16 programs?
17 MS. KOURY: Objection, vague and ambiguous.
18 Are you referring to the professional
19 development programs?
20 MS. PEARLMAN: Yes. In-service training
21 programs as they are identified in the compliance item.
22 THE WITNESS: Point of clarification. Are you
23 talking about the instructional services workshops at
24 school sites?
25 Q BY MS. PEARLMAN: Yes. That are referred to

1 in the compliance item.
2 MS. KOURY: Calls for speculation.
3 Answer to the extent you know.
4 THE WITNESS: I doubt it.
5 Q BY MS. PEARLMAN: As part of the monitoring of
6 the district's in-service training programs as referred
7 to in EL7, do your consultants do anything to determine
8 the quality of the programs?
9 MS. KOURY: Objection, asked and answered.
10 To the extent he's already testified what they
11 do to determine compliance?
12 THE WITNESS: Yes.
13 Q BY MS. PEARLMAN: What?
14 A Look at the content, make sure it's pertinent
15 to the needs of EL students.
16 Q Anything else?
17 A I think that covers it.
18 Q To your knowledge, does the state Department
19 of Education review the substance of the district's
20 in-service training programs as referred to in
21 compliance item EL7?
22 MS. KOURY: Objection, calls for speculation,
23 it's also vague and ambiguous.
24 THE WITNESS: I don't know if the state
25 Department of Education does.

1 Q BY MS. PEARLMAN: Let's look at that same page
2 under the third column, "Examples of how to achieve
3 compliance," the very last bullet point which states,
4 "The district has made progress in qualifying existing
5 and future personnel as teachers of EL students as
6 evidenced by the number of teachers who have obtained a
7 CLAD, BCLAD or SB1969/395 authorization during the
8 current school year."
9 Are you -- in your understanding, what does
10 the district do to determine -- strike that.
11 Do you know whether districts apply a certain
12 percent or certain formula to determine whether
13 progress has been made in qualifying existing and
14 future personnel as teachers of EL students?
15 MS. KOURY: Objection, vague and ambiguous.
16 Are you asking him what his unit -- what his
17 unit applies or what districts apply?
18 MS. READ-SPANGLER: Can you read back the
19 question?
20 (Record read.)
21 MS. KOURY: Objection, vague, and also calls
22 for speculation.
23 THE WITNESS: Yes, I do know.
24 Q BY MS. PEARLMAN: Okay. Can you -- will you
25 please tell me what that is?

1 A Yes. Most typically anymore districts are
2 requiring 100 percent of teachers who are involved with
3 EL students, as required, to get the CLAD. And
4 typically the EL coordinator all the way up through
5 superintendents is staying on top of this and
6 monitoring this. So it would be case-by-case as to the
7 district's considering it made progress.

8 But in my observation most of the places, most
9 of the time it's an absolute urgency towards
10 100 percent.

11 Q And is there a district-wide standard in terms
12 of time period that a teacher has to obtain the EL
13 authorization?

14 MS. KOURY: Objection, vague and ambiguous as
15 to "district-wide."

16 MS. READ-SPANGLER: Also compound.

17 THE WITNESS: Depends on the district.

18 Q BY MS. PEARLMAN: In your experience, what are
19 some of the time periods that districts set?

20 A Sometimes by the beginning of the next
21 semester. Let me restate, please.

22 By the beginning of the fall semester. The
23 declaration is made in the spring semester, "Please
24 have it complete by fall semester." And sometimes
25 people have up to two years to do it.

1 Q BY MS. PEARLMAN: To your knowledge.

2 A There are a couple of models. One is the
3 superintendent can send representatives to these
4 various -- to the school sites to check on this. It's
5 not done very often that way.

6 The superintendent can ask that the school
7 level manager, i.e. the principal, verify that all
8 items are compliant at that site.

9 Rarely, but a model is they will go back and
10 do a self-review.

11 In some cases the school districts recognize
12 it as being a problem that's endemic enough that they
13 take district-wide action and ensure corrective action.
14 For example, they may have been marked out that they
15 are short of CLAD teachers. So they will put the word
16 out, "We want 100 percent of the teachers working with
17 EL students to receive CLAD within two years." In some
18 instances have actually made it a part of contract --
19 negotiation contract. I'm done.

20 Q I'm sorry, but can you now turn to EL5, which
21 is on page --

22 MR. HAMILTON: 827, I think.

23 MS. PEARLMAN -- 139827.

24 THE WITNESS: I have it.

25 Q BY MS. PEARLMAN: In item EL5a, the first

1 Q What about for BCLAD?

2 A I don't know.

3 MS. PEARLMAN: Want to take a quick break?

4 MS. KOURY: Sure.

5 (A break was taken.)

6 Q BY MS. PEARLMAN: Based on your experience
7 since becoming manager of the EL monitoring unit, are
8 English learners receiving equal access to instruction
9 in content standards?

10 MS. KOURY: Objection, vague and ambiguous,
11 calls for speculation, calls for expert testimony.

12 MS. READ-SPANGLER: I think it calls for a
13 legal conclusion, too.

14 THE WITNESS: That's certainly one of the
15 areas we monitor. And I don't know.

16 Q BY MS. PEARLMAN: Can you turn to the CCR
17 training manual what's marked as 139692.

18 In the very first check there where it says,
19 "For any item found to be noncompliant, LEA is
20 responsible for taking corrective action in the entire
21 LEA."

22 How does the LEA take corrective action
23 throughout the entire LEA?

24 MS. READ-SPANGLER: Objection, calls for
25 speculation.

1 sentence states, "English learners with less than
2 reasonable fluency in English have been placed in
3 structured English immersion for a period not normally
4 intended to exceed one year."

5 What is your understanding of "less than
6 reasonable fluency" in that item?

7 A Since the advent of the CELDT test, most
8 districts define it as not achieving a reasonable level
9 of English efficiency as level 3 or below on the CELDT.
10 I believe level 3 is also referred to as early
11 intermediate.

12 Q Does the definition of "less than reasonable
13 fluency" vary from district-to-district --

14 MS. READ-SPANGLER: Objection.

15 Q BY MS. PEARLMAN -- to your knowledge?

16 THE WITNESS: Not much anymore.

17 Q BY MS. PEARLMAN: On the page marked Bates
18 139829, compliance item 5b.

19 A I have it.

20 Q All I want to know is in that first sentence
21 under EL5b states, "English learners with reasonable
22 fluency in English have been placed in an English
23 language mainstream classroom."

24 What is your understanding of "reasonable
25 fluency" as it's in that item?

1 A Most typically districts define that as level
2 4 and above. Sometimes level 3 on the CELDT test.

3 Q I think you had testified yesterday that --
4 let me just ask you.

5 When doing the validation reviews, does your
6 unit look at the API scores of the schools it's
7 reviewing?

8 MS. KOURY: Objection, asked and answered.

9 THE WITNESS: Yes.

10 Q BY MS. PEARLMAN: For what purpose?

11 A To ascertain performance level of -- as one
12 tool for ascertaining performance level of EL students,
13 and as one tool to compare EL student's performance
14 with that of native English speakers.

15 Q And have you, or has anyone in your office,
16 done an analysis of API scores of schools with high
17 percentage of EL students?

18 MS. KOURY: Objection, vague and ambiguous,
19 calls for speculation.

20 THE WITNESS: A lot of the schools that we
21 visit have a very high percentage of EL students. And
22 when we do a review at a school, we analyze the API
23 scores.

24 Q BY MS. PEARLMAN: And has your unit done any
25 analysis on a district-wide basis of API scores

1 reasonable -- below reasonable fluency, will produce a
2 lower API score for the school.

3 Q Has anyone in your unit done analysis of
4 whether particular types of ELD teaching strategies
5 have an impact on student's SAT-9 scores?

6 MS. KOURY: Objection, vague and ambiguous.

7 It's also overbroad. Calls for expert testimony.

8 THE WITNESS: No.

9 Q BY MS. PEARLMAN: And are you aware of any
10 such studies done by the state Department of Education?

11 MS. KOURY: Same objections, calls for
12 speculation.

13 THE WITNESS: I'm not aware of any.

14 Q BY MS. PEARLMAN: During the validation
15 reviews, do your consultants look at the performance of
16 ELs on the high school exit exam for any purpose?

17 A I don't think we are using the high school
18 exit exam yet.

19 Are we talking the one --

20 MS. READ-SPANGLER: That's what she's talking
21 about. You can answer.

22 THE WITNESS: No.

23 Q BY MS. PEARLMAN: In the management meetings
24 that you were talking about within your division, has
25 the topic of ELs' performance on SAT-9 tests been

1 regarding schools with high number of English learners?

2 MS. READ-SPANGLER: Objection, vague and
3 ambiguous.

4 MS. KOURY: If you understand the question,
5 you can answer it.

6 THE WITNESS: I'm sorry, I really don't
7 understand the question.

8 MS. PEARLMAN: Let me ask a different
9 question.

10 Q Has your unit done any analysis of comparing
11 the API scores of schools with high numbers of English
12 learners to schools without high numbers of English
13 learners?

14 A No.

15 Q Do you have any understanding as to whether
16 the percentage of ELs at a school affects the API
17 rankings?

18 MS. KOURY: Objection, vague and ambiguous,
19 also calls for expert testimony. Speculation.

20 Go ahead.

21 THE WITNESS: Yes.

22 Q BY MS. PEARLMAN: What's the effect to your
23 knowledge?

24 A To my knowledge high percentage of EL students
25 taking the STAR test, particularly EL students at

1 discussed?

2 MS. KOURY: Objection, vague and ambiguous. I
3 thought that was asked and answered as well.

4 Go ahead.

5 THE WITNESS: Yes.

6 Q BY MS. PEARLMAN: And what was discussed in
7 that regard?

8 A We discussed the pros and cons of nonEnglish
9 speaking children taking an English test, a test in
10 English. On the one hand we know we need the data, on
11 the other hand we have feelings for the children
12 themselves. It's hard to take a test which they
13 probably find themselves less than successful.

14 Q And in those management meeting -- meetings of
15 the managers, have the topics of the high school exit
16 exam and its impact on ELs been discussed?

17 MS. READ-SPANGLER: Objection, vague and
18 ambiguous.

19 THE WITNESS: I'm sorry, did you say manager
20 meetings?

21 Q BY MS. PEARLMAN: Yes.

22 A No.

23 Q In any other meetings that you've attended --

24 A No.

25 Q -- have you discussed...

1 At any of those manager meetings, have you
 2 discussed the topic of the drop out rate of ELs?
 3 MS. KOURY: Objection, vague and ambiguous.
 4 THE WITNESS: No.
 5 Q BY MS. PEARLMAN: Within your own staff
 6 meetings have you discussed that?
 7 MS. READ-SPANGLER: Same objection.
 8 THE WITNESS: No.
 9 Q BY MS. PEARLMAN: Based on your experience, is
 10 there anything that could be done to improve the
 11 effectiveness of your unit's monitoring of EL
 12 compliance issues?
 13 MS. READ-SPANGLER: Objection, calls for
 14 speculation.
 15 MS. KOURY: It's also overbroad, vague,
 16 ambiguous.
 17 THE WITNESS: Yes.
 18 Q BY MS. PEARLMAN: What?
 19 A One, a revision and update of the EL
 20 compliance items themselves.
 21 Two, more people.
 22 Three, a less rigorous schedule.
 23 Four, a compliance ethic that has more
 24 emphasis on student performance.
 25 I'm sorry, I had a fifth. It's escaped me.

1 When I think of it I will let you know.
 2 Q One thing you mentioned was more people.
 3 Do you have an opinion as to how many more
 4 people you would like to have on your staff?
 5 A Yes.
 6 Q How many?
 7 A Ten. These people would be EPCs.
 8 Q Okay. Have you ever made request for more
 9 staff people -- more EPCs specifically?
 10 A Not officially, no.
 11 Q Have you discussed it with, I guess he's so
 12 new, but let's say Lorie Burnham-Massy?
 13 A No.
 14 Q Have you discussed it with Eleanor Clark-
 15 Thomas?
 16 A I wasn't manager when she was in the office.
 17 Q You also mentioned a less rigorous schedule.
 18 What did you mean by that?
 19 A Right now because of the compliance plan
 20 requirement of on-site monitoring, every district in
 21 the cycle, the ten consultants are virtually away from
 22 the office from November 1st until the middle of June.
 23 That's very rigorous. That's a lot of time away from
 24 home. It's very tiring. It's a very arduous process.
 25 I think that's it. Oh. And because of that we do

1 encounter difficulties responding to districts in a
 2 quick fashion when they send in a proposed resolution
 3 for noncompliance, because the consultant who is
 4 supposed to process it may be gone for a minimum of
 5 three full work weeks without getting back to the
 6 office. So it has an impact on the efficiency of
 7 handling the office day-to-day routine and district
 8 responses.
 9 Q Do you have something in mind in terms of how
 10 you would refine this schedule as it currently is?
 11 A I think that in some cases with a revised
 12 approach to CCR that we could do some document review
 13 versus on-site review. I think that we could expand
 14 the schedule to a year 'round schedule so it's not
 15 compressed in those November through June times,
 16 allowing people more frequent times back in the office.
 17 Q And if there were a year 'round schedule, then
 18 would that entail validation reviews even when schools
 19 are not in session?
 20 A No. But we have year 'round schools.
 21 Q Okay. Got ya.
 22 You said, I think, instead of all on-site
 23 reviews that some document reviews might be possible.
 24 Do you have in mind what types of things
 25 document reviews would be adequate for?

1 A Yes.
 2 Q What?
 3 A I would like to have us look at student
 4 performance, appropriately certified teachers. Program
 5 description and evaluation description. An affidavit
 6 from the ELAC that they are participating as a duly
 7 constitute ELAC. English language advisory committee.
 8 The same with the district English language advisory
 9 committee, DLAC. And I would like an affidavit from a
 10 superintendent or his or her designee that expenditures
 11 are appropriate with an attached budget.
 12 I would add, currently those are my personal
 13 opinions, and not opinions of the California Department
 14 of Education.
 15 Q Understood.
 16 So am I clear that it's your opinion these
 17 documentary items could be reviewed in lieu of an on-
 18 site validation review?
 19 A That's what I'm thinking, yes.
 20 Q Okay. And is that in your mind for particular
 21 types of schools, particular types of districts?
 22 A Yes. Particularly for districts where we have
 23 pre-established a performance screen that students are
 24 indeed performing well.
 25 Q When you say "pre-establish performance

1 screen," to what are you referring?

2 A We would need to have data that we would
3 analyze and be able to state according to the data on
4 the student performance that these children are
5 performing, in quotes, well.

6 Q And when you are referring to performance
7 data, are you referring to test scores, anything else?

8 A Test scores.

9 Q Anything besides test scores?

10 A Not in this case.

11 Q You may have just answered this in your last
12 answer.

13 You also mentioned in terms of improving the
14 effectiveness of your unit a compliance ethic with more
15 emphasis on student achievement.

16 What did you mean by that?

17 A I mean that first part, that schools where
18 students are performing well, do a document review.
19 But also all of our compliance review needs to be rated
20 to student performance and student outcome. That's why
21 we are there to ensure kids are getting an education.
22 So it all should be linked to ensuring that the
23 district is improving student performance. There's
24 some of that in the current items for us, but I would
25 like to see it very much centrally oriented towards

1 the unit, have you sought to obtain more funding for
2 the unit?

3 MS. KOURY: Objection, vague and ambiguous.

4 THE WITNESS: No.

5 Q BY MS. PEARLMAN: Have you ever discussed
6 obtaining more funding with anyone?

7 MS. KOURY: Objection, vague and ambiguous.

8 THE WITNESS: Yes.

9 Q BY MS. PEARLMAN: With who?

10 A Marsha Bedwell.

11 Q What did you say in that discussion?

12 A "I want more people, give me some more money."

13 Q What did she say?

14 A "You got enough." That's when she was
15 division director, not general counsel.

16 Q Right.

17 MS. PEARLMAN: I'm going to note for the
18 record that I'm handing the witness an exhibit that's
19 been marked SAD 28, which is entitled, "Coordinated
20 Compliance Review, Summary of Findings, 2000-2001, of
21 Los Angeles Unified School District."

22 Q Did your unit review LAUSD during the last
23 validation review cycle?

24 A What is the last validation review cycle?

25 Q That's a good question.

1 student performance.

2 Q And do you have ideas as to how that could be
3 achieved?

4 A Oh, kind of. I need to think it through.

5 I'm starting to think on that. I don't know
6 that I could really give you an expository on what I
7 might think it is right now. I just know that we need
8 to make it work and work from a student performance
9 perspective.

10 Q Okay. We are using the term "student
11 performance."

12 A Test data.

13 Q Go ahead.

14 A Test data.

15 Q Test data. Okay.

16 Another aspect of this, based on your opinion
17 and experience, is the English learner monitoring unit
18 adequately funded to detect all major issues of
19 noncompliance.

20 MS. KOURY: Objection, vague and ambiguous,
21 calls for speculation and expert testimony.

22 THE WITNESS: I think the ELM unit has a
23 satisfactory budget, except we don't have a budget to
24 have ten more people.

25 Q BY MS. PEARLMAN: Since becoming manager of

1 Can you tell me what the last validation
2 review cycle was?

3 A Yes. It was 2002-2003. We just finished it.

4 Q Did your unit review LAUSD during that cycle?

5 A Yes, we did.

6 Q Do you know whether there were any
7 noncompliance issues found during that review with
8 respect to the EL items?

9 A Yes, I do.

10 Q What items were found to be in noncompliance
11 for LAUSD?

12 MS. KOURY: Assumes facts.

13 THE WITNESS: I would need the notification of
14 findings in front of me to be sure.

15 Q BY MS. PEARLMAN: Can you turn to page 14 of
16 this document. Let's just go to the fourth entry under
17 EL2, Crenshaw High. The finding of noncompliance
18 states that, "It was not evident that each English
19 learner receives a program of instruction in English
20 language development in order to develop proficiency in
21 English as rapidly and effectively as possible."

22 Are you aware of whether LA is now in
23 compliance with that item?

24 MS. KOURY: Objection, lacks foundation,
25 assumes facts.

1 THE WITNESS: I need the current notification
 2 of findings or the CTS. Actually I need the compliance
 3 tracking system to determine that.
 4 Q BY MS. PEARLMAN: Am I correct that for all
 5 the items of noncompliance that are listed in this
 6 document, the EL items of noncompliance listed in this
 7 notification of findings, that in order to determine
 8 whether LAUSD has come into compliance you would need
 9 the compliance tracking record?
 10 MS. KOURY: Objection, assumes facts, lacks
 11 foundation.
 12 THE WITNESS: Yes.
 13 Q BY MS. PEARLMAN: Do you know whether in the
 14 most current review cycle the validation review of
 15 LAUSD, validation review revealed that there were
 16 insufficient number of ELD teachers?
 17 MS. KOURY: Objection, vague and ambiguous,
 18 calls for speculation.
 19 THE WITNESS: I would need the compliance
 20 tracking system data in front of me.
 21 Q BY MS. PEARLMAN: Did your unit review West
 22 Contra Costa Unified in the last review cycle,
 23 2002-2003?
 24 A Ask me the question again, please.
 25 MS. PEARLMAN: Will you read it back, please?

1 Thanks.
 2 (Record read.)
 3 THE WITNESS: No.
 4 Q BY MS. PEARLMAN: Did your unit review Linwood
 5 Unified in the 2002-2003 review cycle?
 6 A I would need to look at the schedule.
 7 Q Did your unit review Oakland Unified School
 8 District in the last review cycle?
 9 A No.
 10 Q Does your unit do anything to assist LEAs in
 11 obtaining more EL authorized teachers?
 12 MS. KOURY: Objection, vague and ambiguous
 13 calls --
 14 MS. READ-SPANGLER: Asked and answered.
 15 THE WITNESS: Yes.
 16 Q BY MS. PEARLMAN: What?
 17 A We mark them noncompliant.
 18 Q Anything else?
 19 A No.
 20 MS. KOURY: Aside from what he's already
 21 testified to, I take it?
 22 Q BY MS. PEARLMAN: Anything else?
 23 A Not to what I've already testified to.
 24 Q Are you aware of whether the state Department
 25 of Education does anything to assist LEAs in obtaining

1 more fully authorized EL teachers?
 2 MS. KOURY: Objection, vague and ambiguous,
 3 calls for speculation.
 4 I take it you are asking beyond what his unit
 5 does?
 6 MS. READ-SPANGLER: You can answer.
 7 THE WITNESS: The difference in the question
 8 was this time state Department of Education?
 9 MS. READ-SPANGLER: Right.
 10 THE WITNESS: No. Oh. I'm sorry. Yes. Yes.
 11 Yes. Yes.
 12 Q BY MS. PEARLMAN: Can you tell me then? Will
 13 you tell me about that?
 14 A Not much. Not much. There's a program called
 15 BTSA, Bilingual Teacher Training Act or something, I
 16 know that's run through the department. I don't know
 17 anything else about it.
 18 Q Does your unit do anything to assist LEAs in
 19 attracting more paraprofessionals for EL students?
 20 MS. KOURY: Objection, vague and ambiguous.
 21 THE WITNESS: No.
 22 Q BY MS. PEARLMAN: To your knowledge, does the
 23 Department of Ed?
 24 MS. KOURY: Objection, vague and ambiguous,
 25 calls for speculation.

1 THE WITNESS: No.
 2 Q BY MS. PEARLMAN: Does your unit monitor
 3 districts to determine whether they are effectively
 4 recruiting EL certified teachers?
 5 MS. KOURY: Objection, vague and ambiguous,
 6 lacks foundation. This was asked and answered. He
 7 testified about this earlier.
 8 THE WITNESS: No.
 9 MS. PEARLMAN: Go off the record for a second.
 10 (A break was taken.)
 11 Q BY MS. PEARLMAN: First, other than the
 12 notification of findings, do your consultants do
 13 anything else to document their validation reviews?
 14 MS. READ-SPANGLER: Objection, vague and
 15 ambiguous.
 16 THE WITNESS: Yes.
 17 Q BY MS. PEARLMAN: What type of documentation?
 18 What do they do?
 19 A Compliance plan required -- we were required
 20 by META attorneys, the plaintiffs, to complete a
 21 checklist based on compliance items for each site that
 22 we visited to verify we have reviewed each and every
 23 item.
 24 Could you ask the question again?
 25 MS. PEARLMAN: Could you read back the

1 question, please?
 2 (Record read.)
 3 THE WITNESS: My answer remains yes. The
 4 checklist.
 5 MS. PEARLMAN: This is only for identification
 6 purposes, just mark an exhibit as SAD 272.
 7 (Plaintiff's Exhibit
 8 No. 272 was marked for
 9 identification.)
 10 Q BY MS. PEARLMAN: I've placed in front of you
 11 a document entitled "Consolidated Programs Coordinated
 12 Compliance Review Checklist For Organizing
 13 Documentation."
 14 Is this the checklist to which you were
 15 referring?
 16 A No.
 17 Q Okay. Does your -- do your consultants use
 18 the checklist that I've placed before you as SAD 272?
 19 A No.
 20 Q Are you aware of what Exhibit SAD 272 is used
 21 for?
 22 A Is?
 23 Q Is. Yeah. Sure.
 24 MS. KOURY: Lacks foundation. I'm not sure
 25 he's even aware of it.

1 MS. PEARLMAN: I asked him whether he was
 2 aware.
 3 THE WITNESS: It is not used.
 4 Q BY MS. PEARLMAN: Do you know -- it's not used
 5 at all?
 6 A No, it's not.
 7 Q Is this -- the checklist that you testified
 8 about that was required by the META attorneys, is there
 9 a title or name to this checklist?
 10 A Yes. It is site level checklist.
 11 Q Do you know whether that site level checklist
 12 is available through the CDE's web page?
 13 A Absolutely not. It's for internal use only,
 14 and placed in the files for the META attorneys to
 15 review.
 16 Q To just be clear. Exhibit 272, are you aware
 17 of whether the districts use this checklist?
 18 A I don't know.
 19 Q Yesterday we talked briefly about the
 20 compliance agreements that are sometimes entered into
 21 with the LEAs.
 22 A Yes.
 23 Q And in your experience, how often are
 24 compliance items -- compliance agreements entered into?
 25 More than 50 percent of the time? With regards to EL

1 items.
 2 MS. KOURY: Objection, vague and ambiguous,
 3 calls for speculation.
 4 THE WITNESS: In combination with the status
 5 being resolved or remaining noncompliant, compliance
 6 agreements are entered into quite frequently.
 7 Q BY MS. PEARLMAN: Yesterday I think that you
 8 testified that there is a shortage of EL authorized
 9 teachers in California.
 10 MS. KOURY: Objection, misstates his
 11 testimony.
 12 THE WITNESS: You are saying I said there was
 13 a shortage of EL teachers in California?
 14 Q BY MS. PEARLMAN: Right.
 15 A Yes, there are.
 16 Q And based on your experience, what has caused
 17 this shortage?
 18 MS. KOURY: Objection, vague and ambiguous,
 19 calls for speculation, calls for expert testimony.
 20 Overbroad, and asks for a narrative.
 21 THE WITNESS: I don't know.
 22 Q BY MS. PEARLMAN: In your experience, do poor
 23 school conditions contribute to insufficient numbers of
 24 EL authorized teachers at a school?
 25 MS. KOURY: Objection, vague and ambiguous as

1 to "poor conditions." Also calls for expert testimony
 2 and a narrative.
 3 THE WITNESS: I don't know.
 4 Q BY MS. PEARLMAN: Is the CELDT test part of
 5 the accountability system for ELs?
 6 MS. KOURY: Objection, vague and ambiguous.
 7 THE WITNESS: Sorry, which accountability
 8 system?
 9 Q BY MS. PEARLMAN: In terms of comparing ELs
 10 to -- the academic achievement of ELs to that of native
 11 English speakers.
 12 A No, because it's not an academic achievement
 13 test.
 14 Q Are you aware of whether the state tracks the
 15 number of -- the shortages of EL authorized teachers?
 16 MS. KOURY: Objection, vague and ambiguous,
 17 calls for speculation. It's also been asked and
 18 answered.
 19 THE WITNESS: I don't know.
 20 Q BY MS. PEARLMAN: Does your unit monitor what
 21 ELD materials are supplied to EL students in mainstream
 22 classrooms?
 23 MS. READ-SPANGLER: Objection, asked and
 24 answered. Vague and ambiguous.
 25 THE WITNESS: Yes.

1 Q BY MS. PEARLMAN: And can you tell me how?
 2 A Using one of the compliance items we look at
 3 materials to see if they are appropriate for the ELD
 4 instruction. It's one of the items we talked about
 5 earlier.
 6 Q And does your unit do anything to determine
 7 whether ELs in mainstream classes are provided with ELD
 8 materials?
 9 MS. KOURY: Objection, asked and answered.
 10 Do you understand the question?
 11 THE WITNESS: Yeah.
 12 Yes.
 13 Q BY MS. PEARLMAN: What?
 14 A What do we check on? Well, compliance -- the
 15 compliance item. Are students getting access to the
 16 core and getting ELD. As part of that review, we would
 17 look at what's helping in terms of instructional
 18 program. Instructional program would include
 19 materials.
 20 Q And what about with -- in terms of specific EL
 21 students who are in mainstream classes?
 22 MS. READ-SPANGLER: Objection, asked and
 23 answered.
 24 THE WITNESS: We look at a school, we look at
 25 all EL students in all settings --

1 Q BY MS. PEARLMAN: And --
 2 A -- and their services.
 3 Q Okay. And does your unit monitor whether a
 4 particular student in a mainstream class is provided
 5 with ELD materials?
 6 MS. READ-SPANGLER: Objection, asked and
 7 answered.
 8 MS. KOURY: And very vague and ambiguous as to
 9 the distinction you are trying to draw with
 10 "particular."
 11 If you understand that.
 12 THE WITNESS: Yesterday I made a statement
 13 there might be 600 EL students. And we are not going
 14 to be able to check on absolutely every student, but we
 15 certainly will take a sampling and get a general idea.
 16 MS. PEARLMAN: That's it. No further
 17 questions.
 18 MS. KOURY: Do you want to enter into a
 19 stipulation?
 20 (Off the record.)
 21 MS. KOURY: Counsel, let's stipulate that the
 22 court reporter is relieved of her obligations. And we
 23 will implement the normal stipulation in this case for
 24 deposition transcripts.
 25 So stipulated.

1 MS. PEARLMAN: So stipulated.
 2 MS. READ-SPANGLER: Yes.
 3 (The deposition was concluded at 3:35 p.m.)
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1 PURSUANT TO SECTION 2025 (q) (1) of the Code of
 2 Civil Procedure of the State of California, I hereby
 3 certify that I have read my deposition, made those
 4 changes and corrections I deem necessary, and approve
 5 the same as now written.
 6
 7 (Check one) NO CORRECTIONS
 8 CORRECTIONS PER ATTACHED
 9
 10
 11 DATED this ____ day of _____,
 12 2003.
 13
 14 _____
 15 PETER DIBBLE
 16
 17
 18 CASE TITLE: Williams v State of Calif.
 19 DATE OF DEPOSITION: June 18, 2003
 20 JOB NUMBER: 43724
 21
 22
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 24
 25

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: Peter Dibble
8 CASE: Williams v State of Calif.
9 DATE OF DEPOSITION: June 18, 2003

10
11 I, Peter Dibble, have the following corrections to make
12 to my deposition:

13
14 PAGE LINE CHANGE/ADD/DELETE

15
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SIGNATURE _____ DATE _____

1 REPORTER'S CERTIFICATE

2
3 I, LISA RICHARDSON, a Certified Shorthand Reporter
4 for the State of California, duly licensed and a
5 disinterested person, certify:

6 That the foregoing deposition was taken before me
7 pursuant to applicable sections of the Code of Civil
8 Procedure of the State of California at the time and
9 place herein set forth;

10 That Peter Dibble, the deponent herein, was put
11 under oath by me;

12 That the testimony of the witness and all
13 objections made at the time of the examination were
14 recorded stenographically by me, to the best of my
15 ability, and were thereafter transcribed;

16 That the foregoing deposition is a verbatim record
17 of the testimony of the deponent and all objections
18 made at the time of the examination.

19 IN WITNESS WHEREOF, I have subscribed my name on
20 this 18th day of July, 2003.

21
22
23 _____
24 LISA RICHARDSON
25 Certified Shorthand Reporter,
License No. 5883