

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

3

4

5 ELIEZER WILLIAMS, et al.,

6 Plaintiffs,

7 vs.

No. 312236

8 STATE OF CALIFORNIA,

9 et al.,

10 Defendants.

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15 Deposition of

16 LESLIE FAUSSET

17

18 August 29, 2001

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23 Reported by:

DANIEL E. BLAIR

24 CSR No. 4388

Job No. 27837

25

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1 BE IT REMEMBERED that on Wednesday, August 29,
2 2001, commencing at the hour of 10:00 a.m., at 400
3 Capitol Mall, Sacramento, California, before me, Daniel
4 E. Blair, a Certified Shorthand Reporter in the State of
5 California, personally appeared
6 LESLIE FAUSSET,
7 a witness called by the Plaintiffs in the above-entitled
8 action, who, having been duly sworn by the Certified
9 Shorthand Reporter to tell the truth, the whole truth
10 and nothing but the truth, testified under oath as
11 follows:

--oOo--

EXAMINATION BY MR. JACOBS

12
13
14 Q. Good morning, Ms. Fausset. My name is Michael
15 Jacobs. I represent the plaintiffs in this case. Have
16 you ever had your deposition taken before?
17 A. Many, many years ago.
18 Q. Was it in connection with official duties?
19 A. Yes.
20 Q. What was the nature of the dispute?
21 A. It was a personnel matter.
22 Q. Was this in San Diego?
23 A. Yes.
24 Q. Are you familiar from that experience with the
25 deposition process?

1 A. It might help if you would remind me.
 2 Q. Fair enough. I ask questions. You wait a second
 3 or two to give your lawyer a chance to object. He
 4 objects in most cases for the record, and then you
 5 decide whether there's something -- whether you have an
 6 issue with the question. If the question is ambiguous
 7 or you don't understand it, please let me know.

8 The reporter will make a transcript. The
 9 transcript can be used for a variety of purposes in the
 10 litigation, including for some purposes at trial. So
 11 you should think of this as testimony that's just as
 12 sworn as if you were in front of a judge. You will then
 13 get a chance to look at the transcript afterwards and
 14 make any corrections. But at trial, I get to comment on
 15 the corrections.

16 Does that all make sense?

17 A. Yes.

18 Q. Okay. What is your current title?

19 A. Chief Deputy Superintendent of work policy and
 20 programs with the California Department of Education.

21 Q. Since you assumed duties with the California
 22 Department of Education, has your title changed?

23 A. Yes.

24 Q. What was it when you started?

25 A. I don't know if I can even remember. Oh, do I

1 have a business card?

2 MR. VIRJEE: You don't need to look at anything.
 3 Give him what you remember.

4 THE WITNESS: Was Chief Deputy Superintendent
 5 for, I think it was curriculum instruction and
 6 departmental management or something like that.

7 Q. BY MR. JACOBS: What year did you assume that
 8 position?

9 A. I assumed the position in May of 1998.

10 Q. Was there a single change to your current title
 11 or were there multiple changes?

12 A. One change.

13 Q. The single change, when did that occur?

14 A. Approximately two years ago.

15 Q. Did the change in title correspond to a change in
 16 your assigned responsibilities?

17 A. Yes.

18 Q. What was the change in responsibilities that
 19 coincided with the change in title?

20 A. We reorganized in the department and created a
 21 branch where we put all of the accountability issues.

22 And so that went -- that branch went to the other
 23 chief. And then another programs branch came to me.

24 Q. Did that programs branch come from a different
 25 deputy superintendent or was that a new --

1 A. Different chief.

2 Q. Different chief deputy.

3 What programs branch was that?

4 A. That is the branch for educational equity, access
 5 and support.

6 Q. Today do you have the educational equity, access
 7 and support branch under your purview?

8 A. I do.

9 Q. You better let me finish the question. Otherwise
 10 the record is going to be confused.

11 What other branches do you currently have under
 12 your purview?

13 A. Curriculum instruction leadership. And the other
 14 is child, youth and family services promotion.

15 Q. And aside from branches, do you have any units
 16 under your purview?

17 MR. VIRJEE: Objection. Vague and ambiguous as
 18 to units.

19 THE WITNESS: I have the communications
 20 department that reports to me.

21 Q. BY MR. JACOBS: Any others?

22 A. No.

23 Q. Let's take those in reverse order. The
 24 communications department, what is its -- what are its
 25 chief functions?

1 A. Both internal and external communication, dealing
 2 with the press and the media primarily.

3 Q. So does it not include, then, communications to
 4 districts about, for example, change in departmental
 5 policy?

6 MR. VIRJEE: Objection. Overbroad, vague and
 7 ambiguous. Also assumes facts not in evidence, calls
 8 for speculation as to what the districts might not
 9 get -- might or might not get or see.

10 THE WITNESS: The communications specifically and
 11 directly to districts don't usually go through the
 12 communications department.

13 MR. SEFERIAN: Counsel, can we stipulate that an
 14 objection by and on behalf of the State is being made on
 15 behalf of the AG?

16 MR. JACOBS: Yes.

17 MS. KAATZ: And so I don't have to object as to
 18 form, we'd like to join in that as well.

19 MS. CIAS: CSBA joins also.

20 MR. JACOBS: I don't object to any of that.

21 Q. The child, youth and family services branch, what
 22 are its principal responsibilities?

23 A. That branch is responsible for the child
 24 development programs, which include before-school,
 25 after-school programs, preschool and childcare, as well

1 as child nutrition programs, and other support programs
 2 that are targeted toward our earliest learners.
 3 Q. The curriculum and instructional leadership
 4 branch, what are its principal responsibilities?
 5 A. They're really imbedded in the title of the
 6 branch. They deal with instructional materials
 7 processes. They deal with professional development.
 8 They deal with specific projects, again, curricular and
 9 instructional, targeted toward elementary, middle and
 10 high school.
 11 Q. By instructional materials processes, what do you
 12 mean?
 13 A. The curriculum frameworks and instructional
 14 resources division deals with the state adoption
 15 process.
 16 Q. Does it deal with it in terms of adjusting the
 17 process or does it deal with it --
 18 A. Managing -- excuse me.
 19 Q. -- as opposed to actually performing the adoption
 20 function?
 21 MR. VIRJEE: Objection. Vague and ambiguous.
 22 Assumes that those things are mutually exclusive. I
 23 don't think that makes sense.
 24 THE WITNESS: Could you clarify the question for
 25 me?

1 Q. BY MR. JACOBS: You've described it as having a
 2 relationship to the process -- the State Board of
 3 Education ultimately adopts textbooks, correct?
 4 A. Correct.
 5 Q. Does the curriculum instructional leadership
 6 branch make recommendations to the State Board of
 7 Education on whether particular curricula, for example,
 8 should be adopted?
 9 MR. VIRJEE: Objection. Vague and ambiguous as
 10 to who makes the recommendations.
 11 THE WITNESS: There is a curriculum commission
 12 that is an arm of the State Board of Education. Our
 13 responsibility in the department is to support the
 14 curriculum commission in managing those process.
 15 Q. BY MR. JACOBS: Can you give me a little more
 16 detail what you mean by managing the process?
 17 A. Supporting the commission in -- we are basically
 18 staff to the commission. So we would do the work around
 19 helping them with their agendas, helping organize their
 20 meetings, helping to facilitate their meetings.
 21 Q. And then the next category in that branch that
 22 you referred to was professional development; is that
 23 correct?
 24 A. Correct.
 25 Q. And what are the professional development

1 responsibilities of the curriculum and instructional
 2 leadership branch?
 3 A. They would manage any grant application and
 4 distribution processes. They would coordinate any
 5 professional development efforts that come through the
 6 Department of Education, and interface with the
 7 commission on teacher credentialing.
 8 Q. Interface with the commission on teacher
 9 credentialing, the CTC, on what issues?
 10 A. We coordinate the BTSA program, B-T-S-A,
 11 Beginning Teacher Support Program, for example. The
 12 Superintendent of Public Instruction has a designee that
 13 serves on the commission. And our staff would then be
 14 staff to and support that individual.
 15 Q. Who is that individual?
 16 A. It's currently Marlyn Whirry, M-a-r-l-y-n,
 17 W-h-i-r-r-y, last year's national teacher of the year.
 18 Q. In this role, does the department actually
 19 deliver professional development content to teachers?
 20 MR. SEFERIAN: Objection. Vague and ambiguous.
 21 MR. VIRJEE: Calls for speculation, overbroad.
 22 THE WITNESS: I don't have the depth of detail to
 23 specifically answer that.
 24 Q. BY MR. JACOBS: Can you -- but it is more than a
 25 grant allocation function; is that correct?

1 A. In some instances, yes.
 2 Q. And the instances that you're thinking of, what
 3 does the branch do?
 4 A. The instances I'm thinking of would be specific
 5 training actually around a grant, where we would provide
 6 technical assistance.
 7 Q. Technical assistance to the grantee in
 8 implementing the grant?
 9 MR. SEFERIAN: Objection. Calls for speculation.
 10 THE WITNESS: In both applying for as well as
 11 implementing.
 12 Q. BY MR. JACOBS: The first branch you mentioned
 13 was the educational equity, access and support branch,
 14 correct?
 15 A. Correct.
 16 Q. What are its functions?
 17 A. There are three divisions within that branch.
 18 One is state special schools. The second is special
 19 education. And the third is a support division that
 20 deals primarily with safe schools grant administration.
 21 That's the primary function.
 22 Q. Is it your function to supervise the chiefs of
 23 these branches?
 24 MR. VIRJEE: Objection. Vague and ambiguous as
 25 to supervise.

1 THE WITNESS: The deputies for each of these
 2 branches report to me.
 3 Q. BY MR. JACOBS: And do you prepare performance
 4 evaluations for them?
 5 A. Yes.
 6 Q. And does someone in charge of the communications
 7 department report to you?
 8 A. Yes.
 9 Q. What's the title of that position?
 10 A. Don't know.
 11 Q. It's not branch chief, it's something department
 12 something?
 13 A. Correct.
 14 Q. And do you prepare performance -- do you prepare
 15 a performance evaluation for that individual?
 16 A. Yes, I do.
 17 Q. Does anyone else report to you?
 18 MR. VIRJEE: Objection. Vague and ambiguous as
 19 to report.
 20 THE WITNESS: The other direct reports would be
 21 my executive assistant, a consultant, and the individual
 22 who manages the waiver office.
 23 Q. BY MR. JACOBS: Judy Penva [phonetic]?
 24 A. Uh-huh.
 25 MR. SEFERIAN: Is that yes?

1 THE WITNESS: Yes.
 2 Q. BY MR. JACOBS: And the consultant's, what are
 3 the consultant's duties?
 4 A. The consultant serves as an assistant to me, and
 5 would do research and coordination for me.
 6 Q. By research, what are you referring to?
 7 A. For example, if a specific problem, for instance,
 8 was brought to me, then I would ask this individual to
 9 get me the background.
 10 Q. And by coordination, what do you mean?
 11 A. If -- if we're working through the various
 12 process that we work through, I might ask this person to
 13 do the follow-up for me, to alert people to the
 14 deadlines.
 15 Q. Are there any other direct reports to you?
 16 A. Not that I can recall right now.
 17 Q. Okay. And do you report directly to whom?
 18 A. The State Superintendent of Public Instruction
 19 Delaine Eastin.
 20 Q. And you've reported to Ms. Eastin since you
 21 joined the department in May 1998; is that correct?
 22 A. Correct.
 23 Q. Do you serve in an official capacity as a member
 24 of any other state entities?
 25 Let me clarify what I'm asking.

1 You referred, for example, to the designee of the
 2 department on the CTC, the teacher you referred to,
 3 Ms. Whirry. I'm wondering whether you are the designee
 4 for the department on any boards or bodies.
 5 MR. VIRJEE: Objection. Vague and ambiguous.
 6 You're asking whether she has been designated by the
 7 department to any public boards or bodies?
 8 MR. JACOBS: If that helps clarify, yes.
 9 THE WITNESS: The only one I believe is the
 10 Western Association of Schools and Colleges Commission.
 11 Q. BY MR. JACOBS: What is your role in WASC?
 12 A. I am the superintendent's designee to that
 13 commission as of May of 2000 -- May of 2001. Just last
 14 May.
 15 Q. Who was your predecessor?
 16 A. Jim Perino, former superintendent.
 17 Q. Have you gone to any WASC -- is this -- you're a
 18 designee to the WASC board, is that the title?
 19 A. To the commission.
 20 Q. Have you been to any commission meetings?
 21 A. Yes.
 22 Q. Let's talk about WASC for a minute. When you
 23 were in San Diego, did you have interactions with WASC?
 24 MR. VIRJEE: When you say San Diego, you're
 25 talking about when she was employed in Poway?

1 MR. JACOBS: Yes.
 2 THE WITNESS: Yes, I did.
 3 Q. BY MR. JACOBS: What were your interactions with
 4 WASC?
 5 A. I have served on a number of accrediting teams.
 6 Q. Any other -- did you have any other interactions
 7 with WASC when you were employed in San Diego?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to interactions.
 10 THE WITNESS: What specifically do you mean by
 11 interactions?
 12 MR. JACOBS: Well, I can ask you some examples,
 13 and then we'll go broad again.
 14 Q. Were you in any schools that were visited by WASC
 15 teams and subject as part of the WASC accreditation
 16 program?
 17 A. Yes.
 18 MR. VIRJEE: At any time?
 19 MR. JACOBS: In San Diego.
 20 MR. VIRJEE: Any time while she was at Poway?
 21 MR. JACOBS: Right. Let's back up a second.
 22 Q. Your career in education started when?
 23 A. A long time ago.
 24 MR. VIRJEE: First grade? Kindergarten?
 25 THE WITNESS: My adult professional career?

1 MR. JACOBS: Yes.
 2 THE WITNESS: Started in, I believe it was 1972.
 3 Q. BY MR. JACOBS: Did you start as a teacher?
 4 A. I did.
 5 Q. How long -- was it a teacher in the classroom?
 6 A. Correct.
 7 Q. How long was that?
 8 A. I was a teacher in the last classroom for six
 9 years. Would you like me to go through -- would that be
 10 easier?
 11 Q. Thank you. Yes, please.
 12 A. I was a teacher in the classroom for six years,
 13 and I taught first grade. I was then a reading
 14 specialist at two different schools for two years each.
 15 I then was a project coordinator at an elementary school
 16 for two years. I then was an assistant principal at a
 17 middle school for a year and three-quarters.
 18 Q. What year has that brought us up to?
 19 A. I'm not sure. '80 something.
 20 I then was principal of an elementary school for
 21 two years. I then was principal of a middle school for
 22 a year and maybe three-quarters. I then was a director
 23 of staff development, communication and evaluation for
 24 the district for two years.
 25 Q. And the district is?

1 A. Poway. This is all in Poway. I spent 25 years
 2 in Poway.
 3 I then was an assistant superintendent of
 4 instruction, primarily focused on K-8, kindergarten
 5 through 8th grade. And from that position, I was named
 6 an area superintendent, where I had responsibility for a
 7 K-12 area of the district.
 8 Q. What do you mean by area?
 9 A. We had three comprehensive high schools at the
 10 time. And we -- to create better articulation efforts,
 11 we created three areas that would be K-12. So you would
 12 have the elementary schools, the feed middle school that
 13 fed into a high school.
 14 Q. When you say you created -- did you say you
 15 created three areas?
 16 A. We created an area for each of the comprehensive
 17 high schools.
 18 Q. And were you the assistant superintendent with
 19 one of those areas?
 20 A. I was the area superintendent for the west side
 21 of the district maybe for two years, and then was moved
 22 to the east side of the district. And from that
 23 position, I moved to my current position.
 24 Q. Now, the Western Association of Schools and
 25 Colleges or WASC accredits high schools, correct?

1 A. And middle schools. And, in fact, they have a
 2 process for elementary schools as well.
 3 Q. When you were from the Poway district, did you
 4 have interactions with WASC as part of their process of
 5 accrediting schools in Poway?
 6 A. Yes.
 7 Q. Can you describe those, the nature of those
 8 interactions?
 9 MR. VIRJEE: Vague as to nature of interactions.
 10 Vague as to time, and in which one of these positions
 11 she was in during which time period.
 12 THE WITNESS: When I had the assistant principal
 13 position at the middle school, I was responsible for
 14 coordinating the accreditation process for that school.
 15 The only other experience I recall would have been as an
 16 area superintendent -- actually, I didn't have any
 17 interaction. I remember the school went through the
 18 accrediting process, I had some surgery and was out.
 19 And so I didn't even meet with the accrediting team.
 20 Q. BY MR. JACOBS: Aside from these interactions and
 21 aside from your recent employment, have you had occasion
 22 to familiarize yourself with the WASC process?
 23 A. I have been a member of visiting teams for a
 24 number of years.
 25 Q. How many visiting teams do you think you've been

1 on?
 2 A. I don't know specifically, but probably somewhere
 3 in the neighborhood of 15.
 4 Q. Were they -- were those teams -- was your
 5 assignment to teams geographically concentrated or did
 6 you over the course of your involvement with WASC have
 7 occasion to visit schools around the state?
 8 MR. VIRJEE: Or outside the state?
 9 MR. JACOBS: That's a good question.
 10 Q. Were any of those teams outside the state?
 11 A. Yes.
 12 Q. Do you recall which ones you were involved in?
 13 A. Inside or outside the state?
 14 Q. Outside. Sorry.
 15 A. I was on one team at a school in Hawaii. I was
 16 on a team in Kuala Lumpur, Malaysia, Yangon Myanmar. I
 17 went back to Kuala Lumpur and Papua New Guinea.
 18 Q. Were the schools in -- that you visited outside
 19 of the United States, which I have as Kuala Lumpur,
 20 Malaysia and Yangon Myanmar, were these schools for
 21 foreigners?
 22 MR. VIRJEE: Objection. Vague and ambiguous.
 23 Foreigners from whose perspective?
 24 Q. BY MR. JACOBS: Why was WASC accrediting -- is
 25 there a common reason why WASC was accrediting schools

1 in those areas?
 2 A. These are international schools. And they are in
 3 the area that was being served. So East Asian schools
 4 are in that area.
 5 Q. And there's a different accreditation agency --
 6 sure. Go ahead.
 7 A. They are international schools, primarily for
 8 expatriates who are there working primarily for business
 9 or for the Diplomatic Corps.
 10 Q. I take from it your answer there's something like
 11 an Eastern Association of Schools and Colleges --
 12 A. Yes.
 13 Q. -- that also looks to Europe?
 14 A. Correct.
 15 Q. Do you recall the schools you visited with WASC
 16 in California?
 17 A. Specific school names, no.
 18 Q. Do you recall the cities?
 19 A. Sure. I'll do my best.
 20 Q. Please.
 21 A. I went to Seal Beach, I went to Rowland School
 22 District.
 23 Q. Where is that?
 24 A. North L.A., east part of the -- west of Ontario.
 25 That was a long time ago. Where else have I been? I

1 haven't been lately. I would have to go back and look.
 2 They're just not coming. It's been awhile.
 3 Q. Aside from your service on visiting teams and
 4 aside from your having been in a school that was visited
 5 and your new role with WASC, have you had any other
 6 occasion to familiarize yourself with the WASC
 7 accreditation process?
 8 A. There was one spring, I want to say approximately
 9 five years ago, that I did some training for WASC in
 10 their new process.
 11 Q. You were trained or you were a trainer?
 12 A. Trainer. Well, I was trained.
 13 Q. Trained to be a trainer?
 14 A. And I provided training.
 15 Q. You were trained to be a trainer, and then you
 16 trained others?
 17 A. Correct.
 18 Q. And when you're describing -- when you're
 19 referring to a new process, you're referring to a new
 20 accreditation process?
 21 A. Correct.
 22 Q. And as part of your assignment to be the designee
 23 on the commission, have you received any training about
 24 WASC? Has there been any kind of a welcome new board
 25 members training session or something like that?

1 MR. VIRJEE: She said she's a commission member,
 2 just for the record.
 3 MR. JACOBS: Yes.
 4 MR. SEFERIAN: Objection. Compound question.
 5 THE WITNESS: No, I have not.
 6 Q. BY MR. JACOBS: And have you on your own done any
 7 additional familiarization of the WASC -- of WASC as
 8 part of assuming these duties?
 9 MR. VIRJEE: Objection. Vague and ambiguous,
 10 overbroad.
 11 THE WITNESS: Not specifically as a result of
 12 assuming these duties.
 13 Q. BY MR. JACOBS: And so what do you --
 14 A. I am fairly familiar with the process.
 15 Q. From the previous interactions?
 16 A. Correct.
 17 Q. Do you have a -- go ahead.
 18 A. In addition to that, I do interface with the
 19 accrediting commission as they continue to update their
 20 process to align it more closely with California's
 21 reform agenda.
 22 Q. And what's the mechanism of that, of your
 23 interactions with the commission, aside from your
 24 service on the commission?
 25 A. We administer the accrediting process jointly.

1 Q. What do you mean by that?
 2 A. The California Department of Education and the --
 3 and WASC developed a joint process for accrediting
 4 schools so that the WASC accreditation process fulfills
 5 the program review, program quality review requirement,
 6 that is in current statute in California.
 7 Q. Was the joint administration of the accrediting
 8 process something that, as far as you understand it,
 9 arose out of a statutory provision?
 10 MR. VIRJEE: Objection. Calls for a legal
 11 conclusion, calls for speculation, lacks foundation that
 12 this witness has any information about that.
 13 THE WITNESS: And I don't know, because it
 14 happened prior to my involvement.
 15 Q. BY MR. JACOBS: So -- and by involvement, you
 16 mean assuming your position with the Department of
 17 Education?
 18 A. Correct.
 19 Q. What has been the nature of that collaboration?
 20 Let me focus that a little more.
 21 What's the mechanism for the collaboration? Is
 22 there a series of meetings that have been established?
 23 Is there a joint body where people are called together?
 24 What's the mechanism for the collaborative
 25 administration?

1 MR. VIRJEE: Objection. Overbroad, vague and
2 ambiguous, compound.
3 Which one of those questions do you want her to
4 answer?
5 MR. JACOBS: I think the witness understands the
6 question.
7 THE WITNESS: Could you rephrase it for me,
8 please?
9 MR. JACOBS: Read it back.
10 [Record read.]
11 THE WITNESS: We have a staff person who is
12 assigned to co-facilitate this work. A consultant in
13 the department works with the WASC staff, participates
14 in training, and assists with coordination.
15 Q. BY MR. JACOBS: Who provides guidance to that
16 consultant from within the department?
17 MR. SEFERIAN: Objection. Vague and ambiguous.
18 THE WITNESS: The guidance is provided by one of
19 our managers.
20 Q. BY MR. SEFERIAN: Who is that?
21 A. Laura Wagner.
22 Q. And is she in one of your branches?
23 A. She is not. She's in the accountability branch.
24 Q. To the best of your knowledge, has the topic of
25 the department's goals for the WASC accreditation

1 process been discussed at a Board of Education meeting?
2 MR. VIRJEE: Objection. Vague and ambiguous as
3 to department goals. Also calls for speculation.
4 THE WITNESS: Yeah, I need some clarification in
5 terms of exactly what you mean by department goals.
6 Q. BY MR. JACOBS: Does the department have some
7 goals for the WASC accreditation process that have been
8 set down somewhere where the State Department of
9 Education would like the WASC accreditation process to
10 accomplish certain things?
11 MR. SEFERIAN: No foundation, calls for an
12 impermissible legal opinion, overly broad.
13 MR. VIRJEE: Vague and ambiguous. She has said
14 she doesn't know what you mean by department goals.
15 THE WITNESS: Yeah, I don't know. I don't know
16 exactly what you mean.
17 MR. JACOBS: What part is confusing?
18 THE WITNESS: Department goals. We have
19 department goals. They're not specific to WASC.
20 Q. BY MR. JACOBS: Are there any specific goals with
21 respect to WASC?
22 MR. SEFERIAN: Objection. Vague and ambiguous.
23 MR. JACOBS: Using goals as you just used the
24 word.
25 MR. VIRJEE: Asked and answered. She said they

1 don't have specific goals to WASC.
2 THE WITNESS: No.
3 Q. BY MR. JACOBS: Now, was it a department goal
4 that WASC align its process with the PQR requirements
5 set forth in current statutes?
6 MR. VIRJEE: Objection. Calls for speculation,
7 vague and ambiguous as to department goals.
8 Was that the goal of somebody in the department,
9 some official position that was taken in some official
10 paper? It's vague and ambiguous. She's having problems
11 with department goals. She's told you that.
12 THE WITNESS: I wasn't involved in the formation
13 of that partnership, so I think I lack specific
14 background to give you that information.
15 Q. BY MR. JACOBS: Do you have any information on
16 how it was that the WASC process was coordinated with
17 the PQR?
18 A. I don't know. I wasn't involved at that time, so
19 I don't have the background to give you that answer.
20 Q. So by that do you mean that when you first had
21 occasion to be involved with WASC in your capacity as an
22 employee of the Department of Education, that task had
23 already been completed?
24 A. Correct. It's a longstanding partnership. And
25 it's a partnership that was forged some time ago. And I

1 don't even know specifically when. So I don't have that
2 background.
3 Q. So as far as your involvement with the joint
4 administration of the accrediting process, what has that
5 been?
6 MR. SEFERIAN: Objection. Misstates the
7 witness's testimony.
8 THE WITNESS: Each year the process that has been
9 developed goes through some fairly serious review and
10 refinement. I have been a participant in that review.
11 And my role has been to work to further connecting the
12 accrediting process to the California reform agenda as
13 it has unfolded.
14 Q. BY MR. JACOBS: And by the California reform
15 agenda, what are you referring to?
16 A. The accountability and the assessment systems
17 that have recently emerged.
18 Q. I just want to make sure we're using the same
19 vocabulary here; so I'll ask you what may seem like some
20 nitpicky questions. But I hope they'll avoid confusion.
21 When you refer to an accountability and
22 assessment system, are you using those words to refer to
23 a single system with a variety of accountability and
24 assessment components or are you referring to two
25 different systems?

1 MR. VIRJEE: Meaning accountability versus
2 assessment?
3 MR. JACOBS: Correct.
4 MR. VIRJEE: Thank you for the clarification.
5 THE WITNESS: Two different systems.
6 Q. BY MR. JACOBS: Okay. So the accountability
7 system, what are you referring to?
8 A. Primarily to the development of the academic
9 performance index.
10 Q. And the use -- I'm sorry. I didn't mean to stop
11 you.
12 And the use of the index to cause certain things
13 to happen as a result of where a school comes out on the
14 index, correct?
15 MR. SEFERIAN: Objection. Vague and ambiguous.
16 THE WITNESS: The use of that information in
17 evaluating school performance and growth.
18 Q. BY MR. JACOBS: And the assessment system, what
19 are you referring to?
20 A. The state assessment system that currently
21 includes the Star Test which is the Stanford 9 and the
22 California Assessment Test.
23 Q. If I captured your testimony correctly in my
24 notes, you said that your role has been to further
25 connect the accreditation process with the California

1 reform agenda; is that correct?
2 MR. VIRJEE: Objection. Her testimony will speak
3 for itself.
4 THE WITNESS: Correct.
5 Q. BY MR. JACOBS: And is that -- is your
6 undertaking that role the result of some direction
7 you've been given by someone else in the department?
8 MR. SEFERIAN: Objection. Vague and ambiguous.
9 THE WITNESS: The effort is simply to continue to
10 try to build coherence in statewide systems.
11 Q. BY MR. JACOBS: My question was: Is that an
12 effort that you decided to continue on your own
13 initiative, or was that an effort that you are engaged
14 in because you were given direction to continue to build
15 that coherence?
16 MR. SEFERIAN: Objection. Argumentative, asked
17 and answered, vague and ambiguous.
18 THE WITNESS: It's really continuing the effort
19 that began with the joint administration of the
20 process. So it's furthering work that had already
21 begun.
22 Q. BY MR. JACOBS: Do I understand your testimony to
23 mean that you picked up where your predecessor left off,
24 and therefore understood that would be part of the
25 duties of your job?

1 MR. SEFERIAN: Objection. Misstates the
2 witness's testimony.
3 THE WITNESS: Well, let me just restate that when
4 the joint administration was begun, that is part of the
5 work to be done. So it was simply furthering that level
6 of work.
7 Q. BY MR. JACOBS: Did someone tell you to do that
8 as part of your job?
9 A. No.
10 Q. Did you decide to do it on your own?
11 MR. VIRJEE: Objection. Asked and answered.
12 She's already answered that question twice.
13 MR. SEFERIAN: Argumentative.
14 THE WITNESS: I don't know exactly how to answer
15 your question, frankly.
16 Q. BY MR. JACOBS: What's tough about it?
17 MR. SEFERIAN: Objection. Argumentative, assumes
18 facts not in evidence.
19 THE WITNESS: Let me just restate that it's
20 furthering work that was begun in the partnership. And
21 this is work that has been longstanding in terms of
22 efforts to build coherence in the system.
23 Q. BY MR. JACOBS: How did you learn about the
24 longstanding nature of that work?
25 MR. VIRJEE: Other than what she's already

1 testified to?
2 MR. JACOBS: Yes.
3 MR. VIRJEE: So you don't have to repeat
4 yourself.
5 THE WITNESS: I knew of -- I knew of the
6 collaboration and the cooperation in my team visits
7 previous to coming to the department.
8 Q. BY MR. JACOBS: You knew about the efforts to
9 build coherence in the statewide system as a result of
10 that activity?
11 A. I knew about the collaborative work, and I knew
12 about the effort to build between the state agency and
13 the commission a coherent system, yes.
14 Q. And so when you assumed your current position
15 with the CDE, you understood that to be one of the
16 functions of your job?
17 MR. VIRJEE: Objection.
18 THE WITNESS: It was ongoing work.
19 Q. BY MR. JACOBS: How did you learn it was ongoing
20 work?
21 MR. SEFERIAN: Objection. Asked and answered.
22 MR. JACOBS: I'll ask it in a different way. I'm
23 not sure why you're having trouble with this.
24 MR. SEFERIAN: Objection.
25 Q. BY MR. JACOBS: Have you ever discussed this with

1 Superintendent Eastin -- have you ever discussed this
 2 role to build coherence in the system by working with
 3 WASC with Superintendent Eastin?
 4 A. Yes, yes.
 5 Q. Did she in that -- in the first discussion you
 6 had with her, did she raise the topic or did you raise
 7 the topic?
 8 A. I don't recall the first discussion, frankly.
 9 Q. Have you had several discussions with her?
 10 MR. VIRJEE: Objection. Vague and ambiguous as
 11 to have several.
 12 THE WITNESS: There was always a desire and an
 13 attempt to build coherence and consistency. And that's
 14 what this work is continuing to do.
 15 MR. JACOBS: Could you read back my question and
 16 the answer, please.
 17 [Record read.]
 18 MR. JACOBS: I'm going to reask my question.
 19 Q. Have you had more than one discussion with
 20 Superintendent of Public Instruction Delaine Eastin
 21 about building coherence in the statewide system through
 22 the collaborative effort with WASC?
 23 MR. SEFERIAN: Objection. Vague and ambiguous.
 24 MR. VIRJEE: Overbroad.
 25 Are you asking whether they discussed that

1 specific topic using that nomenclature?
 2 MR. JACOBS: The question is clear.
 3 THE WITNESS: We have had a number, and I don't
 4 know how many discussions, with the desire to build
 5 consistency and coherence for schools and for districts.
 6 Q. BY MR. JACOBS: And is that a desire that she
 7 expressed in words or substance to be one of the goals
 8 of the Department of Education in its collaboration with
 9 WASC?
 10 MR. SEFERIAN: Objection. Vague and ambiguous,
 11 compound question.
 12 THE WITNESS: I don't recall the specific -- I
 13 don't recall a specific discussion, as specific as
 14 you're defining it.
 15 Q. BY MR. JACOBS: Is that because this is -- this
 16 effort to build coherence is something that's been
 17 implicit in your discussions about your collaboration
 18 with WASC?
 19 MR. VIRJEE: Objection. Calls for speculation as
 20 to what's implicit in a discussion. Also vague and
 21 ambiguous. And she's also not said she had specific
 22 discussions about WASC. She's had discussion about
 23 building coherence and consistency. So it misstates her
 24 testimony.
 25 THE WITNESS: Let me go back to the formulation

1 of the collaboration that, again, I wasn't involved in
 2 at the beginning, but one of the purposes of the
 3 department working with the accrediting commission was
 4 to build a single process for folks so that there
 5 wouldn't be duplicate processes, if you will. That was
 6 an original goal and continues.
 7 Q. BY MR. JACOBS: And you're using sort of a
 8 passive voice formulation of that. Is that a goal of
 9 the department in the collaborative process with WASC to
 10 avoid duplicative processes?
 11 MR. SEFERIAN: Objection. Calls for speculation,
 12 vague and ambiguous, calls for an inadmissible legal
 13 opinion.
 14 THE WITNESS: I don't know specifically how to
 15 answer that.
 16 Q. BY MR. JACOBS: Why not?
 17 A. I'm feeling like you're putting words in my
 18 mouth, and I think I have answered it. When the form --
 19 when the relationship was begun, and I don't even know
 20 exactly when that was, the effort was to collaborate so
 21 that there would be a single system that people would
 22 work with.
 23 And I think that should answer your question.
 24 Q. But you used the word goal in your previous
 25 answer. So -- and that was where I started. So I'm

1 trying to understand.
 2 MR. SEFERIAN: Wait, wait, wait. There's no
 3 question pending.
 4 MR. JACOBS: So I'm trying to -- since you used
 5 the word goal, I'm -- I feel comfortable using the word
 6 goal in my question. And I don't think I'm putting
 7 words in your mouth.
 8 Q. Let me ask it this way: Is there a -- has there
 9 been a memorandum circulated in the department that you
 10 have seen since you joined the department in which the
 11 department's goals or objectives in its coordinated work
 12 with WASC have been set forth?
 13 MR. VIRJEE: Specifically related to the WASC?
 14 THE WITNESS: Not that I can --
 15 MR. JACOBS: [Nods head.]
 16 THE WITNESS: Not that I can recall.
 17 Q. BY MR. JACOBS: Have there been any meetings
 18 within the department in which several people, more than
 19 two, have gathered to discuss the department's goals and
 20 objectives in its coordinated effort with WASC?
 21 MR. VIRJEE: Objection. Calls for speculation,
 22 lacks foundation as to whether those meetings occurred
 23 or didn't occur.
 24 THE WITNESS: Not that I recall.
 25 Q. BY MR. JACOBS: Have you organized any

1 discussions, have you led any discussions in
2 anticipation of a meeting with WASC in which you have
3 asked your colleagues in the department for input as to
4 what your goals or objectives in the upcoming meeting
5 should be?

6 MR. VIRJEE: Objection. Vague and ambiguous.
7 What particular meeting with are you talking
8 about? In her capacity as a member of the commission
9 or --

10 MR. JACOBS: No.

11 MR. VIRJEE: -- talking about when she meets
12 separately, if she does at all, with WASC in some other
13 purpose?

14 Your question is overbroad, vague as to time, and
15 vague and ambiguous.

16 MR. JACOBS: Let me reask that.

17 Q. Since you joined the department, have you asked
18 any of your colleagues for input in your efforts to
19 build coherence in the statewide system through
20 coordination with WASC as to how concretely that purpose
21 should be effectuated?

22 MR. SEFERIAN: Objection. Vague and ambiguous.

23 THE WITNESS: Yeah, I need you to rephrase it, if
24 you can, so I can understand your question.

25 Q. BY MR. JACOBS: What are you having trouble

1 witness's testimony.

2 THE WITNESS: We have had discussions about
3 building a coherent system, yes.

4 Q. BY MR. JACOBS: What have been the nature of
5 those discussions? And if we need to break it down one
6 by one, we can, or summarize them, whatever you're
7 comfortable with.

8 MR. VIRJEE: The question is asked and answered.

9 THE WITNESS: Perhaps I can help you by going
10 back to the issue of the process being reviewed and
11 refined on an annual basis.

12 MR. JACOBS: Uh-huh.

13 THE WITNESS: And efforts being made to link and
14 align the accreditation process with the state reform
15 efforts, specifically to incorporate some of the
16 assessment and the accountability components into the
17 process.

18 Q. BY MR. JACOBS: So --

19 A. Does that help?

20 Q. Have you discussed that topic with Ms. Eastin?
21 That was my question.

22 MR. VIRJEE: That's a new question.

23 Q. BY MR. JACOBS: No. My question is: What has
24 been the nature of your discussions with Ms. Eastin?

25 MR. SEFERIAN: Objection. Overly broad.

1 with?

2 A. Ask it again, please.

3 MR. JACOBS: Want to read it back, please.
4 [Record read.]

5 MR. VIRJEE: Objection. Vague and ambiguous as
6 to how concretely that purpose should be effectuated. I
7 have no idea what that means.

8 THE WITNESS: What does that mean?

9 MR. SEFERIAN: Objection. Misstates the
10 witness's testimony as to your efforts.

11 MR. VIRJEE: Vague and ambiguous as to yours,
12 whether you're talking about Ms. Fausset's efforts or
13 the efforts of the Department of Education as well.

14 THE WITNESS: Can you rephrase it for me?

15 MR. JACOBS: Well, I've asked you a couple of
16 different ways how you've coordinated with your
17 colleagues on this interaction with WASC, and I'm not
18 sure why this is so hard, but -- and we are just going
19 to sit here, you know, because I think I'm entitled to
20 this, until we get it.

21 Q. You described a single meeting, at least one
22 meeting, with Ms. Eastin in which you discussed the
23 efforts to build coherence in the statewide system
24 through coordination with WASC, correct?

25 MR. SEFERIAN: Objection. Misstates the

1 THE WITNESS: Our discussions have been broad in
2 the sense that she shares and is aware of our desire to
3 continue to refine this process. So it is connected to
4 the current efforts in California.

5 Q. BY MR. JACOBS: And when you refer to the -- our
6 desire, who are you referring to?

7 A. This is a continuing effort to build a coherent
8 system for schools.

9 Q. So our refers to an institutional desire on the
10 part of the department?

11 MR. SEFERIAN: Objection. No foundation, calls
12 for speculation, misstates the witness's testimony,
13 calls for a legal opinion.

14 THE WITNESS: It really goes back to the original
15 intent of the collaboration.

16 Q. BY MR. JACOBS: So what is your answer?

17 MR. SEFERIAN: Objection. Vague and ambiguous.

18 THE WITNESS: In this specific instance, it is
19 the department's desire to create a coherent system.

20 Q. BY MR. JACOBS: And is that desire -- has that
21 desire been articulated in any memoranda that you have
22 seen since you joined the department?

23 MR. VIRJEE: Objection. Vague, ambiguous and
24 overbroad.

25 THE WITNESS: Not that I can specifically

1 recall.

2 Q. BY MR. JACOBS: Have you yourself given
3 consideration to whether the WASC process should be
4 adjusted to provide a vehicle for measuring school
5 performance in delivering textbooks or other
6 instructional materials to students?

7 MR. SEFERIAN: Objection. No relevance, lacks
8 foundation, vague and ambiguous.

9 THE WITNESS: And I have to ask you to repeat the
10 question. It was quite lengthy.

11 [Record read.]

12 MR. VIRJEE: Objection. Vague and ambiguous as
13 to school performance. And also calls for speculation,
14 incomplete hypothetical.

15 THE WITNESS: No.

16 Q. BY MR. JACOBS: Do you believe the WASC process
17 currently measures school performance in that area?

18 MR. SEFERIAN: Objection. Vague and ambiguous,
19 calls for an opinion.

20 MR. VIRJEE: Also calls for speculation and lacks
21 foundation.

22 THE WITNESS: I don't know.

23 Q. BY MR. JACOBS: You don't know?

24 MR. VIRJEE: That's what she said.

25 Q. BY MR. JACOBS: Are you sure you don't know?

1 MR. SEFERIAN: Objection. Argumentative.

2 MR. VIRJEE: You've answered the question.

3 MR. SEFERIAN: She's already answered the
4 question.

5 MR. JACOBS: Ask the witness to rethink her
6 answer.

7 MR. SEFERIAN: Objection. Argumentative.

8 MR. VIRJEE: You don't need to rethink anything.
9 You've answered the question.

10 Is there a question pending?

11 MR. JACOBS: There is.

12 MR. VIRJEE: What is the question?

13 MR. JACOBS: Read it back, please.

14 [Record read.]

15 MR. SEFERIAN: Objection. Argumentative.

16 THE WITNESS: I don't know, the way the question
17 is worded.

18 Q. BY MR. JACOBS: As you've parsed the question and
19 you're having trouble with a particular piece of it?

20 A. Uh-huh.

21 Q. What's the piece you're having trouble with?

22 A. What you mean by school performance. I don't
23 know exactly what you mean by that.

24 Q. Well, I'll generalize the question a little bit.

25 Does the current WASC process assess in any way

1 the degree to which students actually receive textbooks
2 or other instructional materials called for by the
3 curriculum?

4 MR. VIRJEE: Objection. Calls for speculation,
5 lacks foundation. And also vague and ambiguous as to
6 called for by the curriculum. Vague as to time.
7 Overbroad as to which schools this occurs in and which
8 it doesn't and which WASC accreditations do that and
9 which don't. There's no foundation that this witness
10 has in a recent time performed any such on-site review.
11 She says she hasn't.

12 Calls for speculation, incomplete hypothetical.

13 THE WITNESS: I couldn't answer your question
14 without some review.

15 Q. BY MR. JACOBS: What would you need to review?

16 MR. VIRJEE: Objection. Calls for speculation,
17 lacks foundation.

18 THE WITNESS: I haven't done a review for about
19 four years. So I would have to go back and review the
20 process.

21 Q. BY MR. JACOBS: So as you sit here today,
22 notwithstanding your relatively new membership on the
23 WASC board and your involvement in the annual discussion
24 of the WASC process --

25 A. I would have to --

1 MR. SEFERIAN: Wait until he asks the question.

2 Q. BY MR. JACOBS: -- you have no information to
3 provide us on whether the WASC process measures or
4 assesses whether students in the schools that are
5 subject to the accreditation process actually receive
6 textbooks or instructional materials called for by the
7 curriculum?

8 MR. VIRJEE: Vague and ambiguous as to measures,
9 assesses. Overbroad, calls for speculation, lacks
10 foundation.

11 MR. SEFERIAN: Argumentative, misstates the
12 witness's testimony.

13 THE WITNESS: Correct.

14 Q. BY MR. JACOBS: Do you have any information on
15 the degree to which the WASC process, the WASC
16 accreditation process measures whether the facilities in
17 a school are adequate to support the instructional
18 curriculum?

19 MR. VIRJEE: Objection. Calls for speculation,
20 lacks foundation, vague and ambiguous as to adequate to
21 support the instructional program. Calls for an expert
22 opinion which this witness is not competent to give.
23 You haven't laid any kind of foundation for that.
24 Overbroad.

25 MR. JACOBS: Just caution you not to be -- your

1 lawyer has some right -- I think a right that he's
2 exceeding -- to make objections. But you're a deputy
3 superintendent of public instruction. This is a public
4 record. And I would caution you not to be overly
5 influenced by those objections. If you know the answer
6 to any question, you're under oath, and I'd encourage
7 you to answer the question.

8 MR. VIRJEE: Counsel, that's the last time you're
9 going to admonish this witness about what her public
10 obligations are. If you do it one more time, we'll
11 leave. You're not entitled to do that. Ms. Fausset
12 knows very well what her role is, what her public
13 obligations are. And we'll take care of that problem.

14 Don't worry about it. And you can listen to me
15 as much as you'd like to.

16 THE WITNESS: To answer your question with
17 accuracy and specificity, I would have to do some review
18 of the entire process.

19 MR. VIRJEE: Perhaps the problem here is that you
20 don't have the right witness to ask about the WASC
21 process. You've got someone you're going to be deposing
22 later on in this case. This is a waste of time. Talk
23 to the person who knows about the WASC process. She's
24 told you she doesn't have a working understanding of
25 what currently is done, and that she would have to go

1 accountability information that's available from the
2 state, and moving toward a standards-based instructional
3 program.

4 Q. And in your answer you referred to discussions.
5 And I take it that it is through discussions that you
6 have sought to achieve the objective that you outlined
7 in your answer to my previous question?

8 A. Correct.

9 Q. So with whom have those discussions been?

10 A. Those discussions have been with Laura Wagner.

11 Q. Who is -- oh, she's the manager of the
12 accountability branch?

13 A. Correct.

14 Marilyn George, who is staff person with WASC,
15 and one other individual, whose name escapes me, who is
16 no longer with the department, but was the consultant
17 who reported to Laura.

18 Q. Do you know with whom -- is he currently employed
19 by WASC?

20 A. She.

21 Q. She.

22 A. No, she's a teacher.

23 Q. And these discussions that you're just referring
24 to, these are discussions that are internal to the
25 department, correct?

1 back and do a review. No foundation is laid that she
2 has any kind of expertise in the WASC process.

3 Q. BY MR. JACOBS: Do you have any expertise in the
4 WASC process?

5 MR. SEFERIAN: Objection. Vague and ambiguous,
6 calls for speculation.

7 MR. VIRJEE: She's already told you about her
8 involvement in the WASC process.

9 THE WITNESS: I have experience with the WASC
10 process. And the dilemma that I'm having with the
11 detail of your questions is that it has been a number of
12 years since I have done an in-depth review and since I
13 have used the details of the tool. And absent some
14 review of that level of specificity, I don't feel I have
15 the accurate information to answer your question.

16 Q. BY MR. JACOBS: And so what kind of information
17 about the WASC process do you obtain by virtue of your
18 participation in the annual review of the WASC process?

19 A. My involvement has been focused primarily on
20 integrating the assessment tools that the state now has
21 and the accountability information that schools now
22 have, as well as implementation of California standards
23 into the process. So my discussion has been focused on
24 how we can integrate into the WASC process schools,
25 using assessment data as available from the state, using

1 A. Correct.

2 Q. Have you had discussions with persons --

3 A. Let me stop there for a second, because she
4 talked about having discussions with representatives of
5 WASC. So I don't know how by definition those could be
6 internal to the department. Otherwise, the term
7 internal to the department is vague and ambiguous.

8 Q. Did I misunderstand you or was your answer to my
9 last question that you've had discussion with Laura
10 Wagner, Marilyn George and Laura Wagner's consultant?

11 MR. VIRJEE: She said that Marilyn George -- I'm
12 trying to make sure the record is clear -- that Marilyn
13 George is WASC staff, and you asked if these discussions
14 were internal in the department.

15 MR. JACOBS: Thank you. That's helpful. I
16 misunderstood that.

17 Q. So you have had direct interactions with Marilyn
18 George in which you've discussed the objective you
19 outlined a few answers ago?

20 A. Yes. That's accurate.

21 Q. You're aware of the fact of the filing of the
22 Williams lawsuit, correct?

23 A. Yes.

24 Q. Did you ever read the complaint?

25 A. No.

1 Q. Did you ever gain an understanding of the general
2 nature of the allegations in the complaint?

3 MR. SEFERIAN: Object that that might call for
4 information protected by the attorney-client privilege.

5 MR. VIRJEE: She should not answer to the extent
6 it would invade that privilege. She can answer
7 otherwise.

8 THE WITNESS: Yes.

9 Q. BY MR. JACOBS: And your understanding -- this is
10 just as background. So let me see if I can go quickly.
11 If you don't like it, tell me.

12 But you understand that one of the allegations is
13 that the state has an inadequate system of oversight and
14 management with respect to whether students have
15 sufficient textbooks or instructional materials in
16 certain schools, correct?

17 A. Correct.

18 Q. And you understand that the lawsuit similarly
19 relates to whether the state has an adequate system of
20 oversight and management with respect to concentrations
21 of uncredentialed teachers in certain schools, correct?

22 MR. VIRJEE: Objection. Vague and ambiguous as
23 to uncredentialed.

24 THE WITNESS: Correct.

25 Q. BY MR. JACOBS: And you have an understanding

1 MR. VIRJEE: Objection. Assumes facts not in
2 evidence, assumes that the state's oversight mechanism
3 needs strengthening. So vague and ambiguous, calls for
4 speculation, incomplete hypothetical, calls for expert
5 opinion, beyond the competence of this witness.

6 THE WITNESS: No. The question was have I formed
7 an opinion. No.

8 Q. BY MR. JACOBS: Have you considered that issue?

9 MR. SEFERIAN: Objection. Overly broad.

10 MR. VIRJEE: Same objections.

11 THE WITNESS: No.

12 Q. BY MR. JACOBS: Are you aware of anyone
13 considering that issue by virtue of your having seen
14 some communication from another person on that topic?

15 MR. VIRJEE: Objection. Vague and ambiguous.

16 THE WITNESS: No.

17 Q. BY MR. JACOBS: Now, Laura Wagner is in the
18 accountability branch which is currently under a
19 different deputy superintendent, correct?

20 A. Right.

21 MR. VIRJEE: Objection. Asked and answered.

22 THE WITNESS: Correct.

23 Q. BY MR. JACOBS: Is there anyone currently under
24 your purview who as part of their job duties is involved
25 in the WASC -- in the review of the WASC process?

1 that the lawsuit relates to an alleged inadequate system
2 of oversight and management with respect to the
3 provision of school facilities in certain schools in the
4 state, correct?

5 A. Correct.

6 Q. Have you ever discussed whether the -- with
7 anyone whether the WASC process could be used -- let me
8 strike that and start over.

9 Since the filing of the Williams lawsuit and with
10 the allegations of the lawsuit in mind, whether or not
11 you explicitly talked about the lawsuit, have you ever
12 discussed whether the WASC process could be employed to
13 strengthen the state system of oversight and management
14 with respect to any of those three issues?

15 MR. VIRJEE: Objection. Compound, calls for
16 attorney-client privilege information, and calls for
17 speculation and lacks foundation. She's said she's
18 never read the complaint.

19 THE WITNESS: No.

20 Q. BY MR. JACOBS: Have you on your own formed an
21 opinion based on your experience in public schools
22 generally in administration and with the WASC process,
23 as to whether the WASC process could be useful in
24 strengthening the state system of oversight and
25 management with respect to any of those conditions?

1 MR. VIRJEE: Objection. Vague and ambiguous as
2 to purview.

3 THE WITNESS: No.

4 Q. BY MR. JACOBS: And does anyone in your branch,
5 to the best of your knowledge, as part of their official
6 duties, receive -- I'm sorry. In your -- not your
7 branch. In your -- under your purview, does anyone
8 receive WASC reports?

9 MR. VIRJEE: Objection. Calls for speculation,
10 lacks foundation. Also vague and ambiguous as to
11 purview.

12 Don't want you to guess.

13 THE WITNESS: I don't know.

14 Q. BY MR. JACOBS: You're not aware -- to state that
15 positively, you're not aware that someone underneath
16 you --

17 A. Correct.

18 Q. -- receives WASC reports?

19 A. Correct.

20 Q. As you look back to the particular teams on which
21 you served and the results, and I'll ask some in summary
22 fashion to move this along, do you recall any instance
23 in which you observed, whether or not they were
24 reported, whether you observed deficiencies in the
25 supply of textbooks or instructional materials at a

1 school you visited?
 2 MR. VIRJEE: Objection. Vague and ambiguous as
 3 to deficiencies. Also vague as to time.
 4 THE WITNESS: No.
 5 Q. BY MR. JACOBS: Do you recall having observed
 6 deficiencies in terms of what you regarded as an
 7 excessive number of not fully-credentialed teachers in
 8 any of the schools you visited?
 9 MR. VIRJEE: Objection. Vague and ambiguous as
 10 to deficiencies and not fully-credentialed teachers and
 11 vague as to time.
 12 THE WITNESS: No.
 13 MR. VIRJEE: We will get it down eventually.
 14 THE WITNESS: I'm sorry.
 15 Q. BY MR. JACOBS: Did you observe any -- in the
 16 course of your visitations to schools on the -- on WASC
 17 accreditation committees, did you observe any schools in
 18 which in your judgement the facilities were inadequate?
 19 MR. SEFERIAN: Objection --
 20 MR. VIRJEE: Objection. Lacks foundation. Also
 21 calls for an expert opinion. No foundation that
 22 Ms. Fausset has any expertise in the area of
 23 facilities. Vague and ambiguous as to facilities.
 24 THE WITNESS: No.
 25 MR. JACOBS: Should we take a break?

1 MR. VIRJEE: Sure.
 2 [Recess.]
 3 Q. BY MR. JACOBS: I'd like to mark as SAD-130 a
 4 report entitled Teaching and California's Future, The
 5 Status of the Teaching Profession: Research Findings
 6 and Policy Recommendations.
 7 MR. VIRJEE: You want to give one of the court
 8 reporter?
 9 [Exhibit SAD-130 was marked
 10 for identification.]
 11 Q. BY MR. JACOBS: Let me ask you to turn to the
 12 first page under the cover page. And do you see there
 13 under advisors, it says Leslie Fausset, Chief Deputy
 14 Superintendent, California Department of Education? Do
 15 you see that?
 16 A. Yes, I do.
 17 Q. Were you in fact an advisor to the preparation of
 18 this report?
 19 A. Yes, I was.
 20 Q. What was your involvement with it?
 21 A. There were several, and I don't remember how many
 22 meetings, of this task force. I believe I was able to
 23 only attend two because of scheduling conflicts. When
 24 the recommendations were formulated, I was invited to
 25 comment on them. And that was the extent of my

1 involvement.
 2 Q. Did you in fact comment on the recommendations?
 3 A. Yes.
 4 Q. What do you recall of your comments?
 5 A. I basically agreed with the recommendations that
 6 had been formulated.
 7 Q. Did you engage in any internal process in the
 8 department with regard to the preparation of those
 9 comments?
 10 A. No.
 11 MR. SEFERIAN: Objection. Vague and ambiguous.
 12 THE WITNESS: No.
 13 Q. BY MR. JACOBS: And so the no means, I take it,
 14 that the review was limited to yourself, and you didn't
 15 circulate it to others and ask for their input?
 16 A. Correct.
 17 MR. VIRJEE: Object --
 18 THE WITNESS: Sorry.
 19 Q. BY MR. JACOBS: What was -- how did you happen to
 20 become an advisor to the preparation of this report?
 21 A. I don't know the answer to that.
 22 Q. Were you solicited for that involvement by the --
 23 by one or more of the entities involved in the
 24 preparation of the report?
 25 A. I received a call, I believe, from Margaret

1 Gaston.
 2 Q. She is with?
 3 A. The Center for the Future of Teaching and
 4 Learning. Asking if I would serve in that capacity.
 5 Q. Did you have to -- did you obtain any
 6 authorization from anyone else in the department in
 7 order to serve in that capacity?
 8 A. No.
 9 Q. Was there some characterization of your
 10 involvement that made it unnecessary to do that or how
 11 did it come to be that you didn't need to ask anybody's
 12 permission in order to serve in that capacity?
 13 MR. SEFERIAN: Objection. Compound, also vague
 14 and ambiguous as to characterization.
 15 Q. BY MR. JACOBS: And just to be clear, I'm not
 16 suggesting that it was in any way inappropriate. I'm
 17 just wondering if -- did they say to you you're serving
 18 in a personal capacity not an official capacity? Or
 19 alternatively, is an explanation that you regarded it as
 20 within your discretion to decide whether you would serve
 21 as an advisor?
 22 MR. SEFERIAN: Objection. Compound question.
 23 THE WITNESS: To be honest, I don't recall if it
 24 was in my professional capacity or because of my prior
 25 experience. And I did feel it was within my purview to

1 make that decision.

2 Q. BY MR. JACOBS: You referred to reviewing the
3 recommendations. By recommendations are you referring
4 to a subset of this document or to the document as a
5 whole or something else?

6 A. The recommendations that I reviewed would have
7 been a subset of this document, I believe.

8 MR. VIRJEE: Let's let the record reflect she
9 hasn't looked at the document. She's only looked at the
10 front page and the second page. So we don't know if she
11 recognizes the document or what you mean by the entire
12 document. So . . .

13 THE WITNESS: I would need to review the document
14 to make sure that the recommendations are consistent.

15 Q. BY MR. JACOBS: Did you read the-- have you ever
16 seen this document, this final report before?

17 A. I have seen this final report before.

18 Q. And did you read it?

19 A. I skimmed it.

20 Q. Did you skim it with a view toward determining
21 whether it was consistent with a version of the document
22 you had seen before?

23 MR. SEFERIAN: Objection. Vague and ambiguous.

24 THE WITNESS: No, I skimmed the document for
25 information. I had given my input.

1 recommendations that did in fact relate to work that you
2 were responsible for?

3 MR. VIRJEE: Why don't we establish that she even
4 recalls what the recommendations of the report are? Who
5 knows when she last saw this thing or --

6 MR. JACOBS: Do you want to take a minute to look
7 at the report?

8 MR. VIRJEE: There's again nothing established
9 that establishes that she remembers what the
10 recommendation are.

11 THE WITNESS: It's been quite some time since
12 I've looked at these recommendations. So based on my
13 memory --

14 MR. VIRJEE: Don't guess or speculate about
15 anything.

16 THE WITNESS: I'm not comfortable doing that.
17 I'd have to review it because it has been quite some
18 time since I've looked at those recommendations.

19 MR. JACOBS: Take a few minutes to --

20 MR. VIRJEE: Well, tell her some particular areas
21 you want her to look at. It's a 157-page document with
22 some other document attached that I don't know what it
23 is, to the report. So I'm sure you're not asking her to
24 read 157 pages, Michael, before she answers your
25 question. I think it would be a waste of everyone's

1 Q. BY MR. JACOBS: How did the -- we'll come back to
2 how it was prepared. I want to talk about what happened
3 once the report itself was issued. How did the
4 recommendations in the report correlate with areas of
5 educational administration that were within your purview
6 at the time you received the report?

7 MR. SEFERIAN: Objection. No foundation that she
8 has knowledge of all the recommendations in this
9 report. And vague and ambiguous, calls for
10 speculation.

11 THE WITNESS: Could you reask the question for
12 me, please?

13 MR. JACOBS: Yeah. It's not very good.

14 Q. You received the report, you had earlier reviewed
15 the recommendations and commented on them. And when you
16 reviewed the recommendations, did you review it with a
17 view toward determining what you could do in your
18 capacity to try to implement the recommendations?

19 MR. SEFERIAN: Objection. Misstates the
20 witness's testimony. She testified she reviewed a
21 portion of the recommendations.

22 THE WITNESS: The recommendations that I recall
23 reviewing had little to do with the responsibilities
24 that I have in the Department of Education, as I recall.

25 Q. BY MR. JACOBS: Was there any aspect of the

1 time if you asked her to go through this page by page
2 and look at it.

3 MR. JACOBS: I could focus, if that would help.

4 MR. VIRJEE: That would be efficient. If there
5 are particular things you want to ask her about in the
6 report, you can ask her about it. And if so, she can
7 answer questions about it.

8 MR. JACOBS: Why don't you review the executive
9 summary.

10 MR. VIRJEE: You want her to read the executive
11 summary? Which just for the record is nine pages of
12 single-spaced type. And that will take her quite some
13 time. You really want her to do that, Michael?

14 MR. JACOBS: Off the record.

15 MR. VIRJEE: Sure.

16 [Discussion off the record.]

17 MR. JACOBS: Yeah. Why don't you take a look at
18 the executive summary.

19 MR. VIRJEE: We're probably going to have to take
20 about a 15-minute break to read it.

21 Q. BY MR. JACOBS: Do you have an estimate of how
22 long it would take you to read it?

23 A. I don't. I don't.

24 MR. JACOBS: Take 15 minutes. It's an important
25 topic.

1 THE WITNESS: Okay.
 2 MR. JACOBS: Off the record.
 3 [Recess.]
 4 Q. BY MR. JACOBS: Let me ask you, first of all, are
 5 you aware that we wrote Mr. Virjee and advised that we
 6 would be asking about this document?
 7 MR. SEFERIAN: Objection. Calls for information
 8 protected by the attorney-client privilege.
 9 MR. VIRJEE: Right. You're not to answer any
 10 questions that would lead you to disclose the content of
 11 attorney-client privileged communications.
 12 MR. SEFERIAN: There's no way she would be aware
 13 of that information outside of the attorney-client
 14 context. So I think it calls for privileged
 15 information.
 16 Q. BY MR. JACOBS: Have you ever seen this letter
 17 before, a letter dated August 24th to Mr. Virjee, in
 18 which we set forth the topics we were going to ask you
 19 about?
 20 A. I don't believe I've seen this letter.
 21 Q. Did you review the report identified as Teaching
 22 and California's Future, The Status of the Teaching
 23 Profession --
 24 A. No, I did not.
 25 Q. -- Research and Policy Recommendations before the

1 deposition?
 2 A. No, I did not.
 3 Q. Does reading the executive summary refresh your
 4 recollection as to the recommendations that you were
 5 asked to comment on?
 6 A. Yes.
 7 Q. And having had your recollection so refreshed,
 8 has it also refreshed your recollection as to what your
 9 comments were?
 10 A. I don't recall my specific comments.
 11 Q. In general you recall that you commented
 12 favorably on the recommendations?
 13 A. Correct.
 14 Q. And in so commenting, what did you base your
 15 comments on or base your reaction to the other report
 16 on? And I can focus the question a bit.
 17 MR. VIRJEE: The recommendation or the comments?
 18 MR. JACOBS: The comments.
 19 MR. VIRJEE: You asked what did she base her
 20 reaction to the report on, and we were talking about the
 21 recommendation.
 22 Q. BY MR. JACOBS: Well, do you recall what you
 23 reviewed from the Center for the Future of Teaching and
 24 Learning in connection with the comments you were asked
 25 to give? Did you review just a set of recommendations?

1 Did you review a thick report? Do you recall?
 2 A. No, I only was asked to review a set of
 3 recommendations.
 4 Q. And is that --
 5 A. Approximately two pages.
 6 Q. And does that set of recommendations in any way
 7 correlate with portions of the executive summary that
 8 you reviewed?
 9 MR. VIRJEE: Objection. Calls for speculation,
 10 lacks foundation.
 11 Don't guess. If you remember, he's entitled to
 12 that.
 13 THE WITNESS: There was some commonality in the
 14 recommendations that I -- that I reviewed and the
 15 recommendations that are in the executive summary.
 16 Q. BY MR. JACOBS: Are there any points of
 17 distinction that strike you as you reviewed the
 18 executive summary today?
 19 MR. SEFERIAN: Objection. Calls for speculation.
 20 MR. VIRJEE: The documents speak for themselves.
 21 THE WITNESS: The review that I did was I believe
 22 at least a year ago. So I don't recall.
 23 Q. BY MR. JACOBS: As you read these recommendations
 24 in the executive summary, did you see any
 25 recommendations that had they been presented to you as

1 part of the representation you were asked to comment on,
 2 you would have then disagreed with them?
 3 MR. VIRJEE: Objection. Calls for speculation,
 4 lacks foundation.
 5 THE WITNESS: No.
 6 MR. SEFERIAN: Overly broad.
 7 Q. BY MR. JACOBS: And based on your years -- your
 8 year of additional experience in the Department of
 9 Education, do you see any recommendations in the
 10 executive summary now that you disagree with?
 11 MR. VIRJEE: Objection. Vague and ambiguous as
 12 to disagree with. You're asking her to say that she
 13 agrees with every word in the recommendation and to tell
 14 you if there's any particular words she doesn't agree
 15 with?
 16 MR. JACOBS: The question is clear.
 17 MR. SEFERIAN: Overly broad, calls for
 18 impermissible opinion, lacks foundation.
 19 MR. VIRJEE: What he's asking you to do is say
 20 that you have absolute agreement with everything that's
 21 in those recommendations. Do you have that ability to
 22 do that right now?
 23 MR. JACOBS: Can you read back my question,
 24 please.
 25 [Record read.]

1 MR. SEFERIAN: Same objections.
 2 MR. VIRJEE: Going forward, when you read back a
 3 question, please read back the objections as well.
 4 THE REPORTER: Okay.
 5 THE WITNESS: Generally speaking, I'm in
 6 agreement with the recommendations.
 7 Q. BY MR. JACOBS: And the question I started with
 8 was when you were asked to comment, I earlier asked you
 9 whether you consulted other people for input on the
 10 recommendation, other people in the department, and you
 11 answered no?
 12 A. I don't recall that I did.
 13 Q. I am wondering what else you drew on. Let me ask
 14 a couple of specific questions.
 15 I take it that you drew your experience in Poway
 16 and the knowledge you had there about issues with the
 17 teaching profession. Is that correct?
 18 MR. SEFERIAN: Objection. Assumes facts not in
 19 evidence.
 20 THE WITNESS: I drew on my experience as well as
 21 recent research.
 22 Q. BY MR. JACOBS: And the recent research that
 23 you're referring to was what?
 24 A. I don't have it specifically. There have been
 25 numbers of articles that have been written, books that

1 have been written, studies that have been done. But I
 2 could not list them specifically for you.
 3 Q. BY MR. JACOBS: Is there any such study or report
 4 that you recall finding particularly compelling? That
 5 you drew on in -- in analyzing the recommendations and
 6 preparing your comments?
 7 A. Not one that stands out.
 8 Q. Does this report stand out to you as among the
 9 reports that you've read as a report that is
 10 particularly persuasive?
 11 MR. SEFERIAN: Objection. Misstates the
 12 witness's testimony, calls for speculation, no
 13 foundation.
 14 MR. VIRJEE: Also vague and ambiguous as to
 15 particularly persuasive. To whom and what circumstance
 16 and what context, what part of the report? Overbroad,
 17 vague and ambiguous.
 18 THE WITNESS: I think I would need to review the
 19 report to answer if it is particularly persuasive. It's
 20 been a long time since I've even seen it.
 21 Q. BY MR. JACOBS: At the time that you were
 22 involved with the process of preparing the report, the
 23 meetings you attended, for example, did you regard the
 24 process by which the report was being prepared as fair
 25 and balanced?

1 MR. VIRJEE: Objection. Calls for speculation,
 2 lacks foundation as to what process. And also vague and
 3 ambiguous as to fair and balanced.
 4 THE WITNESS: Yeah. I don't feel capable of
 5 answering that question, simply because my participation
 6 was relatively limited.
 7 MR. JACOBS: Let me put it in the negative as to
 8 the reactions you didn't have. See if I can do this
 9 with the nots and make it clear.
 10 Q. I take it from your testimony, however, that you
 11 do not -- that you did not regard the preparation of the
 12 report as in some way biased in a way that you disagreed
 13 with; is that correct?
 14 MR. VIRJEE: Objection. Calls for speculation,
 15 lacks foundation that she has any knowledge about how
 16 the report was particularly prepared. Calls for
 17 speculation. Also vague and ambiguous as to which part
 18 of this 150-some-page report which she says she hasn't
 19 reviewed.
 20 THE WITNESS: Perhaps you could focus your
 21 question on the executive summary.
 22 MR. JACOBS: Okay. Take the executive summary.
 23 Anything to move this along.
 24 Q. So same question with respect -- but really I'm
 25 asking you about the process that you were involved in,

1 and I'm asking you for your then reaction to that
 2 process. And by the process, I mean to include the
 3 composition of the team preparing and reviewing the
 4 recommendations. With that in mind, at the time you
 5 were involved as an advisor to the preparation of this
 6 report, did you regard that process as biased?
 7 MR. VIRJEE: Michael, she's already answered that
 8 question and told you she didn't have any real
 9 involvement in that process. So she can't answer the
 10 question.
 11 Calls for speculation, lacks foundation.
 12 THE WITNESS: My involvement was limited, again,
 13 because of my inability to be a full participant in the
 14 process, frankly.
 15 Q. BY MR. JACOBS: But you would not testify if
 16 asked that based on the limited involvement you had you
 17 saw evidence of a bias that you regarded as unfair in
 18 the preparation of the report?
 19 A. Correct.
 20 MR. SEFERIAN: Objection. Calls for
 21 speculation.
 22 Q. BY MR. JACOBS: Want to repeat your answer?
 23 A. Correct.
 24 Q. Did you participate in any discussions in the
 25 department about the report and its recommendations

1 after the final version was delivered?
 2 MR. VIRJEE: Objection. Vague as to time, also
 3 vague and ambiguous as to participated in discussions.
 4 THE WITNESS: Could you reread the question for
 5 me? Any discussions subsequent to the -- I'm sorry.
 6 Can you repeat the question?
 7 MR. JACOBS: You can ask me if that's what I'm
 8 asking you, though, and that is what I'm asking you.
 9 Let me set it up.
 10 MR. VIRJEE: He gets to ask questions and you get
 11 to answer them.
 12 MR. JACOBS: But you can ask me if that's what
 13 I'm asking you.
 14 Q. I'm asking you once the report got delivered, did
 15 you participate in any discussions in the department
 16 about the report?
 17 MR. SEFERIAN: Objection. Assumes facts not in
 18 evidence.
 19 THE WITNESS: There have been some discussions
 20 about the report, yes.
 21 Q. BY MR. JACOBS: And did you participate in those
 22 discussions by virtue of your having -- did you
 23 understand that you were participating by virtue of you
 24 having served as an advisor to the preparation of the
 25 report?

1 MR. SEFERIAN: Objection. Calls for
 2 speculation.
 3 THE WITNESS: No, the discussions really had
 4 nothing to do with my role.
 5 Q. BY MR. JACOBS: What --
 6 A. In this capacity.
 7 Q. How did those discussions get set up? How were
 8 they organized?
 9 MR. VIRJEE: Objection. Vague and ambiguous,
 10 calls for speculation, lacks foundation.
 11 THE WITNESS: I can recall two discussions that
 12 would be informal in nature in which the report was
 13 mentioned. The discussion wasn't focused on the report,
 14 per se. I don't recall a discussion in which we
 15 gathered to discuss the report.
 16 Q. BY MR. JACOBS: And these were discussions with
 17 employees of the department?
 18 A. Correct.
 19 Q. Are you aware of any discussion with the State
 20 Board of Education in which the report itself as you
 21 just answered it was discussed?
 22 A. I'm not aware of any discussion with the state
 23 board.
 24 Q. Did you advocate in the department that there be
 25 focused discussions about the recommendations in the

1 report?
 2 MR. SEFERIAN: Objection. Vague and ambiguous as
 3 to advocate and time.
 4 THE WITNESS: Could you repeat the question for
 5 me, please.
 6 MR. JACOBS: Is it just that you want to hear it
 7 again, because we can have him read it back, or is there
 8 something you want me to clarify.
 9 THE WITNESS: Well, the advocate, exactly what do
 10 you mean by that?
 11 MR. JACOBS: I'll weaken it. I'll use a weaker
 12 verb.
 13 Q. Did you suggest to anyone in the department that
 14 it would be a good idea to have a discussion about the
 15 recommendations in the report?
 16 A. No, I did not.
 17 Q. Did you consider doing that?
 18 MR. SEFERIAN: Objection. Calls for
 19 speculation.
 20 Q. BY MR. JACOBS: Did you make an affirmative
 21 decision --
 22 A. Not to.
 23 Q. -- not to?
 24 A. No.
 25 Q. It was a by-product of your -- the reason you did

1 not is why?
 2 MR. SEFERIAN: Objection. Argumentative, assumes
 3 facts not in evidence.
 4 THE WITNESS: There was not a deliberate attempt
 5 to not discuss it. If you saw my days, you'd see that
 6 much of my time is spent overly committed and reacting
 7 to issues and problems to solve. So it simply wasn't
 8 something that was in my foremost thinking to plan,
 9 frankly.
 10 Q. BY MR. JACOBS: And you also answered earlier
 11 that the recommendations didn't closely relate to your
 12 job responsibilities, right?
 13 MR. SEFERIAN: Objection. Misstates her
 14 testimony.
 15 MR. VIRJEE: The testimony will speak for
 16 itself. In fact, she said at that time she couldn't
 17 recall what the recommendations were, which is why she
 18 wouldn't want to testify.
 19 Q. BY MR. JACOBS: Thank you. Now that you've read
 20 the executive summary, do you -- would you have the same
 21 answer to the question? Do these recommendation relate
 22 to your job duties?
 23 A. Most of these recommendations involve different
 24 institutions.
 25 Q. Institution meaning other entities within the

1 department or outside the department?
 2 A. Outside the department.
 3 Q. And you're thinking of, for example, the
 4 California Teaching Commission?
 5 A. Correct.
 6 Q. And are you thinking of the legislature?
 7 MR. SEFERIAN: Objection. Calls for speculation,
 8 calls for an inadmissible expert opinion, calls for a
 9 legal conclusion.
 10 THE WITNESS: Yes.
 11 Q. BY MR. JACOBS: Any other institutions that
 12 you're thinking of in this regard?
 13 A. School districts.
 14 Q. Any others?
 15 A. Not that come to mind right now.
 16 Q. Do you know of any consideration that has been
 17 given to the report outside of the department?
 18 MR. VIRJEE: Objection. Calls for speculation,
 19 lacks foundation. Also vague and ambiguous as to
 20 consideration.
 21 THE WITNESS: Don't know.
 22 Q. BY MR. JACOBS: You're not aware of any review,
 23 you're not aware of any such consideration as you sit
 24 here today; is that correct?
 25 A. Outside the department?

1 Q. Right.
 2 MR. VIRJEE: He's asking do you know if anybody
 3 anywhere outside the department might have considered
 4 this?
 5 THE WITNESS: Don't know.
 6 Q. BY MR. JACOBS: I'm asking if you have any --
 7 A. Knowledge of anyone --
 8 Q. Right.
 9 A. -- considering this report?
 10 Q. For example, are you aware of whether it was
 11 given any consideration in the legislature?
 12 MR. VIRJEE: Objection. Calls for speculation,
 13 lacks foundation. Also vague and ambiguous as to
 14 consideration.
 15 Q. BY MR. JACOBS: And to ask it slightly
 16 differently, no one has called you up and said we're
 17 considering this report. We see you were an advisor to
 18 it. Would you come join us for a discussion outside of
 19 the department?
 20 A. Correct.
 21 Q. Now, you mentioned earlier on that the curriculum
 22 and instructional leadership branch interfaces with the
 23 CTC, correct?
 24 A. Correct.
 25 Q. Does any of that -- is there a reason why that

1 interface is limited in a way that would exclude
 2 recommendations from -- in this report from being
 3 addressed through that interface?
 4 MR. VIRJEE: Objection. Vague and ambiguous as
 5 to interface and addressed. Calls for speculation,
 6 lacks foundation. As she said, she hasn't read the
 7 report in a long time. She doesn't know what the
 8 content of the report is.
 9 MR. SEFERIAN: Objection. Calls for an
 10 inadmissible legal opinion.
 11 MR. VIRJEE: Incomplete hypothetical, under what
 12 circumstances there could be adequate interface on any
 13 particular topic.
 14 THE WITNESS: So now if you could rephrase the
 15 question for me.
 16 Q. BY MR. JACOBS: You said that other institutions
 17 would -- that the recommendations that you reviewed in
 18 the executive summary would fall within the purview of
 19 institutions outside the Department of Education,
 20 right?
 21 MR. SEFERIAN: Objection. Misstates the
 22 witness's testimony.
 23 MR. VIRJEE: Certainly does.
 24 THE WITNESS: Let me go back and define the
 25 interface piece for you, which I actually thought I had

1 done, but we have a staff person who makes -- who staffs
 2 the superintendent's representative to the commission on
 3 teacher credentialing. That is how I'm defining that
 4 interface.
 5 Q. BY MR. JACOBS: And the superintendent's
 6 representative is Marlyn Whirry?
 7 A. Yes.
 8 Q. And you provide support to her, not, if you will,
 9 direction as to what topics to raise with the CTC?
 10 A. Correct.
 11 Q. And I guess the part that I'm a little confused
 12 by is this: If there was a professional development
 13 initiative that the leadership of the department below
 14 the level of the superintendent thought would be a good
 15 idea to undertake, and that initiative required the
 16 coordination with the CTC, what is your understanding of
 17 the vehicle by which that coordination would occur would
 18 be?
 19 MR. VIRJEE: Objection. Incomplete hypothetical,
 20 vague and ambiguous, calls for speculation as to what
 21 would occur in any particular situation, depending on
 22 the type of professional development, who it was going
 23 to be offered to, where, when, how it was going to be
 24 funded, whether it was directed by the legislature.
 25 MR. JACOBS: Could you please state your

1 objections simply?
 2 MR. VIRJEE: Vague and ambiguous, overbroad,
 3 unintelligible.
 4 MR. JACOBS: Thank you.
 5 THE WITNESS: If there were to be a discussion,
 6 it would probably occur one of our staff people with one
 7 of their staff people.
 8 Q. BY MR. JACOBS: One of our meaning?
 9 A. Our meaning department staff representatives with
 10 a staff person from the person on teacher credentialing.
 11 Q. Would that staff person likely be within one of
 12 the branches under your purview?
 13 MR. VIRJEE: Objection. Overbroad, calls for
 14 speculation, lacks foundation.
 15 MR. SEFERIAN: Assumes facts not in evidence.
 16 THE WITNESS: Yes.
 17 Q. BY MR. JACOBS: And is it -- and some of the
 18 recommendations in here do relate to professional
 19 development as you have used that term in describing the
 20 functions of your professional development branch,
 21 correct?
 22 MR. VIRJEE: Objection. The document speaks for
 23 itself.
 24 MR. SEFERIAN: Objection. Overly broad, lacks
 25 foundation.

1 THE WITNESS: Some of the recommendations do
 2 address professional development. There is not a direct
 3 connection to the department in the recommendations in
 4 the report.
 5 Q. BY MR. JACOBS: Meaning the report doesn't
 6 recommend -- it doesn't target -- what do you mean by
 7 that there's not a direct recommendation with respect to
 8 the department?
 9 A. As I recall, reading this, there are
 10 recommendations for professional development, but
 11 they're not targeted at the state agency, and they're
 12 not targeted at the California Department of Education.
 13 Q. BY MR. JACOBS: There's an observation in the
 14 report, in the executive summary, on page four, which
 15 states: In the meantime, those students in
 16 greatest need of effective
 17 teachers are the most likely to be
 18 in classrooms with underqualified
 19 teachers. In fact, the
 20 distribution of qualified teachers
 21 is quite uneven across the state.
 22 Students in poor, inner-city
 23 schools are much more likely than
 24 their more advantaged suburban
 25 counterparts to have

1 underqualified teachers.
 2 And then the paragraph continues and closes
 3 with: And, of course, it is just these
 4 students whom a few years hence,
 5 the state will most likely deny
 6 graduation from high school
 7 because they do not need the
 8 standards.
 9 Do you see that paragraph?
 10 A. I do.
 11 Q. Have you yourself since you arrived at the
 12 Department of Education discussed the issue that is
 13 raised in that paragraph about the distribution of
 14 qualified teachers being quite uneven across the state?
 15 MR. VIRJEE: Objection. Vague and ambiguous as
 16 to qualified teachers and uneven.
 17 MR. SEFERIAN: Objection. Overly broad.
 18 THE WITNESS: We have had discussions about
 19 instances where there are discrepancies.
 20 Q. BY MR. JACOBS: By instances, what do you mean?
 21 A. If you look at a couple of districts, for
 22 example, you will find the teachers with the most
 23 experience are in the most -- the more affluent schools,
 24 and teachers with the least experience are in schools of
 25 highest poverty.

1 Q. So to pars that answer a little bit, the
 2 discussions you're talking about are with respect to
 3 disparities within a school district; is that correct?
 4 A. Correct.
 5 Q. And have the discussions been directed to the
 6 development of policy initiatives to address that
 7 problem?
 8 MR. SEFERIAN: Objection. Assumes facts not in
 9 evidence, calls for an inadmissible legal opinion.
 10 THE WITNESS: Could you repeat the question.
 11 MR. JACOBS: Again, do you want it repeated or
 12 clarified?
 13 THE WITNESS: Whichever will help.
 14 MR. JACOBS: Let's take a read-back.
 15 [Record read.]
 16 THE WITNESS: No.
 17 Q. BY MR. JACOBS: What has been the nature of those
 18 discussions?
 19 A. The nature of the discussions have been concern
 20 focused on local decision-making and local situations.
 21 Q. By local decision-making, what do you mean?
 22 A. District.
 23 Q. And by local decisions, you mean decisions about
 24 the assignment of teachers?
 25 A. Correct.

1 Q. And what has been the forum for these
2 discussions?
3 A. Informal.
4 MR. SEFERIAN: Objection. Overly broad.
5 THE WITNESS: Informal.
6 Q. BY MR. JACOBS: Have there been any -- and by
7 informal, you mean -- what do you mean by informal?
8 A. What I mean by informal is that this topic may
9 have come up in meetings, but I cannot recall a specific
10 meeting that was scheduled for the purpose of this
11 issue.
12 Q. So -- and when you're thinking about the purpose,
13 you're thinking about whether the stated agenda for the
14 meeting, for example, included discussion of this topic?
15 A. Correct.
16 Q. So the topic may have come up in the context of
17 another agenda item, but this topic, meaning the topic
18 referred to in this paragraph about uneven distribution
19 of qualified teachers, has not itself been an agenda
20 item?
21 MR. VIRJEE: Objection. Asked and answered,
22 overbroad, compound.
23 MR. SEFERIAN: Misstates the witness's testimony,
24 calls for speculation.
25 THE WITNESS: Correct.

1 Q. BY MR. JACOBS: And the context for the
2 discussion, what topic has that -- what has been an
3 agenda item in which that -- this -- I'm sorry. Let me
4 stop swallowing my words.
5 What has been the topic of discussion in which
6 you have as an ancillary matter discussed the topic
7 raised by this paragraph?
8 MR. VIRJEE: Objection. Overbroad, compound.
9 THE WITNESS: The specific instance that I can
10 recall had to do with compliance issues in a specific
11 district.
12 Q. BY MR. JACOBS: Compliance with what?
13 A. Coordinated compliance. There were a number of
14 specific areas, and I don't recall exactly what each of
15 them are or were.
16 Q. There are a number of areas identified by the
17 coordinated compliance review of that district?
18 A. Correct.
19 Q. Do you recall whether this issue of uneven
20 distribution was itself one of the issues that have been
21 identified in the review?
22 A. No, I do not.
23 Q. And the district was which district?
24 A. Oakland Unified.
25 Q. And had you in anticipation of that meeting read

1 the coordinated compliance review, had you read a
2 coordinated compliance review report regarding Oakland?
3 A. No.
4 MR. VIRJEE: In preparation for that meeting?
5 MR. JACOBS: Yes.
6 MR. VIRJEE: Thank you.
7 Q. BY MR. JACOBS: Do you have an understanding of
8 the CCR process?
9 MR. VIRJEE: Objection. Vague and ambiguous as
10 to understanding.
11 THE WITNESS: I have an understanding of the
12 process.
13 Q. BY MR. JACOBS: Do you understand what the
14 process reviews for?
15 MR. SEFERIAN: Objection. No foundation.
16 MR. VIRJEE: I also don't understand the
17 question. What it looks for in the review?
18 MR. JACOBS: Correct.
19 MR. VIRJEE: Or what the purpose of the review is
20 for?
21 MR. JACOBS: What the review looks at.
22 MR. SEFERIAN: Objection. Calls for speculation,
23 calls for a legal opinion.
24 THE WITNESS: I have some understanding, and if
25 you go much further in detail, I would want to review

1 documents for specificity.
2 Q. BY MR. JACOBS: Is it -- and other than the
3 discussion that you were referring to a couple of
4 answers ago about local decision-making in a particular
5 district, have you participated in any other discussion
6 of the topic of the distribution of qualified teachers
7 being uneven across the state?
8 MR. VIRJEE: Objection. Vague and ambiguous.
9 And that misstates her testimony. She did not say that
10 conversation was about the distribution of qualified
11 teachers across the state. And also vague and ambiguous
12 as to qualified teachers in distribution.
13 THE WITNESS: When this issue has been discussed,
14 it has revolved primarily around the concern of local
15 district practices that result in this kind of
16 situation.
17 Q. BY MR. JACOBS: And has the discussion of the
18 state's role -- has the discussion included a discussion
19 of the state's role in holding districts accountable for
20 those decisions?
21 MR. VIRJEE: Objection. Vague and ambiguous as
22 to holding districts accountable. Assumes facts not in
23 evidence. Assumes there's something to hold them
24 accountable for. Calls for a legal conclusion.
25 THE WITNESS: I've not participated in specific

1 discussions that would be specific to that.
 2 Q. BY MR. JACOBS: And by specific to that, you mean
 3 about specific to accountability mechanisms vis-a-vis
 4 local district decision-making on the assignment of
 5 well-trained or less-well-trained teachers in a way that
 6 raises an issue about the distribution of qualified
 7 teachers being uneven?

8 MR. VIRJEE: Vague and ambiguous as to
 9 well-trained and less-qualified and distribution of
 10 qualified teachers. Also overbroad and calls for
 11 speculation.

12 THE WITNESS: Correct.

13 Q. BY MR. JACOBS: And as you sit here today, based
 14 on your knowledge of the way the state governs the
 15 system of public education, are you aware of any
 16 mechanism by which the state holds districts accountable
 17 for local decision-making in this area?

18 MR. VIRJEE: Objection. Vague and ambiguous as
 19 to holds districts accountable.

20 MR. SEFERIAN: Overly broad, calls for an
 21 impermissible legal opinion, argumentative, assumes
 22 facts not in evidence.

23 THE WITNESS: Based on my experience, most often
 24 these are local agreements that are managed by the local
 25 districts.

1 distribution -- if I use the shorthand, this
 2 distributional issue, will you understand that I'm
 3 referring to the topic we've been discussing for the
 4 last several minutes?

5 A. Sure.

6 Q. So aside from collective bargaining arrangements,
 7 do you have an understanding as to any of the
 8 contributors to the issue of uneven distributional
 9 arrangements?

10 MR. SEFERIAN: Objection. No foundation, calls
 11 for speculation, calls for an impermissible legal
 12 opinion.

13 MR. VIRJEE: Also vague and ambiguous as to
 14 contributors. Calls for an expert opinion for which
 15 this witness is not qualified to testify.

16 THE WITNESS: One of the unanticipated
 17 consequences of class size reduction was that teach --
 18 my understanding is that teachers left some areas, and
 19 innercity areas specifically, and went to the suburban
 20 areas.

21 Q. BY MR. JACOBS: And the suburban areas, the class
 22 size reduction program had created more openings for
 23 teachers, correct?

24 A. Correct.

25 Q. Do you have an understanding as to any other

1 Q. BY MR. JACOBS: And by agreements, you're
 2 referring to the aspect of the issue that relates to
 3 collective bargaining arrangements?

4 A. Correct.

5 Q. And have you participated in any discussion
 6 focused on state intervention to -- let me start over.

7 It's your understanding that in some cases the
 8 local districts having entered into those collective
 9 bargaining arrangements contributes to the issue of an
 10 uneven intradistrict distribution of qualified teachers,
 11 correct?

12 MR. VIRJEE: Vague and ambiguous as to qualified
 13 teachers.

14 THE WITNESS: That's my understanding.

15 Q. BY MR. JACOBS: And have you participated in any
 16 discussions in which there has been consideration given
 17 to state intervention to remove that barrier to a -- in
 18 order to achieve a more even distribution of teachers in
 19 such districts?

20 MR. VIRJEE: Objection. Vague and ambiguous as
 21 to state intervention.

22 THE WITNESS: No.

23 Q. BY MR. JACOBS: And aside from collective
 24 bargaining arrangements, do you have an understanding of
 25 what other contributors there are to this

1 contributors to the distributional issue?

2 MR. VIRJEE: Objection. Vague and ambiguous as
 3 to contributors. Calls for speculation, calls for
 4 expert testimony.

5 THE WITNESS: No.

6 MR. JACOBS: Why don't we break for lunch.

7 MR. VIRJEE: Sure.

8 [Lunch recess.]

9 Q. BY MR. JACOBS: Just to make sure I have tacked
 10 down all the tent flaps on the issue that we were
 11 discussing before the break, are you aware of any
 12 discussions anywhere at the state level, meaning in the
 13 state's executive branch, legislative branch, aimed at
 14 policies that would address the issue of the uneven
 15 distribution of qualified teachers within school
 16 districts?

17 MR. VIRJEE: Objection. Vague and ambiguous as
 18 to distribution and qualified, assumes facts not in
 19 evidence, calls for speculation.

20 THE WITNESS: No, I'm not. I've not been party
 21 to those discussions, if there have been any.

22 Q. BY MR. JACOBS: Are you aware of any -- I'm
 23 actually going to ask a somewhat similar question a
 24 little differently, just to make sure we're
 25 communicating clearly.

1 Are you aware of any studies within the
2 department that are aimed at the topics that SAD-130 was
3 aimed at?

4 MR. VIRJEE: Objection. Vague and ambiguous as
5 to aimed at. It's not at all clear what the exhibit was
6 aimed at. That would call for speculation. And lacks
7 foundation also, as she's already testified to she
8 hasn't read the document in quite some time, has just
9 read the executive summary --

10 MR. JACOBS: Again, can I ask for a simple
11 objection, please?

12 MR. VIRJEE: Calls for speculation, lacks
13 foundation.

14 THE WITNESS: Now if you could repeat the
15 question.

16 MR. JACOBS: Please read it back.

17 [Record read.]

18 THE WITNESS: I'm aware of no studies.

19 Q. BY MR. JACOBS: Are you aware of any studies more
20 narrowly focused on the degree to which qualified
21 teachers are unevenly distributed across the state?

22 MR. VIRJEE: Are you talking now about studies
23 internal --

24 MR. JACOBS: Yes, within the department.

25 THE WITNESS: I'm not aware of any studies.

1 Q. BY MR. JACOBS: Are you aware of any policies
2 under consideration that would strengthen the capacity
3 of local decision-makers as you referred to them to make
4 better decisions with respect to the distribution of
5 qualified teachers within their districts?

6 MR. VIRJEE: Objection. Vague and ambiguous.

7 THE WITNESS: I'm aware of no policies.

8 Q. BY MR. JACOBS: Are you aware of any measures to
9 strengthen the capacity of school districts that have a
10 higher concentration of unqualified teachers to
11 strengthen their capacity to hire qualified teachers?

12 MR. VIRJEE: Objection. Calls for speculation as
13 to qualified and unqualified teachers. Calls for an
14 expert opinion. Overbroad, incomplete hypothetical.

15 THE WITNESS: I don't know what you mean by
16 measures.

17 MR. JACOBS: Policies, programs. Policies or
18 programs.

19 MR. VIRJEE: Same objections.

20 THE WITNESS: There certainly are no incentives
21 that have been recently formulated in the last couple of
22 years. There are grant opportunities for districts to
23 apply for to provide incentives to draw teachers to
24 hard-to-teach schools. And I don't have the specifics
25 of those programs, but there are programs that have been

1 formulated within the last couple of years.

2 Q. BY MR. JACOBS: Have you personally been involved
3 in the formulation of those incentive programs?

4 A. No.

5 MR. SEFERIAN: Objection. Assumes facts not in
6 evidence.

7 MR. VIRJEE: Vague and ambiguous as to involved.

8 Q. BY MR. JACOBS: Do you know of anyone under your
9 purview in the department who has been involved in the
10 formulation of those programs?

11 MR. VIRJEE: Objection. Vague and ambiguous as
12 to involved and formulation.

13 MR. SEFERIAN: And purview.

14 THE WITNESS: If we can identify specific
15 programs, then I would be able to identify whether the
16 department has been involved and who would have been
17 involved from our department.

18 Q. BY MR. JACOBS: What programs were you referring
19 to, or you just lack specific information about them?

20 A. Well, the program that comes to mind is the
21 Teaching as Priority grants.

22 Q. Good. Let's talk about Teaching as a Priority
23 grants. Was anyone underneath you in the department
24 involved in the formulation of that program?

25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to involved and formulation.

2 MR. SEFERIAN: Calls for speculation.

3 THE WITNESS: Yes. We were involved in the
4 management of the grants, which is basically
5 coordinating the grant application process and passing
6 through the money.

7 Q. BY MR. JACOBS: How about in designing -- by
8 formulation I mean designing or establishing the
9 parameters or criteria for eligibility that ultimately
10 were enacted into legislation. Were you involved in
11 formulation in that sense?

12 A. I was not.

13 Q. Was there anybody in your department so involved
14 underneath your -- within your purview involved in that
15 formulation?

16 MR. VIRJEE: Objection. Vague and ambiguous as
17 to purview and involved. And calls for speculation,
18 lacks foundation.

19 THE WITNESS: I don't know who was involved prior
20 to the passage of the legislation.

21 Q. BY MR. JACOBS: Period?

22 A. I don't recall.

23 Q. You don't know anyone who was involved?

24 A. Correct. Don't recall.

25 Q. Are you aware of any evaluation that has been

1 conducted of the TAP program?
 2 MR. VIRJEE: Vague and ambiguous as to
 3 evaluation.
 4 THE WITNESS: I am not.
 5 Q. BY MR. JACOBS: Are you aware of any feedback at
 6 all as to whether the TAP program is meeting its goals?
 7 MR. SEFERIAN: Objection. No foundation, vague
 8 and ambiguous as to feedback and time.
 9 MR. VIRJEE: Calls for speculation as to what its
 10 goals are. Also vague and ambiguous as to goals.
 11 THE WITNESS: This is the first year of the
 12 administration of the grant. So the answer to the
 13 question is no.
 14 Q. BY MR. JACOBS: In administering the grant, where
 15 is that being handled, in what branch?
 16 A. It's in the professional development division
 17 under the curriculum instruction leadership branch.
 18 Q. Have you been involved in any discussions about
 19 the -- let me back up.
 20 Can you describe the TAP program for us, please?
 21 A. Resources were set aside to provide incentive
 22 monies for districts that have hard-to-teach schools,
 23 schools that would meet that definition, usually high
 24 poverty schools, through a grant process. And districts
 25 would apply for a grant. And then they would use those

1 resources, however they negotiate it, to use as
 2 incentives to draw teachers, to draw experienced teachers
 3 to more difficult-to-teach schools.
 4 Q. What information do you have about how the
 5 professional development division is administering the
 6 TAP program?
 7 MR. VIRJEE: Vague and ambiguous as to
 8 administering, calls for speculation.
 9 THE WITNESS: I don't know exactly what
 10 specificity you're asking for.
 11 Q. BY MR. JACOBS: Is there a particular individual
 12 who is administering the program?
 13 A. Bill Basey is the division director, B-a-s-e-y,
 14 of the professional development division. It would be a
 15 manager in his division who would be responsible for the
 16 administration.
 17 Q. Have you been involved in any discussions about
 18 how the professional development division would in fact
 19 go about implementing the legislation?
 20 A. No.
 21 Q. Are you aware of any discussions about -- let me
 22 strike that.
 23 Is there any effort underway that you are aware
 24 of to target the TAP funds to particular schools or
 25 school districts that in the department's judgment are

1 most needy of those funds?
 2 MR. VIRJEE: Objection. Vague and ambiguous as
 3 to target and most needy. Also calls for speculation.
 4 THE WITNESS: No, I'm not aware of any specific
 5 efforts to do that.
 6 Q. BY MR. JACOBS: By virtue of your position in the
 7 department, would you expect to be aware of it if it was
 8 going on?
 9 MR. VIRJEE: Objection. Calls for speculation.
 10 THE WITNESS: Not necessarily.
 11 Q. BY MR. JACOBS: Are you aware of any effort to
 12 elicit grant applications -- any specific effort to
 13 elicit grant applications from particular schools or
 14 school districts?
 15 MR. SEFERIAN: Objection. Calls for speculation
 16 no foundation.
 17 MR. VIRJEE: Efforts by the Department of Ed?
 18 MR. JACOBS: Correct.
 19 THE WITNESS: I'm not aware of any specific
 20 efforts, no.
 21 Q. BY MR. JACOBS: Are you aware of any assessment,
 22 formal or informal, of whether the TAP program will or
 23 the degree to which the TAP program will address the
 24 issue of attracting and retaining credentialed teachers
 25 in the schools you identified as being the intended

1 beneficiaries of the TAP program? In other words, has
 2 anyone said to you -- have you seen anybody say this
 3 program is going to work or this program is not going to
 4 work, that sort of assessment?
 5 MR. VIRJEE: Objection. Compound, vague and
 6 ambiguous and overbroad. And I don't think she
 7 identified any particular schools or districts, so it
 8 also assumes facts not in evidence, misstates her
 9 testimony.
 10 THE WITNESS: I'm not aware of any evaluation
 11 that is currently occurring. As I said, this is the
 12 first year of the program, I believe.
 13 Q. BY MR. JACOBS: Have you been involved in any
 14 discussions in which the subject of whether the TAP
 15 program has sufficient funds to address the issue of
 16 retaining credentialed teachers, attracting and
 17 retaining credentialed teachers in low-performing
 18 schools?
 19 MR. VIRJEE: Objection. Misstates her testimony
 20 to the extent you're trying to indicate that she said
 21 anything about credentialed teachers. She's not
 22 mentioned anything about credentialed versus
 23 uncredentialed teachers.
 24 MR. JACOBS: I hate to -- I have a document in
 25 front of me, so why don't we just pull out this page and

1 mark it as 131.
 2 [Exhibit SAD-131 was marked
 3 for identification.]
 4 THE WITNESS: Now the question was?
 5 MR. JACOBS: Let me mark the exhibit first.
 6 We've marked as SAD-131 a document downloaded
 7 from the CDE Web site called Request for Applications:
 8 Teaching as a Priority program. It was downloaded on
 9 August 15th, 2001, and it refers to a request for
 10 applications that are due on June 5th, 2001, but doesn't
 11 otherwise have a date on it.
 12 Q. Do you agree that the description in the first
 13 paragraph of this document of the TAP program is
 14 accurate?
 15 MR. VIRJEE: Objection. Lacks foundation and
 16 calls for speculation. There's no evidence that she has
 17 any way of telling whether or not this is accurate. And
 18 vague and ambiguous as to accurate.
 19 MR. JACOBS: Mr. Virjee, I ask you again to
 20 please keep your objections simple.
 21 MR. VIRJEE: Vague and ambiguous as to accurate.
 22 Accurate as to what? As to whether it reflects -- the
 23 statute reflects what was put on the CDE Web site?
 24 Accurate for what purpose?
 25 MR. SEFERIAN: Also object that the document is

1 only one document of the document. Says it's a two-page
 2 document. The witness is only presented with one page
 3 of the document.
 4 MR. JACOBS: That's all?
 5 THE WITNESS: I would have to cross-check this
 6 with the statute to determine the accuracy.
 7 Q. BY MR. JACOBS: As you sit here today, do you see
 8 anything that is inaccurate in that description?
 9 MR. VIRJEE: Objection. Calls speculation, no
 10 foundation laid she knows what the statute says. And
 11 that calls for a legal conclusion.
 12 I don't want you to guess or speculate.
 13 THE WITNESS: I don't have the specific statutory
 14 information.
 15 Q. BY MR. JACOBS: And I think I still get to ask my
 16 question which is: As you sit here today, do you see
 17 any inaccuracy in that description?
 18 MR. VIRJEE: Objection. Calls for total
 19 speculation. She said she doesn't know what the statute
 20 says.
 21 MR. SEFERIAN: Calls for a legal opinion.
 22 THE WITNESS: I'll hold with my original answer.
 23 Q. BY MR. JACOBS: So let me get this straight. The
 24 page contained -- it doesn't contain now, but it
 25 contained links to a cover letter in you which described

1 the program and described how to apply for grants,
 2 correct?
 3 MR. SEFERIAN: Objection --
 4 MR. VIRJEE: The document speaks for itself.
 5 Are you asking her to tell you what this document
 6 says?
 7 THE WITNESS: Correct.
 8 Q. BY MR. JACOBS: And the TAP program is
 9 administered within your -- within branches and
 10 divisions under your purview?
 11 MR. SEFERIAN: Objection. Misstates the
 12 witness's testimony, vague and ambiguous as to purview.
 13 MR. VIRJEE: Asked and answered.
 14 THE WITNESS: Correct.
 15 Q. BY MR. JACOBS: But you are testifying under oath
 16 that as you sit here today, you can't tell me whether
 17 this description of the program in the first paragraph
 18 of this California Department of Education Web site
 19 document bears any inaccuracies that you've noticed?
 20 MR. VIRJEE: Objection. Asked and answered
 21 twice. This is the third time.
 22 MR. SEFERIAN: Argumentative, misstates the
 23 witness's testimony.
 24 THE WITNESS: To be absolutely certain, I would
 25 want to have greater familiarity with the statutory

1 regulations.
 2 Q. BY MR. JACOBS: But I get to relax the
 3 absolutely-certain aspect of your answer and simply ask
 4 you for your -- the information you have as you sit here
 5 today.
 6 MR. VIRJEE: Objection. Asked and answered.
 7 She's already told you she doesn't know what the statute
 8 says. As she sits here today, she can't tell whether
 9 she knows whether this is accurate or not.
 10 MR. SEFERIAN: Objection. Calls for an
 11 impermissible legal opinion, calls for speculation,
 12 argumentative.
 13 THE WITNESS: Rather than give an opinion, I'd
 14 like to make certain of the accuracy.
 15 Q. BY MR. JACOBS: Are you uncertain as to the
 16 accuracy of the sentence: The TAP program is one of
 17 several initiatives designed to assist school districts
 18 to attract and retain credentialed teachers?
 19 MR. SEFERIAN: Object that it calls for a legal
 20 conclusion. She does not know what the program was
 21 designed -- the legislative intent of the program.
 22 There is no foundation for that.
 23 MR. VIRJEE: This is ridiculous. We know we can
 24 look at the statute and know what the statute says. And
 25 we can look at this document, and anybody can tell

1 whether they're accurate or not by comparing the two.
 2 The witness told you she can't do that because she
 3 doesn't have the statute in front of her. This is a
 4 waste of time.

5 MR. JACOBS: Mr. Virjee, a while ago you
 6 threatened to walk out of this deposition if I gave
 7 certain guidance to the witness, and now --

8 MR. VIRJEE: Go ahead.

9 MR. JACOBS: And if we have to call the --

10 MR. VIRJEE: Go ahead. This is a waste of time.

11 MR. JACOBS: -- discovery commissioner --

12 MR. VIRJEE: You are wasting everybody's time
 13 here.

14 MR. JACOBS: I appreciate the objection time
 15 wasting. I've made that objection myself in various
 16 depositions. But when I make it, I just say objection,
 17 time wasting.

18 MR. VIRJEE: Objection. Time wasting. Lots and
 19 lots of time wasting.

20 Q. BY MR. JACOBS: Ms. Fausset, are you uncertain
 21 about whether that sentence is accurate?

22 MR. VIRJEE: I instruct the witness not to answer
 23 that question. That's the fifth time. You don't get to
 24 badger the witness over and over again.

25 MR. JACOBS: I'm sorry. He can't instruct you on

1 Q. BY MR. JACOBS: So are there other -- are you
 2 aware of other initiatives that fit within the category
 3 of that second sentence?

4 MR. SEFERIAN: Objection. Calls for a legal
 5 conclusion.

6 MR. VIRJEE: Also calls for speculation as to
 7 what programs would attract and retain credentialed
 8 teachers.

9 THE WITNESS: Yeah, I believe there are other
 10 initiatives, and I can't call them up specifically.

11 Q. BY MR. JACOBS: Are there other initiatives that
 12 are targeted at the category of schools that you
 13 described the TAP program as being targeted at?

14 MR. VIRJEE: Objection. Calls for speculation,
 15 lacks foundation.

16 THE WITNESS: I don't know what those specific
 17 initiatives are, if they are -- there are some.

18 Q. BY MR. JACOBS: So as you sit here today, you're
 19 not certain about whether there are initiatives --

20 A. I would have to --

21 MR. SEFERIAN: Wait.

22 Q. BY MR. JACOBS: Whether there are initiatives in
 23 general, number one, regardless of the particular
 24 categorization of schools that you described the TAP
 25 program as being directed to; and, secondly, you're

1 that one. So I get to ask you for an answer.

2 THE WITNESS: I will hold with my original
 3 answer.

4 Q. BY MR. JACOBS: Are you uncertain whether there
 5 were other initiatives besides the TAP program that are
 6 designed to assist school districts in attracting and
 7 retaining credentialed teachers? Is that something
 8 you're uncertain about?

9 MR. VIRJEE: Objection. Vague and ambiguous.

10 Are you asking her if she knows of other
 11 programs? Is that your question now?

12 MR. JACOBS: Do you know of other programs?

13 MR. VIRJEE: Other programs designed to hire
 14 teachers or attracting teachers?

15 MR. JACOBS: Attracting and retaining
 16 credentialed teachers.

17 MR. VIRJEE: Objection. Assumes facts not in
 18 evidence. Assumes the TAP program is designed for that
 19 purpose.

20 He promised you no trick questions, but that is
 21 one.

22 MR. JACOBS: Well, just to be clear, the fact is
 23 in evidence. This is a California Department of
 24 Education document.

25 THE WITNESS: Correct.

1 unaware of whether any of those possible initiatives
 2 might in fact be targeted at that category of schools,
 3 correct?

4 MR. VIRJEE: Objection. Compound. Those are two
 5 questions. I don't know which one you want her to
 6 answer. And she's already given you an answer to the
 7 first question earlier. So asked and answered.

8 THE WITNESS: I believe I stated several minutes
 9 ago that there were a number of initiatives that a year
 10 ago were passed to incentivize people to go into
 11 teaching. This was one example that I could recall. I
 12 don't have a specific example -- other examples at my
 13 fingertips. I'd have to do some review of the
 14 legislation from a year ago.

15 Q. BY MR. JACOBS: The rationale for the TAP program
 16 being administered out of the professional development
 17 division, is there a rationale for that? Is there a
 18 reason it was placed in that particular division that
 19 you're aware of?

20 MR. SEFERIAN: Objection. No foundation, calls
 21 for speculation, calls for inadmissible legal opinion,
 22 assumes facts not in evidence.

23 THE WITNESS: I actually don't recall exactly how
 24 that program was assigned.

25 Q. BY MR. JACOBS: Were you involved in the

1 assignment of the program?

2 MR. VIRJEE: Objection. Vague and ambiguous as
3 to involved in.

4 THE WITNESS: I don't recall specifically the
5 assignment of that program.

6 Q. BY MR. JACOBS: Do you have an understanding --
7 any information about whether the other programs that
8 you think might be out there but the specifics of which
9 you don't recall today, whether they are administered
10 within branches that are under your purview?

11 A. I don't know.

12 Q. And I think the reason I pulled this out to begin
13 with was to ask you whether you were aware of any
14 assessment, formal or informal, of the sufficiency of
15 the amount of funding in TAP to address the issue that
16 TAP appears to be designed to address?

17 MR. VIRJEE: Objection. Asked and answered.

18 THE WITNESS: I don't know.

19 Q. BY MR. JACOBS: You don't know of any such
20 assessments?

21 A. I don't know.

22 Q. Now, you share -- as a matter of your views of
23 proper educational administration, you agree with the
24 objective as stated here of the TAP program, whether or
25 not you're sure it matches the statute, you agree with

1 speculation.

2 THE WITNESS: When you look at the needs of a
3 school, I think you have to look comprehensively and
4 globally. And I worry when we look at the complexity in
5 pieces and parts.

6 Q. BY MR. JACOBS: Have you been in a position in
7 the Department of Education to urge that view upon your
8 colleagues or other policy makers?

9 MR. SEFERIAN: Assumes facts not in evidence,
10 incomplete hypothetical, vague and ambiguous.

11 THE WITNESS: I actually think the view is being
12 reflected through new direction with accountability.
13 That what's emerging and has begun to emerge in the last
14 couple of years is a focus and an emphasis on student
15 achievements and performance, which in my view
16 contributes to us maintaining that global perspective of
17 all of the myriad of things that need to happen in a
18 low-performing or a hard-to-teach school to turn it
19 around.

20 Q. BY MR. JACOBS: And what is the basis for that
21 belief? Why do you say that?

22 A. It's my opinion.

23 Q. Right. I didn't mean what is the evidentiary
24 basis. Expand on that comment. Why do you think that
25 that is true?

1 the goal of giving incentives to school districts to
2 recruit and retain credentialed teachers, particularly
3 in low-performing schools, defined as schools ranking in
4 deciles one to five on the API index?

5 MR. SEFERIAN: Objection. Incomplete
6 hypothetical, overly broad, vague and ambiguous as to
7 proper educational administration.

8 MR. VIRJEE: Also vague and ambiguous as to
9 credentialed teachers. And misstates her testimony to
10 the extent it's supposed to reflect what she's already
11 said, because she said qualified teachers.

12 THE WITNESS: So you're now asking my personal
13 view?

14 MR. JACOBS: Correct.

15 THE WITNESS: In my personal view, I would agree
16 that this might be one part of what needs to happen.

17 Q. BY MR. JACOBS: Of what needs to happen to do
18 what?

19 A. To equalize the distribution of experienced
20 teachers.

21 Q. And do you have in mind some other measures that
22 you believe based on your experience in public education
23 should be taken to achieve that goal?

24 MR. SEFERIAN: Incomplete hypothetical, calls for
25 an impermissible opinion, lacks foundation, calls for

1 MR. VIRJEE: That what is true?

2 MR. JACOBS: That the API, the accountability
3 system, is contributing to a global view.

4 MR. SEFERIAN: Objection. Misstates the
5 witness's testimony.

6 THE WITNESS: I think the accountability agenda
7 is helping to focus attention where it needs to be
8 focused, and will help all of us as this emerges to zero
9 in on achievement as the goal and not other component
10 parts. And how you get there may vary from school to
11 school and district to district. But the bottom line
12 will be focused on improving achievement and closing the
13 gap for youngsters.

14 And I think the fact that we have a system now
15 that ranks schools, as painful and public as that might
16 be, is actually helping everyone to zero in on the
17 problem areas, and will help us not lose sight of the
18 overall mission. And will help us look at whatever
19 component pieces need to be improved in that given
20 setting to improve achievement. This is my opinion.

21 Q. BY MR. JACOBS: Right. And -- but the -- this
22 direction of moving to a system of accountability is an
23 aspect of the state's direction in educational policy
24 that I take it you share?

25 MR. SEFERIAN: Objection. Misstates the

1 witness's testimony, vague and ambiguous, assumes facts
2 not in evidence.

3 THE WITNESS: The position that I share is a hope
4 that this accountability system will help us all to zero
5 in on the places we need to zero in on, and help us all
6 to better understand the complex nature of these
7 difficult places. And to help us all find whatever
8 solutions or interventions we need.

9 Q. BY MR. JACOBS: And the -- where we started on
10 this is I asked you whether you had had an opportunity
11 to urge, we'll shorthand it, your global view approach
12 on your colleagues. And you answered, as I understood
13 it, well, there's already an initiative underway that
14 matches your view of the importance of having a global
15 perspective on these problems rather than breaking them
16 down and viewing them in their component parts.

17 Have I accurately summarized our exchanges?

18 MR. SEFERIAN: Objection. Misstates the
19 witness's testimony.

20 MR. VIRJEE: The testimony will speak for
21 itself.

22 THE WITNESS: I think that's fairly accurate.

23 Q. BY MR. JACOBS: And so my question is about the
24 particular areas of responsibility that you have. As a
25 deputy -- chief deputy superintendent, have you been in

1 In reality, there are lots of pieces that will add up to
2 the whole part.

3 Q. BY MR. JACOBS: Okay. So -- but somebody's going
4 to have to advance the view that we need to look at
5 these component parts in a global way, correct?

6 MR. SEFERIAN: Objection. Overly broad, vague
7 and ambiguous as to global parts, incomplete
8 hypothetical.

9 THE WITNESS: Well, and I would say -- and I
10 would just say to you that as the agenda moves forward,
11 as the emphasis both legislatively and in terms of
12 policy focuses on low-performing and hard-to-teach
13 schools, that whole agenda is emerging.

14 Q. BY MR. JACOBS: And that agenda being what?

15 A. Looking globally and looking at the total
16 perspective of a given school that is struggling.

17 Q. So my question focused on you and in your current
18 capacity is whether you were in a position -- you had
19 been in a position to urge upon your colleagues that
20 that perspective be adopted.

21 MR. SEFERIAN: Objection. Assumes facts not in
22 evidence.

23 MR. VIRJEE: Also vague and ambiguous as to be in
24 a position to urge that. And which colleagues you're
25 talking about. Inside the department, outside the

1 a position in that capacity to urge that the areas for
2 which you have responsibility be treated as part of that
3 global perspective?

4 MR. SEFERIAN: Objection. Assumes facts not in
5 evidence, calls for a legal opinion, overly broad, vague
6 and ambiguous.

7 THE WITNESS: I think it's important that you
8 understand that much of the work of the department is
9 implementing independent and individual programs and
10 processes.

11 Q. BY MR. JACOBS: I have come to understand that
12 from my depositions with other state-level officials.
13 And one of the things I have come to understand is
14 that -- and I'll state it as the way I see it, and you
15 can tell me whether I see it accurately or not, that
16 even people as senior as a chief deputy superintendent
17 for policy and programs aren't given a lot of
18 discretionary authority to study policy issues and on
19 the basis of that study propose solutions.

20 MR. SEFERIAN: Objection. Misstates the
21 witness's testimony, calls for an inadmissible legal
22 opinion, overly broad, incomplete hypothetical.

23 THE WITNESS: In response to that, I would say
24 that in a department perspective, we are working to look
25 globally, and we are working to look comprehensively.

1 department, academia, legislatively?

2 MR. SEFERIAN: Calls for an inadmissible legal
3 opinion.

4 THE WITNESS: If you are asking if we have these
5 conversations, if you are asking if this is a topic of
6 discussion, the answer is yes, when we can.

7 Q. BY MR. JACOBS: And the when we can is a function
8 of the fact in part you're given all these individual
9 components that you have to administer, correct?

10 A. Correct.

11 Q. So to ask it another way, if we take the TAP
12 program as an example of a component part and the global
13 issue, I think as you're defining it being
14 low-performing schools and how to solve the problems of
15 a low-performing school, how do you -- have you thought
16 about the TAP program in the context of, okay, we have a
17 global problem here, here's how we need to supplement
18 the TAP program or adapt the TAP program or throw away
19 the program and do something else?

20 MR. VIRJEE: Objection. Vague and ambiguous as
21 to supplement or adapt the program.

22 THE WITNESS: I think I actually answered that
23 question some time ago when you asked me a question and
24 I said that the TAP program is one piece of the puzzle.
25 And that incentivizing experienced teachers into

1 low-performing or hard-to-teach schools is one piece,
 2 and ought not be looked at as the ultimate and only
 3 solution.
 4 Q. BY MR. JACOBS: Only solution to the problem of
 5 those schools in a general sense or the only solution to
 6 the problem of not enough well-trained teachers?
 7 MR. SEFERIAN: Objection. Vague and ambiguous as
 8 to well-trained teachers.
 9 THE WITNESS: Those schools in the general sense.
 10 Q. BY MR. JACOBS: I see. So that's what you -- is
 11 that what you meant by taking a global look at the
 12 problem, that is, looking at the various problems
 13 afflicting those schools, one problem, one sub-problem
 14 of which might be insufficient number of well-trained
 15 teachers?
 16 A. Correct.
 17 Q. In terms of -- you referred to the interventions
 18 might be necessary in the underperforming schools. What
 19 role does your section of the department, the groups
 20 under your purview, play in those interventions?
 21 MR. VIRJEE: Objection. Misstates her testimony.
 22 MR. SEFERIAN: Overly broad, calls for an
 23 inadmissible legal opinion, assumes facts not in
 24 evidence.
 25 MR. VIRJEE: Vague and ambiguous as to

1 used it. But we do know that intervention is a word to
 2 describe outsiders coming into a district and addressing
 3 conditions. So I guess that's what I mean by
 4 intervention.
 5 MR. SEFERIAN: Same objections.
 6 MR. JACOBS: I could ask it a little
 7 differently. Maybe this will help. I'll withdraw that
 8 question.
 9 Q. Let's go back to the global view, and let's take
 10 a snapshot of the accountability system as it exists
 11 today. We'll talk later about where you think it might
 12 be evolving into. Take a snapshot of the accountability
 13 system as it exists today, and a school comes out of
 14 that accountability system ranking very low. Would you
 15 regard the TAP program as one tool potentially available
 16 to whoever is working with that school district to cure
 17 problems in that school district to the extent that
 18 problems were driven by a lack of well-trained
 19 teachers?
 20 MR. SEFERIAN: Objection. Incomplete
 21 hypothetical, calls for an inadmissible legal opinion,
 22 lacks foundation, asks for an opinion, beyond the scope
 23 of the capacity of this witness, vague and ambiguous as
 24 to ranking low and well-trained teachers.
 25 THE WITNESS: This program is available to

1 interventions.
 2 MR. SEFERIAN: Calls for speculation.
 3 THE WITNESS: What was your question again?
 4 [Record read.]
 5 MR. SEFERIAN: Objection. Vague and ambiguous as
 6 to underperforming schools and interventions.
 7 THE WITNESS: We manage a number of grant
 8 programs of which I could not even begin to name that
 9 districts can apply for various monies to institute
 10 various programs.
 11 Q. BY MR. JACOBS: This is the department or your
 12 groups under you in the department acting in a grant
 13 disbursement capacity, correct?
 14 A. Uh-huh.
 15 MR. SEFERIAN: Vague and ambiguous as to grant
 16 disbursement capacity.
 17 Q. BY MR. JACOBS: Are there any other ways in which
 18 the groups under you in the department intervene in
 19 underperforming schools?
 20 MR. SEFERIAN: Objection. Vague and ambiguous as
 21 to intervene and underperforming schools. Calls for an
 22 inadmissible legal opinion.
 23 THE WITNESS: I would need further -- can you
 24 help me with further definition of intervene?
 25 MR. JACOBS: I think I was using it because you

1 schools as one approach or one opportunity, if it fits
 2 their particular needs.
 3 Q. BY MR. JACOBS: Do you have -- as you've imagined
 4 your role or your part of the department's role in
 5 intervening in or supporting interventions in such
 6 schools, are there other programs that you put at the
 7 top of your list as responding to the needs of those
 8 schools?
 9 MR. VIRJEE: Objection. Calls for speculation,
 10 lacks foundation.
 11 And now you're not just talking about her
 12 division?
 13 MR. JACOBS: I am. In her division.
 14 MR. VIRJEE: Thank you for that clarification.
 15 THE WITNESS: There are other programs, and I
 16 just couldn't begin to name them here and now.
 17 Q. BY MR. JACOBS: Are you aware of anyone putting
 18 together a set of targeted resources that are
 19 particularly well-designed to meet the needs of
 20 underperforming schools, resources available from the
 21 Department of Education?
 22 MR. SEFERIAN: Vague and ambiguous as to targeted
 23 resources and underperforming schools.
 24 THE WITNESS: Very specifically and narrowly as
 25 I've heard your question, the answer would be no. At

1 the same time, there are multiple programs that are
2 available for which districts and schools can apply.

3 MR. JACOBS: If I asked you this already, forgive
4 me. I want to make sure I cover all the important
5 bases.

6 Q. Are you aware of any program anywhere in the
7 state to strengthen the capacity of school boards to
8 make what the department would regard as better
9 decisions with respect to the assignment of trained
10 teachers?

11 MR. VIRJEE: Objection. Vague and ambiguous,
12 calls for complete and total speculation as to what
13 would strengthen a school board to do that.

14 THE WITNESS: That's really out of my purview,
15 frankly.

16 Q. BY MR. JACOBS: And the answer is, sitting here
17 today, as I ask you the question and ask you for a quick
18 response, nothing comes to mind, correct?

19 A. Correct.

20 Q. Are you -- I thought I asked you before about
21 your involvement with the CCR process or your knowledge
22 of the CCR process. What kind of involvement do you
23 have with the CCR process?

24 MR. SEFERIAN: Objection. Assumes facts not in
25 evidence.

1 then perhaps they get a review that might be a lighter
2 review than another district that may not be able to
3 demonstrate those same results.

4 Q. And by a lighter review, you mean what?

5 A. Less intensive.

6 Q. In terms of the -- in the CCR process, as you
7 understand it, what does a less intensive process mean?

8 MR. SEFERIAN: Objection. Lack of foundation,
9 calls for speculation.

10 MR. VIRJEE: Assumes facts not in evidence.

11 THE WITNESS: It might require less
12 documentation, it might require a shorter visit from
13 external folks from the department. There are a myriad
14 of thoughts.

15 Q. BY MR. JACOBS: Is that at the stage at which
16 you're at right now, this is in the conceptualization
17 phase?

18 MR. SEFERIAN: Calls for speculation, lacks
19 foundation, overly broad.

20 THE WITNESS: We're in the conceptual phase, and
21 trying to move toward at least a pilot phase.

22 Q. BY MR. JACOBS: And a pilot phase would entail
23 some subset of the CCRs that are conducted in a
24 particular year being built around some of the ideas
25 you're talking about now?

1 THE WITNESS: That is not in my purview, area of
2 responsibility. CCR process is in the accountability
3 branch. My experience probably would be from the field.

4 Q. BY MR. JACOBS: Field meaning before you were in
5 the DOE?

6 A. Uh-huh. I have had, you know, discussions about
7 the CCR process, but it's not my direct responsibility.

8 Q. Is there any aspect of some effort to reengineer
9 the CCR process that you've been more closely involved
10 in?

11 A. Yes.

12 Q. What is that?

13 A. An effort has been made to do some serious
14 redesign work to align and link it with the
15 accountability system, so that the process becomes more
16 focused on student achievement results, that is, outputs
17 rather than inputs, so that we begin to look at student
18 achievement as a major filter in the application of our
19 process.

20 Q. BY MR. JACOBS: And by a major filter, what do
21 you mean?

22 A. If a district can demonstrate in their schools
23 that their students are achieving at a high level, that
24 they are making consistent improvements with the
25 hardest-to-teach populations, whatever those might be,

1 MR. SEFERIAN: Objection. Calls for speculation,
2 lacks foundation.

3 THE WITNESS: Correct.

4 Q. BY MR. JACOBS: What can you -- what's the
5 mechanism by which this is being discussed? Is there
6 some formal process underway to review the CCR
7 mechanism?

8 MR. VIRJEE: Objection. Vague and ambiguous as
9 to formal and review.

10 MR. SEFERIAN: Calls for speculation.

11 MR. SEFERIAN: Assumes facts not in evidence.

12 THE WITNESS: We've had various people in the
13 department who are taking a very close look at the
14 compliance manual and the compliance requirements and
15 working to look at a redesign of the system to do the
16 things that I just shared with you.

17 Q. BY MR. JACOBS: And do you have a particular area
18 that has been assigned to you to head up?

19 MR. VIRJEE: To her division or to her
20 personally?

21 MR. JACOBS: Her personally.

22 THE WITNESS: We have four work groups, and I've
23 had one of those.

24 Q. BY MR. JACOBS: Which work group is that?

25 A. We've been looking at the specific items that we

1 need to target. The specific items that we require
2 documentation of in order to meet the statutory
3 requirement.

4 Q. BY MR. JACOBS: You've been looking at them with
5 a view toward which ones you might relax if the school
6 was demonstrating the kind of performance you described
7 a few minutes ago?

8 MR. SEFERIAN: Objection. Misstates the
9 witness's testimony, assumes facts not in evidence.

10 THE WITNESS: We have been trying to get --
11 trying to relook at our statutory requirements and then
12 what we require as documentation of meeting that
13 requirement. And what we frankly used as proxies to
14 meet that requirement, with a focus on what are the key
15 compliance elements that will give us some indication of
16 success or lack of success in schools and districts.

17 And with an emphasis on, again, the accountability
18 system and student achievement and performance.

19 Q. BY MR. JACOBS: And so are you -- I'm trying to
20 understand what you're saying. Are you matching the
21 elements or -- are you matching the documentation that
22 you currently receive to see whether it would provide
23 you the data points necessary to decide whether a school
24 would be subject to a relaxed CCR or non-relaxed CCR?

25 MR. SEFERIAN: Objection. Calls for speculation,

1 understand all that it requires as part of a CCR
2 process; is that correct?

3 MR. SEFERIAN: Objection. That misstates the
4 witness's testimony, calls for speculation, vague and
5 ambiguous as to reengineer the CCR.

6 THE WITNESS: Every year there's a review done
7 program by program of the elements that are included.
8 And we are just doing, I would say, a more intense
9 review of those specifics.

10 Q. BY MR. JACOBS: And program by program, you're
11 referring to the programs as to which the CCR is
12 designed to assess compliance?

13 A. Correct.

14 Q. In the course of your discussions about the CCR
15 process, have you had any discussions about whether the
16 CCR process might be adjusted to address the issue of
17 whether students are receiving sufficient instructional
18 materials?

19 MR. SEFERIAN: Objection. Calls for an
20 inadmissible legal opinion, calls for speculation, vague
21 and ambiguous as to adjusted, assumes facts not in
22 evidence.

23 MR. VIRJEE: Calls for speculation and also vague
24 and ambiguous as to sufficient instructional materials.

25 THE WITNESS: The conversations that I have been

1 misstates the witness's testimony, vague and ambiguous.

2 THE WITNESS: Frankly, we're in the process of
3 reviewing at each program level the requirements within
4 the CCR that we're currently requiring to make sure that
5 what we're requiring is applicable, is useful, is
6 helpful, pertinent, relevant, within the confines of
7 frankly new direction focused on student results.

8 Q. BY MR. JACOBS: Is one possibility that you
9 are -- that you have entertained in undergoing this
10 process, that some legislative change might be required
11 in order to reengineer the process to meet the state's
12 emerging accountability agenda?

13 MR. SEFERIAN: Objection. Calls for an
14 inadmissible legal opinion, calling for speculation,
15 vague and ambiguous as to reengineer. Beyond the
16 capacity of this witness to respond.

17 THE WITNESS: That might occur, but we're not in
18 the place yet of recommending that -- what that might
19 be.

20 Q. BY MR. JACOBS: You haven't ruled out the
21 possibility of seeking that kind of change?

22 A. Correct, correct.

23 Q. In the course of your discussion of reengineering
24 the CCR, I understood from your answer that one of the
25 major tasks is simply to study the existing manual and

1 a part of have basically reviewed what is, not explored
2 additional.

3 Q. BY MR. JACOBS: And is it your understanding of
4 the CCR process that it currently does not assess that
5 issue?

6 MR. VIRJEE: Objection. Calls for speculation,
7 lacks foundation.

8 THE WITNESS: I don't believe it does.

9 Q. BY MR. JACOBS: And same question with respect to
10 the adequacy of facilities. I better ask it again. Has
11 there been any discussion about whether the CCR process
12 might be adjusted to assess the adequacy of the
13 facilities in a school district or school that's
14 undergoing CCR review?

15 MR. SEFERIAN: Objection. Assumes facts not in
16 evidence.

17 MR. VIRJEE: Objection. Vague and ambiguous as
18 to adequacy of facilities. Join, assumes facts not in
19 evidence.

20 MR. SEFERIAN: Calls for an inadmissible legal
21 opinion.

22 THE WITNESS: And I'll give the same response
23 that I gave to you. My discussions have revolved around
24 reviewing what is.

25 Q. BY MR. JACOBS: And in your -- on the basis of

1 your knowledge of what is, does the CCR process
2 currently assess the adequacy of facilities?

3 MR. VIRJEE: Objection. Calls for speculation,
4 lacks foundation, calls for an expert opinion which this
5 witness is not competent to give.

6 THE WITNESS: I don't believe it does.

7 Q. BY MR. JACOBS: And on the topic of excessive
8 numbers of poorly-trained or inadequately-trained
9 teachers, would your answer be the same, that in terms
10 of prospect of changes to CCR, you haven't gotten there
11 yet, you've focused on what is; and in terms of what is,
12 you don't believe that the CCR process currently
13 assesses that issue?

14 MR. SEFERIAN: Objection. Calls for speculation,
15 no foundation, vague and ambiguous as to poorly-trained
16 teachers.

17 MR. VIRJEE: Also calls for expert opinion, lacks
18 foundation.

19 THE WITNESS: That's -- and bear in mind that the
20 emphasis and the focus if you want to really -- emphasis
21 is on student achievement, that that goal can't be
22 lost.

23 Q. BY MR. JACOBS: But the -- but I stated correctly
24 your understanding, yes?

25 A. Correct.

1 MR. VIRJEE: For the record, I think she used the
2 word working group.

3 MR. JACOBS: Sorry. You're correct.

4 Q. There are four working groups?

5 A. [Nods head.]

6 Q. Do you know any of them?

7 A. Don't -- I can't recall them specifically.

8 Q. And is somebody helping you, is someone in
9 particular in your group in the department staffing you
10 on this project?

11 A. Laura is the primary staff person.

12 Q. Even for your working group?

13 A. Uh-huh.

14 Q. So she is the overall prime staff person, and she
15 is staffing your working --

16 A. Uh-huh, and monitoring each one of them as well.

17 Q. Do you have an understanding of where the
18 initiative to undertake this review came from?

19 MR. SEFERIAN: Objection. No foundation, assumes
20 facts not in evidence.

21 MR. SEFERIAN: Asked and answered.

22 THE WITNESS: It surfaced from discussion that we
23 need to have a system that is accountability based. And
24 we need to have coherence and consistency for folks.

25 And with now a statewide accountability system, that we

1 MR. SEFERIAN: Same objections.

2 Q. BY MR. JACOBS: I guess you would say that by
3 focusing on student achievement, that to the extent any
4 of these conditions contribute to low student
5 achievement, then the process will at least indirectly
6 bring some focus to those issues was well, correct?

7 MR. SEFERIAN: Objection. Calls for an
8 inadmissible legal opinion.

9 MR. VIRJEE: Also calls for speculation.

10 THE WITNESS: That is my personal opinion, that
11 as we focus on the hardest-to-teach schools in the
12 hardest to teach areas, that, as I talked about earlier,
13 the complexity of those situations and the global nature
14 of what occurs in those schools will be addressed. And
15 all the component pieces and parts will be addressed.

16 Q. BY MR. JACOBS: Whatever the contributors to low
17 student achievement?

18 A. Whatever they are. And they are many.

19 Q. Is someone heading up the overall effort that you
20 were describing with respect to reviewing the CCRs this
21 year?

22 A. Uh-huh. Laura Wagner.

23 Q. What are the other task forces, do you know?

24 A. I don't remember. There are four.

25 Q. And has there been some --

1 ought to make certain that we're linking and we're
2 aligning, monitoring with accountability, as well as
3 connecting to for the first time student achievement and
4 results.

5 MR. JACOBS: I'm sorry, can you read back the
6 first part of that answer?

7 [Record read.]

8 Q. BY MR. JACOBS: Was there a particular discussion
9 that you have in mind from which this initiative
10 surfaced?

11 A. No, not a particular discussion. I mean, not a
12 specific discussion, no.

13 Q. Did somebody have to be presented with a decision
14 to make as to whether this level of scrutiny of the CCRs
15 would be carried out this year; for example, did you
16 have to go to Delaine Eastin and say, you know what,
17 this year a bunch of us think we ought to do this with
18 the CCRs, and ask for her approval?

19 MR. VIRJEE: Is that the question?

20 MR. JACOBS: It's a for-instance of the
21 generalist.

22 MR. VIRJEE: Objection as compound, vague and
23 ambiguous and overbroad.

24 THE WITNESS: I'm sorry. What was the question
25 again?

1 Q. BY MR. JACOBS: Did somebody have to approve the
2 fact that you would undertake this particular review
3 this year?

4 MR. SEFERIAN: Objection. Calls for speculation.

5 THE WITNESS: Delaine approved it.

6 Q. BY MR. JACOBS: And in turn, did she present the
7 question of approval to the state board?

8 MR. SEFERIAN: Objection. Calls for speculation,
9 vague and ambiguous.

10 THE WITNESS: This is an administrative
11 responsibility of the department. I know the effort has
12 been communicated to the staff board. I don't recall
13 that approval was requested.

14 Q. BY MR. JACOBS: Are there agencies outside the
15 department that are participating in the review?

16 MR. SEFERIAN: Objection. Calls for speculation.

17 THE WITNESS: There is an external group that was
18 convened, and input was gained from that specific group,
19 at one meeting, anyway.

20 Q. BY MR. JACOBS: What was that external group?

21 A. It was numbers of teachers and principals and
22 various people from various organizations.

23 Q. Sort of a focus group kind of discussion?

24 A. Uh-huh. An external input group is what it was.

25 Q. An external input group is a kind of a -- is that

1 had any documents that by virtue of the guidance you
2 were given by that person needed to be produced in this
3 litigation? Did anyone visit you in connection with
4 document production in this case?

5 MR. SEFERIAN: Objection. That calls for
6 information protected by the attorney-client privilege.

7 MR. JACOBS: I don't think so.

8 MR. SEFERIAN: I don't think she should answer
9 that question.

10 MR. JACOBS: I think that's clearly not
11 privileged whether someone visited her and had a
12 discussion with her about document production.

13 MR. VIRJEE: It's privileged if that happened to
14 be an attorney or someone working on behalf of an
15 attorney.

16 MR. JACOBS: It's not --

17 MR. VIRJEE: I've made the objection.

18 MR. JACOBS: Are you instructing the witness not
19 to answer?

20 MR. SEFERIAN: She can answer if she produced
21 documents, but not whether an attorney had a discussion
22 with her about producing documents.

23 MR. JACOBS: Start with the -- I'll take your
24 question for the moment, but I don't agree with the
25 objection.

1 a defined term? Is that a term of art in the
2 department?

3 A. No.

4 Q. It's just what you described it as?

5 A. Correct.

6 Q. And who assembled the group?

7 MR. SEFERIAN: Objection. Calls for speculation.

8 THE WITNESS: Laura Wagner was the staff person
9 who convened the group.

10 Q. BY MR. JACOBS: Was that meeting in Sacramento?

11 A. Yes, it was.

12 Q. Were the views of the members of that group
13 captured in a document?

14 MR. VIRJEE: Objection. Calls for speculation,
15 also vague and ambiguous as to views of the members.

16 THE WITNESS: I don't remember.

17 Q. BY MR. JACOBS: Don't recall any --

18 A. I don't recall.

19 Q. Do you recall any particular output of the
20 meeting with the group?

21 A. I don't recall a specific document. There was
22 discussion. There was follow-up, input that has been
23 provided, but I don't have the specifics.

24 Q. On the issue of documents, has anyone come to you
25 and -- that you understood was asking you whether you

1 Q. Have you produced documents in connection with
2 the litigation?

3 MR. VIRJEE: Objection. Calls for speculation,
4 lacks foundation.

5 THE WITNESS: I don't believe so.

6 Q. BY MR. JACOBS: Have you had discussions with an
7 attorney or anyone else on the topic of document
8 production in this litigation.

9 MR. SEFERIAN: Object. That calls for
10 information protected by the attorney-client privilege.

11 Instruct the witness not to answer that
12 question.

13 MR. JACOBS: Are you going to follow his
14 instruction?

15 THE WITNESS: Yes, I am.

16 MR. JACOBS: Want to take a couple of minute
17 break?

18 MR. VIRJEE: Sure.

19 [Recess.]

20 Q. BY MR. JACOBS: Before the break, I tried to
21 summarize your view of how the accountability system
22 which you described as being focused on outputs might at
23 least indirectly result in a focus on curing inputs that
24 resulted in low student performance.

25 Is that a fair, even shorter summary of your view

1 of how the system is going to work?

2 MR. SEFERIAN: Objection. Calls for an
3 opinion -- inadmissible opinion, calls for an opinion
4 beyond the capacity of this witness, incomplete
5 hypothetical.

6 THE WITNESS: There are a myriad of projects and
7 programs and grants and actually new programs that have
8 emerged and are continuing to emerge in the last couple
9 of years. It is my belief that the accountability
10 system will help us direct our energy and our effort to
11 the places that need resources of energy and effort to
12 turn some of these situations around.

13 Q. BY MR. JACOBS: And that's your personal view of
14 how --

15 A. Correct.

16 Q. -- this system should work out? Yes?

17 A. Yes.

18 Q. And in your departmental capacity, have you had
19 discussions about that likely effect of the
20 accountability system?

21 MR. VIRJEE: Objection. Asked and answered.

22 THE WITNESS: Absolutely. In terms of
23 implementation of the various new programs, all of those
24 are targeted to one thing, closing the achievement gap.
25 So the conversation naturally revolves around how we

1 available to offset some of the cost of that process for
2 teachers, as well as the incentive for teachers who do
3 achieve national board certification. The incentive is
4 significant, and it's double if teachers will teach in
5 low-performing schools for up to four years.

6 The immediate intervention in underperforming
7 schools program is another one that is targeted to the
8 lower half of the students of schools performing in the
9 state. And resources are available for planning as well
10 as for implementing of new programs. There's a whole
11 host of things that are targeted for this purpose.

12 Q. Have you -- let's start with IIUSP. Have you
13 given any consideration to how IIUSP is going to affect
14 your group's implementation of various programs under
15 your purview?

16 MR. SEFERIAN: Objection. Calls for
17 speculation. Calls for an inadmissible opinion.

18 MR. VIRJEE: Also compound, since there are, as
19 she said, a myriad of programs that they do this for.

20 THE WITNESS: With the IIUSP program, as you
21 probably know, schools volunteer to participate and
22 implement program -- improvement program changes after
23 having a year of planning. And if sufficient adequate
24 growth isn't made, then ultimately sanctions will kick
25 in.

1 will target our efforts toward our hardest-to-teach
2 places.

3 Q. BY MR. JACOBS: And TAP is one such program that
4 you had in mind in your answer to my previous question?

5 A. TAP is one of a myriad of programs that are
6 currently in implementation phase, the list of which I
7 do not have an exhaustive list, but it is a fairly
8 exhaustive list.

9 Q. And just because we've approached it from a
10 somewhat different direction, do you as you sit here now
11 have an idea of what such other programs might be that
12 you had in mind in describing the myriad of programs?

13 MR. VIRJEE: A myriad of programs that deal with
14 what?

15 MR. JACOBS: That are targeted to close the
16 achievement gap.

17 MR. SEFERIAN: Objection. Calls for speculation,
18 calls for an inadmissible opinion, overly broad.

19 THE WITNESS: There are incentive grants to
20 incentivize people to the teaching profession, the
21 specifics of which I don't have, some tax credits that
22 people can gain currently. That is one of the new
23 programs. As well as some loan forgiveness for teachers
24 who are willing to go into the teaching profession.

25 National board certification, resources are

1 So that program in combination with the other
2 programs that have been instituted, I believe, again,
3 will do the job of helping focus on the most difficult
4 to change places. Because if schools can't improve
5 through this program, then something else will need to
6 happen. And my guess is when we get down to it, I think
7 there will not be many schools that will not make
8 growth. But that remains to be seen.

9 Q. BY MR. JACOBS: As you described the program,
10 which is I think my understanding of it as well, it
11 seems to me that there is going to be a call upon
12 state-provided resources to address the problems of
13 schools participating in the IIUSP program. Do you
14 agree with that?

15 MR. SEFERIAN: Objection. Calls for speculation,
16 lacks foundation, calls for an inadmissible opinion.

17 MR. VIRJEE: Also vague and ambiguous as to will
18 call upon. You mean call upon by the schools? By the
19 community? By the state? I don't know who you mean.

20 THE WITNESS: There currently are resources that
21 are provided through that program that are state
22 resources.

23 Q. BY MR. JACOBS: There's some resources directly
24 provided into IIUSP schools?

25 A. Correct.

1 Q. Those amount to several --
 2 A. I don't recall the exact amount.
 3 Q. I think it's 50,000 to do the program planning?
 4 A. Okay.
 5 Q. And then in terms of implementing program
 6 improvements, isn't it the case that an IIUSP school has
 7 to find the resources from local and state sources to
 8 implement those improvements?
 9 MR. SEFERIAN: Objection. Calls for inadmissible
 10 legal opinion, calls for speculation, no foundation.
 11 THE WITNESS: I believe there are resources
 12 provided, but I don't have those specifics.
 13 Q. BY MR. JACOBS: My question is, have you
 14 considered whether the IIUSP program is going to result
 15 in calls upon the resources that are provided by your
 16 group?
 17 MR. SEFERIAN: Objection. Vague and ambiguous as
 18 to your group. Calls for speculation.
 19 THE WITNESS: I'm not understanding what you're
 20 asking.
 21 Q. BY MR. JACOBS: I'm imagining a discussion and
 22 asking whether a discussion along the lines of the
 23 following occurred: You know, the IIUSP program is
 24 getting underway, and some percentage of schools are
 25 going to participate -- participating in that program.

1 They're going to come up with a list of things that need
 2 to be improved at that school, and they're going to be
 3 phoning us up saying, we need help with the following
 4 things. We better get ready. That's the kind of
 5 discussion I'm asking you about.
 6 Has there been that kind of discussion that you
 7 participated in?
 8 A. I think what we are going to find is that schools
 9 are very unique, and that what one school needs, another
 10 school may not. And I also think we're going to find
 11 that schools may need to use current resources
 12 differently.
 13 Q. So is the answer to my question --
 14 A. Just the discussion, I've not participated in
 15 conversations specific to the ongoing resource issue, as
 16 you framed it.
 17 Q. And if a school -- as you understand the program,
 18 if a school doesn't volunteer to participate in the
 19 program but doesn't show improvement over several years,
 20 then there are sanctions, correct?
 21 MR. SEFERIAN: Objection. Lacks foundation,
 22 calls for speculation, calls for an inadmissible legal
 23 opinion.
 24 MR. VIRJEE: Also misstates her testimony.
 25 THE WITNESS: I believe that the school has to be

1 a participant in the program before the sanctions will
 2 kick in.
 3 Q. BY MR. JACOBS: So as you understand the program,
 4 and I'm not an expert on it, but I thought it worked a
 5 little differently. As you understand the program, if
 6 the school doesn't volunteer to participate at one stage
 7 of the process, the result cannot be that sanctions are
 8 imposed, you have to volunteer, fail, and then sanctions
 9 are imposed. Is that right?
 10 MR. SEFERIAN: Objection. Misstates the
 11 witness's testimony, calls for speculation, no
 12 foundation, calls for an inadmissible legal opinion.
 13 MR. VIRJEE: Also calls for a legal conclusion.
 14 The statute speaks for itself. And there's been no
 15 evidence that this witness has any expertise in this
 16 area. So you say you're not an expert. You haven't
 17 indicated that she is, and she hasn't either.
 18 THE WITNESS: I don't deal specifically with the
 19 program implementation. But -- well, let's leave it at
 20 that.
 21 Q. BY MR. JACOBS: So you don't know the answer to
 22 my question?
 23 A. I guess I don't.
 24 Q. Do you have an understanding of what the
 25 sanctions are that do result from participation in the

1 IIUSP program and failing to meet the standards?
 2 MR. VIRJEE: Objection. Assumes facts not in
 3 evidence, calls for speculation.
 4 THE WITNESS: There are a range of sanctions that
 5 are identified within the law, but the application of
 6 those is under discussion and has not been finally
 7 defined.
 8 Q. BY MR. JACOBS: And is your -- are any of the
 9 groups under you in the department potentially charged
 10 with implementing any of those sanctions as far as you
 11 know?
 12 MR. SEFERIAN: Objection. Calls for speculation.
 13 THE WITNESS: The curriculum instruction
 14 leadership branch is where this program currently
 15 resides.
 16 Q. BY MR. JACOBS: This program being?
 17 A. IIUSP.
 18 Q. So IIUSP is under you?
 19 A. Uh-huh.
 20 Q. And in terms of the interventional aspect of
 21 sanctions -- let me ask this a little differently. One
 22 possible sanction is state takeover of the
 23 underperforming school, correct?
 24 MR. SEFERIAN: Objection. Calls for speculation,
 25 calls for inadmissible legal opinion, no foundation.

1 MR. VIRJEE: Also vague and ambiguous as to state
2 takeover.

3 THE WITNESS: The statute is very specific, but I
4 don't have the statute in front of me.

5 Q. BY MR. JACOBS: Have you participated in any
6 discussions about how the -- how your segment of the
7 department needs to get ready to implement sanctions
8 that might result from IIUSP?

9 MR. SEFERIAN: Objection. Assumes facts not in
10 evidence, calls for an inadmissible legal opinion.

11 THE WITNESS: Yes.

12 Q. BY MR. JACOBS: What -- is that a large number of
13 discussions, a few discussions?

14 A. It's been at this point a few discussions in
15 terms of formulating next steps.

16 Q. And by formulating next steps, what do you mean?

17 A. What the next steps would be if a school hasn't
18 demonstrated growth in the targeted period of time.

19 This is all iterative and in development stage.

20 Q. I'm a big believer in iterative.

21 So by iterative, you mean you're testing out
22 various ideas and seeing what their impact might be, and
23 then refining the ideas, and then going through that
24 circle several times, correct?

25 A. The whole process is a revolving and developing--

1 that is moving its way through the legislature with an
2 emphasis on low-performance schools.

3 Q. BY MR. JACOBS: What are you referring to; some
4 legislation specifically around the IIUSP program?

5 A. No. Around low-performance schools.

6 Q. And this working -- this group --

7 A. There will -- it isn't a specific group. Two
8 managers with a deputy have engaged in these
9 discussions. And plans are being formulated --
10 formulated internally.

11 Q. For eventual -- the intent is that eventually
12 these will be transmitted to the legislature as
13 legislative amendments?

14 MR. SEFERIAN: Objection. No foundation.

15 THE WITNESS: We don't know that yet.

16 Q. BY MR. JACOBS: What's the contingency time?

17 A. We're not sure if there will be legislative need,
18 frankly.

19 Q. And the deputy is?

20 A. Joann Mendoza.

21 Q. Is this a topic that is -- that has been on the
22 agenda of the Board of Education?

23 MR. SEFERIAN: Objection. No foundation, calls
24 for speculation.

25 MR. VIRJEE: Board of Education agendas speak for

1 Q. The process of -- I'm sorry.

2 A. How we deal with these schools that don't meet
3 their growth --

4 Q. What's the forum? Is there a particular forum
5 for the discussions? Is there some working group that's
6 been established to discuss these next steps?

7 A. The group that is discussing this are two of our
8 managers who are basically managing this program.

9 Q. Who are they?

10 A. Wendy Harris, division director, and Hanna
11 Walker.

12 Q. Is there a particular vehicle by which you are
13 involved in these discussions?

14 MR. VIRJEE: Objection. Vague and ambiguous as
15 to vehicle and involved.

16 Q. BY MR. JACOBS: Do they report to you
17 periodically on their progress? Do you receive
18 memoranda? That's what I mean by vehicle.

19 A. There's periodic and ongoing discussion as the
20 processes are unfolding.

21 Q. What stage is this process at now?

22 MR. SEFERIAN: Objection. Calls for speculation,
23 no foundation, vague and ambiguous as to process and
24 unfolding.

25 THE WITNESS: It's linking to current legislation

1 themselves.

2 THE WITNESS: This program has been discussed at
3 the board level, and you could go back and look at
4 previous agendas.

5 Q. BY MR. JACOBS: But how about the process, the
6 formulation process that you were just describing?

7 MR. SEFERIAN: Objection. Calls for speculation.

8 THE WITNESS: This has been internal discussion
9 to date.

10 Q. BY MR. JACOBS: Internal meaning within the
11 department as opposed to with the SBE?

12 A. Correct.

13 Q. Is part of that discussion, that is, the
14 discussion that you were just referring to internal to
15 the department, is part of that discussion a discussion
16 of the resources that may need to be brought to bear to
17 address schools that end up subject to the next steps
18 that you're developing?

19 MR. SEFERIAN: Objection. Calls for speculation,
20 vague and ambiguous as to next steps and you are
21 developing.

22 THE WITNESS: The discussion heretofore has been
23 framed around a process to evaluate what is working and
24 what is not working at a specific school. And that's
25 the stage at which we've had conversation.

1 Q. BY MR. JACOBS: By working and not working, are
 2 you referring to assessing the reasons why the school
 3 has not achieved performance gains --
 4 A. Correct.
 5 Q. -- as opposed to what to do with those schools
 6 once you have identified the reasons?
 7 A. Correct.
 8 Q. And that's yet -- that's a later stage of the
 9 process?
 10 A. Correct.
 11 Q. That has yet to be really grappled with,
 12 correct?
 13 MR. SEFERIAN: Objection. Calls for speculation.
 14 THE WITNESS: Correct.
 15 Q. BY MR. JACOBS: Aside from -- well, you regard
 16 the IIUSP program as falling within the state's
 17 accountability and assessment agenda, yes?
 18 MR. VIRJEE: Objection. Asked and answered.
 19 MR. SEFERIAN: Calls for speculation, vague and
 20 ambiguous.
 21 THE WITNESS: Yes.
 22 Q. BY MR. JACOBS: And the accountability aspect of
 23 IIUSP, how would you describe that?
 24 MR. SEFERIAN: Objection. Vague and ambiguous as
 25 to accountability.

1 THE WITNESS: I don't know what you mean.
 2 Q. BY MR. JACOBS: What's confusing? You previously
 3 answered that you see it as falling within the
 4 accountability and assessment agenda.
 5 A. I see it as a part of the accountability system.
 6 Q. And in what way do you view the word
 7 accountability as applying to IIUSP?
 8 MR. SEFERIAN: Objection. Calls for an
 9 inadmissible opinion, also calls for speculation.
 10 THE WITNESS: Because it's a mechanism and a way
 11 of identifying on a statewide level schools that might
 12 be underperforming.
 13 Q. BY MR. JACOBS: So is the accountability aspect
 14 of it the fact that it's a statewide mechanism as
 15 opposed to a local mechanism?
 16 MR. VIRJEE: Objection. Vague and ambiguous as
 17 to the accountability aspect.
 18 THE WITNESS: I think that I was thinking in
 19 terms of a statewide accountability system as opposed to
 20 a local accountability system.
 21 Q. BY MR. JACOBS: And aside from IIUSP, are there
 22 other mechanisms that you regard as statewide mechanisms
 23 for identifying underperforming schools?
 24 MR. SEFERIAN: Objection. Vague and ambiguous as
 25 to underperforming schools, calls for an inadmissible

1 opinion.
 2 MR. VIRJEE: Lacks foundation, calls for
 3 speculation.
 4 THE WITNESS: The question again?
 5 [Record read.]
 6 MR. VIRJEE: And then assuming in addition to
 7 what she's already testified to, the whole bit about the
 8 SAT 9, you don't want to go over that all over?
 9 MR. JACOBS: I'm trying to put some precision
 10 around your use of the word accountability.
 11 MR. VIRJEE: I'm only asking because you asked
 12 earlier on for her to identify the components of the
 13 accountability system, and she identified those things.
 14 If you want her to identify them again, I guess she can.
 15 Q. BY MR. JACOBS: No, I guess I want to ask you to
 16 identify them to this extent, that do you regard them as
 17 statewide mechanisms for identifying underperforming
 18 schools?
 19 MR. SEFERIAN: Same objections.
 20 THE WITNESS: Bear in mind that for the first
 21 time in many years on a statewide level, we have
 22 results, assessment results. So that is what I'm
 23 meaning by the accountability agenda.
 24 Q. BY MR. JACOBS: And the IIUSP, what it seems to
 25 me is interesting about the IIUSP program is that it's a

1 system that takes those results and certain things
 2 happen at the school that are -- once the school is in
 3 the program, that are directed by the -- that are
 4 undertaken with some collaboration with the state,
 5 correct?
 6 MR. SEFERIAN: Objection. Calls for speculation.
 7 MR. VIRJEE: The statute speaks for itself. The
 8 process speaks for itself. But that misstates her
 9 testimony completely, if you're trying to state her
 10 testimony.
 11 THE WITNESS: And I'm not sure -- if you repeat
 12 your question, you used a term that I'm not sure that
 13 I . . .
 14 MR. JACOBS: Agree with?
 15 THE WITNESS: Agree with.
 16 Q. BY MR. JACOBS: Collaboration?
 17 A. Collaboration with the state it's really
 18 implemented, but it is a locally based. There isn't a
 19 collaborative relationship there, per se.
 20 Q. So is that really right? I mean, if a school
 21 gets into the IIUSP program, it -- some focused
 22 resources are available, it hires consultants, and it
 23 undertakes the various -- goes through the cycle that
 24 you described for that first year, and would you regard
 25 that as being done entirely at the local level?

1 MR. SEFERIAN: Calls for speculation, no
2 foundation.
3 THE WITNESS: In the program schools, hire --
4 what is the term? An external evaluator that's not
5 someone from the state. It's someone who has met
6 certain criteria outlined by the state board, but it's
7 not a state person.
8 Q. BY MR. JACOBS: And to cycle back to what you
9 were describing as the process that's currently
10 underway, in terms of designing next steps, are those
11 next steps intended as a guideline for the external
12 evaluator to use in assessing what is working and what
13 it isn't working or is it more a phase after the
14 external evaluator does that work?
15 MR. SEFERIAN: Objection. Calls for speculation,
16 no foundation.
17 THE WITNESS: The external evaluator is brought
18 in to assist with the development of the plan, really.
19 And then the school implements the plan. But they don't
20 continue their work with the external evaluator. The
21 external evaluator evaluation is for planning purposes.
22 Q. BY MR. JACOBS: And the next steps that are
23 currently being designed within your part of the
24 department, how do they relate to the work of the
25 external evaluator?

1 MR. VIRJEE: Objection. Assumes facts not in
2 evidence. It assumes they do relate to it at all.
3 MR. SEFERIAN: Calls for speculation.
4 THE WITNESS: The process would be that a school
5 enters the program, a school hires an external evaluator
6 to help them develop their plan, they develop a plan,
7 they implement their plan. If the implementation of
8 that plan doesn't yield improved results, then the next
9 step would be for us to come in and look, do some
10 analysis of what is blocking that school or keeping that
11 school from progressing.
12 Q. BY MR. JACOBS: So in that sense, although the
13 program starts out locally based, if progress is not
14 made, then at some point there is an intervention from
15 the state?
16 A. Yes.
17 MR. SEFERIAN: Objection. Vague and ambiguous as
18 to intervention, calls for a legal opinion.
19 THE WITNESS: At some point there would be some
20 yet-to-be-defined state intervention.
21 Q. BY MR. JACOBS: And my question is that as to the
22 other components, accountability and assessment agenda
23 that you described earlier on in the deposition -- and I
24 realize I'm asking you a global question, and I think we
25 all understand you're doing your best under somewhat

1 difficult circumstances -- are there any other
2 components of that accountability and assessment agenda
3 that at some point lead to some sort of intervention
4 from the state?
5 MR. SEFERIAN: Objection. Vague and ambiguous as
6 to intervention and accountability agenda, calls for a
7 legal opinion.
8 THE WITNESS: I don't know what you mean. So
9 help me with your question.
10 MR. JACOBS: Which part of it was a problem?
11 THE WITNESS: Repeat it or clarify it.
12 MR. JACOBS: I'll back up.
13 Q. I think we came to an agreement that at some
14 point in the IIUSP program, if improvements are not
15 shown, then there is state intervention of some sort as
16 yet to be designed as far as IIUSP is concerned,
17 correct?
18 MR. VIRJEE: Objection. Calls for speculation.
19 It hasn't happened yet.
20 MR. SEFERIAN: Calls for a legal opinion.
21 THE WITNESS: It hasn't happened yet.
22 Q. BY MR. JACOBS: It hasn't happened yet, but
23 that's the way the program is envisioned to work,
24 correct?
25 MR. SEFERIAN: Objection. Calls for an

1 impermissible legal opinion, also calls for
2 speculation.
3 MR. VIRJEE: She also testified that they're in
4 the working stages of trying to figure out what they
5 will be doing. Haven't even figured out what they will
6 be doing.
7 THE WITNESS: At some point there's a
8 responsibility -- I think at some point there's a
9 responsibility that where the state will intercede to
10 try to help improve the situation.
11 Q. BY MR. JACOBS: Okay. So let's label that
12 intervention, okay? And my question, then, is, as you
13 go through sort of a mental checklist like you did at
14 the beginning of the deposition of the other elements of
15 the emerging assessment and accountability agenda, do
16 any of the other elements that you have in mind
17 contemplate intervention?
18 MR. VIRJEE: Objection. Overbroad, vague and
19 ambiguous and compound.
20 MR. SEFERIAN: Vague and ambiguous as to
21 intervention. Calls for an inadmissible legal opinion.
22 THE WITNESS: I don't understand your question.
23 Q. BY MR. JACOBS: My notes reflect that when we --
24 when you described the accountability and assessment
25 system, and I think the words -- maybe I've been

1 misquoting you a little bit -- you were referring to it
 2 as the California reform agenda. Is that the way you
 3 described it?
 4 A. I may have used that term.
 5 Q. That you described as the accountability system,
 6 you described the API and the use of that information in
 7 evaluating school performance and growth. Do you recall
 8 that?
 9 A. Right.
 10 MR. SEFERIAN: Objection. Misstates the
 11 witness's testimony.
 12 MR. JACOBS: How?
 13 MR. SEFERIAN: I don't think those are the words
 14 she used in describing that.
 15 MR. JACOBS: Really. Which word didn't she use?
 16 MR. SEFERIAN: I don't know. But that's not the
 17 words she used.
 18 MR. JACOBS: So you're objecting without even
 19 knowing.
 20 MR. VIRJEE: The record will speak for itself.
 21 He's made his objection. Come on, Michael.
 22 MR. SEFERIAN: Exactly.
 23 Q. BY MR. JACOBS: And in terms of the assessment
 24 system, you described the various tests that have been
 25 applied, such as the Star Test and SAT 9, correct?

1 MR. VIRJEE: And the California Assessment Test.
 2 And I'm sure there's other things.
 3 MR. JACOBS: I don't mind if you recall any
 4 others, that's fine.
 5 MR. VIRJEE: Her testimony will speak for itself.
 6 Q. BY MR. JACOBS: Correct?
 7 A. Correct.
 8 Q. And the IIUSP program relies on the assessment
 9 system, correct?
 10 A. It relies on the accountability system. The
 11 assessment system, the accountability system relies on
 12 the assessment system and the IIUSP system relies on the
 13 accountability system.
 14 Q. I'm with you. Okay.
 15 So are there any -- and the IIUSP, as we
 16 discussed as it's currently contemplated, will lead to
 17 some state intercession under some circumstances?
 18 MR. SEFERIAN: Objection. Calls for an
 19 inadmissible legal opinion.
 20 Q. BY MR. JACOBS: Right?
 21 MR. SEFERIAN: Calls for speculation.
 22 MR. VIRJEE: Asked and answered a couple of
 23 times.
 24 THE WITNESS: As is currently constituted, yes.
 25 Q. BY MR. JACOBS: So my question is: Are there any

1 other situations arising out of the assessment system,
 2 the accountability and the accountability system's
 3 reliance on the assessment system that you can think of
 4 that will lead to as currently contemplated state
 5 intercession?
 6 MR. VIRJEE: Objection. Calls for speculation,
 7 lacks foundation, also vague and ambiguous as to what
 8 intersessions might arise out of or be a result of an
 9 accountability of the assessment system.
 10 THE WITNESS: Bear in mind that the
 11 accountability system as well as the assessment system
 12 are works in progress, so to speak. They're not
 13 finished products. And that they will continue to
 14 evolve over time. As they evolve, they will change. As
 15 they change, then different components will be
 16 evaluated.
 17 Q. BY MR. JACOBS: And there may be -- in the
 18 future, there may be the adoption of this -- other
 19 situations in which some sort of as-yet-undefined state
 20 intercession might be called for. Is that what you're
 21 intending to convey?
 22 MR. SEFERIAN: Calls for speculation.
 23 MR. VIRJEE: Also misstates her testimony. I
 24 believe she's already testified on a number of occasions
 25 about the use of the accountability and assessment

1 results already in other areas.
 2 THE WITNESS: The point of my last statement is
 3 that as the accountability system evolves, as it becomes
 4 more comprehensive, more greatly refined, and as we
 5 continue to identify places that need assistance, this
 6 whole system, I believe, will change.
 7 Q. BY MR. JACOBS: But as you take a snapshot of the
 8 system now and as you sit here today, can you think of
 9 any other situations under the state's accountability
 10 and assessment system other than IIUSP, in which the
 11 result of the application of that system is state
 12 intercession?
 13 MR. SEFERIAN: Objection. Vague and ambiguous as
 14 to state intercession.
 15 MR. VIRJEE: Also going to object as under the
 16 accountability system, I think that's a part of the
 17 problem. I don't know if you're including, for example,
 18 a -- she's already testified -- just trying to
 19 understand what you're -- after she's already testified
 20 there's been an effort at WASC, for example, to align
 21 and CCR to align. Are you considering these under the
 22 accountability systems, because they're using those
 23 consultants' results? I'm not saying that would lead to
 24 intercession or not. I don't know.
 25 MR. JACOBS: I just want to know the truth here.

1 I don't mind you helping out.

2 THE WITNESS: My other question is: Are you
3 talking about beyond the accountability system, for
4 example, if a district goes bankrupt, is there a
5 provision in place for that?
6 Q. BY MR. JACOBS: No, I'm talking about what you
7 described as the emerging reform agenda or whatever the
8 exact words you used, I don't recall. But the current
9 direction toward an accountability and assessment
10 system. Are there other situations?

11 So let's take CCR. I mean, as you envision this
12 CCR process unfolding in which you have and people under
13 you have some role, do you see that process leading to
14 state intercession on the basis of the accountability
15 and assessment components that are being emphasized in
16 that process?

17 MR. SEFERIAN: Objection. Calls for speculation,
18 vague and ambiguous as to state intercession.

19 THE WITNESS: I mean --

20 MR. VIRJEE: And it also assumes facts not in
21 evidence that there is the state intercession as part of
22 the state CCR process now.

23 MR. JACOBS: That's the question.

24 MR. VIRJEE: Is your question that there is the
25 state intercession as part of the state CCR process

1 in a whole bunch of programs, some of which she's
2 already testified to today. Depends on what you mean by
3 intervention as well.

4 Q. BY MR. JACOBS: Do you understand my question?

5 A. If I'm understanding your question correctly,
6 another aspect, another program is the program
7 improvement program, which is Title I, where schools
8 have self-identified as self-improvement schools. And
9 if they don't make growth targets over a period of time,
10 then there is state intervention of some sort, which is
11 being developed, which is along the lines -- we're
12 developing the same process for both programs again in
13 an effort to ensure some continuity and some consistency
14 and to coherence in the state system.

15 Q. So that's another example of a system that
16 insofar as state intervention is concerned is similar to
17 the IIUSP in that at some point. As the process
18 unfolds, state intervention to address the issues in a
19 school that's subject to that program might result,
20 correct?

21 MR. SEFERIAN: Objection. Calls for speculation.

22 THE WITNESS: Correct.

23 Q. BY MR. JACOBS: Okay. Any others?

24 MR. VIRJEE: I think, again, the question calls
25 for speculation and calls for an expertise, beyond the

1 now?

2 Q. BY MR. JACOBS: Or do you envision it in the
3 future?

4 A. Let's go back to the original intent, and let's
5 go back to what I've been talking about for the last two
6 hours, which is a system based on student achievement,
7 based on student results. And that when that situation
8 occurs over time and continues, I do see a time when
9 there will be focus and emphasis on our hardest-to-teach
10 schools, frankly, regardless of IIUSP.

11 I see a shift and a time when through the
12 accountability system that we currently have as we
13 identify our hardest-to-teach and lowest-performing
14 places, there definitely will be a focus. And perhaps
15 ultimately, purely speculation, and purely my opinion,
16 some state intervention.

17 Q. Okay. But taking a snapshot today, state
18 intervention of the sort that you're talking about, that
19 is, state intervention designed to close -- state
20 intervention designed to close the achievement gap,
21 snapshot today, only arises out of indeed the
22 prospective application of the IIUSP program?

23 MR. VIRJEE: Objection. Calls for speculation,
24 lacks foundation, also misstates her testimony and is --
25 frankly misstates the facts. There's state intervention

1 expertise of this witness. There's been no foundation
2 laid that she has information regarding all the programs
3 at the state level that could lead to intervention,
4 however you use that term.

5 THE WITNESS: I would have to go back and look at
6 program specifics. Those are the two that come to mind.

7 Q. BY MR. JACOBS: And one reason they come to mind
8 is that the duo that you mentioned before, Joanne -- no,
9 Wendy Harris and Hanna Walker, that the work they're
10 doing relates to both programs, IIUSP and PIP?

11 A. PI.

12 Q. PI.

13 A. Uh-huh.

14 Q. Do you have any information on how many PI
15 schools there are in the State of California?

16 A. I don't have that number.

17 Q. Do you know if it's -- in a rough sense what it
18 is? Is it more than a hundred?

19 MR. SEFERIAN: Objection. Calls for speculation.

20 THE WITNESS: It's more than a hundred. People
21 have had an opportunity over the last few years to
22 volunteer. So I don't know exactly what that number is.

23 Q. BY MR. JACOBS: What's your group's -- your
24 segment of the department's role in administering the PI
25 program?

1 A. This is through Title I, and that falls in
 2 Hanna's division.
 3 Q. Which is which division?
 4 A. Curriculum instruction leadership.
 5 Q. Now, as Mr. Virjee has mentioned, there are other
 6 circumstances in which a state might intervene in a
 7 school district. One current example being Emery School
 8 District, correct?
 9 A. Correct.
 10 Q. Do the groups under you have any role in -- let's
 11 just take Emery as an example. Do you have any role in
 12 the intervention at Emery School District?
 13 MR. SEFERIAN: Objection. Overly broad, vague
 14 and ambiguous as to intervention.
 15 MR. VIRJEE: Also vague and ambiguous as to any
 16 involvement.
 17 THE WITNESS: That has been -- the focus I had
 18 was fiscally, and so that has been beyond my specific
 19 area of responsibility.
 20 Q. BY MR. JACOBS: And as the -- have you had any
 21 discussions about what the state intervention at Emery
 22 might lead to going forward in terms of whether programs
 23 under your purview might be called upon to support
 24 reform efforts at that district?
 25 A. The issue in Emery was primarily fiscal. And so

1 that is -- that does not reside within my specific area
 2 of responsibility.
 3 Q. And so is the answer no?
 4 A. I think I gave my answer.
 5 Q. Well, I don't know yet whether --
 6 Could you read back my question.
 7 [Record read.]
 8 THE WITNESS: I've not been part of any specific
 9 discussions about specific program beyond the budgetary
 10 situation.
 11 Q. BY MR. JACOBS: And the budgetary situation
 12 itself is not something that falls within your area of
 13 responsibility, correct?
 14 A. Correct.
 15 Q. How about other districts in which the state is
 16 playing an unusually -- shall we call it an unusually
 17 active role? I'm thinking of --
 18 MR. VIRJEE: Are we supposed to guess?
 19 Q. BY MR. JACOBS: Yes -- what are such districts?
 20 Let me ask it this way.
 21 A. Which one are you thinking of.
 22 Q. Compton is one, right?
 23 A. Compton is one, right.
 24 Q. Are any of the programs under your purview
 25 implicated in the state's administration of the Compton

1 School District?
 2 MR. VIRJEE: Vague and ambiguous as to
 3 implicated. Are you asking does Compton participate in
 4 any of the programs?
 5 MR. JACOBS: Undoubtedly more than one.
 6 MR. VIRJEE: Sure. That's why it's vague and
 7 ambiguous.
 8 THE WITNESS: I'm not sure what you mean by
 9 implicated.
 10 Q. BY MR. JACOBS: Has there been any focused
 11 discussion about -- well, any discussion about the fact
 12 that the state is playing a very active role in
 13 Compton? Has there been any focused discussion about
 14 how programs in your part of the department relate to
 15 whatever needs to be done to fix the problems at
 16 Compton?
 17 A. I know that specific program consultants have
 18 provided technical assistance in a couple of areas that
 19 I'm aware of in Compton. Specifically they have applied
 20 teacher training in, I believe, the language arts and
 21 mathematics frameworks.
 22 Q. And is that -- are those consultants consultants
 23 to one of your groups in the department?
 24 A. Yes.
 25 Q. And is the -- when -- in the case of Compton, was

1 there a different mechanism by which that consulting
 2 assistance was made available or training assistance was
 3 made available to Compton because of the unusually
 4 active role the state was playing?
 5 MR. SEFERIAN: Objection. Vague and ambiguous as
 6 to mechanism and unusually active role.
 7 THE WITNESS: If you are asking me if there was
 8 something about the relationship with Compton that
 9 generated the support, is that what you're asking me?
 10 MR. JACOBS: I think so, yes. Yes.
 11 THE WITNESS: Not specifically. We provided this
 12 level of support in lots of places when requested.
 13 Q. BY MR. JACOBS: So can I generalize from Compton
 14 as follows: That the fact that the state has assumed
 15 more direct responsibility for the administration of the
 16 school district has not led -- in any case has not led
 17 to a discussion in which you've participated in which
 18 the topic of discussion has been we're now responsible
 19 for this district, let's look at our programs and figure
 20 out in a proactive way what we can do to assess that
 21 district?
 22 MR. VIRJEE: Objection. Vague and ambiguous,
 23 overbroad, convoluted.
 24 THE WITNESS: And I don't think that's a fair
 25 summary. I have not been directly involved in the

1 management of Compton. But I do know that there have
2 been numerous discussions. And clearly the department
3 has been available to provide whatever technical
4 assistance has been required.

5 Q. BY MR. JACOBS: Were those two distinct things,
6 the discussions and the technical assistance, or was
7 that one -- were the discussions beyond the technical
8 assistance that was called for?

9 MR. VIRJEE: Calls for speculation, lacks
10 foundation. She hasn't been involved.

11 THE WITNESS: I don't know. I haven't been in
12 many of these discussions.

13 Q. BY MR. JACOBS: You've been in some of them?

14 A. Really very much as an outsider, frankly. I
15 haven't been involved in the day-to-day management of
16 Compton. I have been, frankly, external.

17 Q. External because -- because of some way that the
18 organization of the department relates to the
19 administration of Compton?

20 A. External because of time and other obligations.

21 Q. Has anyone in your group, anyone under you, been
22 more directly involved in those discussions?

23 MR. SEFERIAN: Objection. Calls for speculation.

24 THE WITNESS: People under me have provided the
25 technical assistance. And I believe any discussions

1 Q. BY MR. JACOBS: And is there something that you
2 have in mind when you say may very well could have?
3 What's leading you to say that?

4 A. It's very possible. It's such speculation, I
5 don't --

6 Q. Okay.

7 A. I frankly don't think we should go --

8 Q. Who would know more in the groups under you about
9 how the department has assessed Compton?

10 A. Well, the best contacts would be Scott Hill, the
11 other chief deputy, and Paula Mashima, chief of staff in
12 the department.

13 Q. And would you regard them as knowledgeable
14 because of the particulars of Compton or because of
15 generally if the state gets involved in a district in a
16 particularly intensive way they would be the people who
17 would be most heavily involved?

18 A. They have worked specifically with Compton.

19 Q. And in other cases have other Department of
20 Education officials been more closely involved?

21 MR. VIRJEE: Objection. Compound, calls for
22 speculation as to what other cases. Also lacks
23 foundation.

24 THE WITNESS: I don't know what other cases.
25 Emery is just beginning. So . . .

1 have been as needed and specific to needs.

2 Q. BY MR. JACOBS: Needs identified by the on-site
3 officials at Compton?

4 A. Correct.

5 MR. VIRJEE: Objection. Calls for speculation as
6 to who might have identified the needs.

7 Q. BY MR. JACOBS: Do you believe that's correct?

8 A. Actually, I do. I'm not sure if -- the needs
9 could have come, I suppose, from a variety of sources.
10 And because I haven't been involved in the discussions,
11 I frankly don't know.

12 Q. But so far as you're aware, it has been a query
13 response sort of assistance, that is, some sort of
14 request coming into the department and assistance
15 delivered, correct?

16 MR. VIRJEE: Objection. Calls for speculation,
17 lacks foundation. She says she doesn't know.

18 THE WITNESS: I'm not certain.

19 Q. BY MR. JACOBS: As far as you're aware, has the
20 department initiated from within the department any
21 assistance to Compton?

22 MR. VIRJEE: Objection. Calls for speculation,
23 lacks foundation. She said she doesn't know.

24 THE WITNESS: I don't know. I think we very well
25 could have.

1 Q. BY MR. JACOBS: What other cases are there that
2 you're aware of?

3 MR. SEFERIAN: Objection. Overly broad, vague
4 and ambiguous.

5 MR. VIRJEE: Other cases of what, Michael?

6 MR. JACOBS: I think she understands.

7 MR. VIRJEE: Other cases where we have intervened
8 like in Compton or like in Emery or what?

9 MR. JACOBS: Intervened in a particularly
10 intensive way.

11 MR. VIRJEE: Objection. Vague and ambiguous as
12 to the level of intensity.

13 THE WITNESS: The only other interventions that
14 I'm aware of to that degree would have been Richmond.
15 But I don't have the particulars about that, because I
16 wasn't in the department at that time.

17 Q. BY MR. JACOBS: It predated you, right?

18 A. So I'm really in detail only involved with the
19 two.

20 Q. Have there been any discussions that you are
21 aware of in which the possibility that there might be an
22 increasing number of such kinds of instances of such a
23 level of state involvement in that district have been
24 discussed?

25 MR. SEFERIAN: Objection. Vague and ambiguous as

1 to level of state involvement.
 2 MR. VIRJEE: Can you repeat that question,
 3 please?
 4 MR. JACOBS: Let me try again.
 5 MR. VIRJEE: I just wanted to embarrass you.
 6 MR. JACOBS: Thanks.
 7 Q. Have you participated in any discussions on the
 8 following topic: Whether there are likely to be an
 9 increasing number of instances of which Compton and
 10 Emery are a -- are examples, in which the state is going
 11 to be called upon to play a major role in the
 12 administration of a district?
 13 MR. SEFERIAN: Objection. Vague and ambiguous as
 14 to major role.
 15 THE WITNESS: Well, we always hope not.
 16 MR. VIRJEE: I'm assuming you're setting aside
 17 the issue of the IIUSP that she's already testified to.
 18 MR. JACOBS: That's a good point.
 19 THE WITNESS: I'm assuming now your questions
 20 were fiscal in nature, because both Compton and Emery,
 21 what generates that level of intervention is the fiscal
 22 bankruptcy of the district.
 23 Q. BY MR. JACOBS: I see. So the way you have
 24 interpreted my question is that the topic would be along
 25 the lines of whether there would be more districts

1 falling into fiscal -- deep fiscal problems that would
 2 lead to increased state intervention?
 3 A. Correct, correct.
 4 Q. And have there been such discussions that you
 5 participated in?
 6 A. No.
 7 Q. So is it fair to say that as you sit here today
 8 you don't forecast that there are going to be -- that
 9 there's going to be an increase in such instances?
 10 MR. SEFERIAN: Objection. Vague and ambiguous,
 11 calls for an inadmissible opinion, also speculation.
 12 MR. VIRJEE: Total speculation.
 13 THE WITNESS: You know, every year yields new
 14 evaluation done by the County Offices of Ed, that at
 15 this point there's certainly hope that there will not be
 16 a rapid escalation of --
 17 Q. BY MR. JACOBS: Now, another --
 18 A. -- bankruptcy.
 19 Q. Sorry. Another instance in which it looks like
 20 the state might get intensively involved is at
 21 Ravenswood with respect to special education, correct?
 22 MR. SEFERIAN: Objection. Calls for speculation,
 23 no foundation, vague and ambiguous as to intensively
 24 involved.
 25 THE WITNESS: It's a possibility.

1 Q. BY MR. JACOBS: And would that intervention
 2 involve the educational equity access and support
 3 division?
 4 MR. SEFERIAN: Objection. Calls for speculation.
 5 THE WITNESS: The issues in that specific
 6 district are special -- education specific. And, yes,
 7 they would fall under that branch.
 8 Q. BY MR. JACOBS: And has there been any discussion
 9 about how the department would implement some kind of a
 10 takeover of Ravenswood?
 11 MR. SEFERIAN: Objection. Assumes facts not in
 12 evidence, vague and ambiguous as to takeover.
 13 THE WITNESS: We are working our way through the
 14 legal system and through the court system. And the
 15 courts will dictate the direction that's taken.
 16 Q. BY MR. JACOBS: My understanding is that the
 17 superintendent has taken the initiative in urging that
 18 the state take over Ravenswood. Is that not your
 19 understanding?
 20 MR. VIRJEE: Objection. Vague and ambiguous as
 21 to take over.
 22 MR. SEFERIAN: Calls for speculation.
 23 THE WITNESS: The superintendent has initiated a
 24 point office audit of the school district. In addition
 25 to which, you can read the court documents. We continue

1 to be concerned about inabilities to meet the
 2 requirements that have been established through the
 3 court for the special education program.
 4 Q. BY MR. JACOBS: And have you participated in
 5 discussions about what direction the state should take
 6 vis-a-vis Ravenswood?
 7 A. We are looking to the courts to make a decision.
 8 If they make a decision, we will take action.
 9 Q. And you've participated in discussion to that
 10 effect?
 11 A. Yes.
 12 Q. And aside from special education, have your
 13 discussions about Ravenswood covered any of the -- any
 14 other deficiencies in the Ravenswood School District?
 15 MR. VIRJEE: Objection. Vague and ambiguous as
 16 to deficiencies. Assumes facts not in evidence.
 17 Assumes there are deficiencies.
 18 THE WITNESS: The two areas that have had focus
 19 are clearly the budgetary situation, and an audit is
 20 being conducted by the County Office of Education and
 21 special education.
 22 Q. BY MR. JACOBS: And aside from those two, have
 23 you -- I'll focus it.
 24 Have you discussed any issues in Ravenswood that
 25 might give rise to state administrative responsibilities

1 with respect to the supply of instructional materials
 2 there?
 3 A. I have not.
 4 Q. And same question with respect to school
 5 facilities.
 6 A. I have not.
 7 Q. And same question with respect to large numbers
 8 of insufficiently qualified teachers.
 9 MR. VIRJEE: Objection. Vague and ambiguous as
 10 to insufficiently qualified teachers. Assumes facts not
 11 in evidence.
 12 THE WITNESS: No.
 13 Q. BY MR. JACOBS: The educational equity access and
 14 support division -- do I have that right?
 15 A. Branch.
 16 Q. Branch. Sorry. You described the areas of
 17 responsibility of that branch. And I want to clarify
 18 one aspect of what you said.
 19 Does that branch concern itself with issues
 20 around the equitable distribution of inputs such as
 21 facilities, teachers or textbooks?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to inputs, facilities, textbooks and teachers.
 24 THE WITNESS: What specifically do you mean by
 25 inputs?

1 MR. JACOBS: I mean -- I think I mean inputs in
 2 the way that you were referring to the distinction
 3 between outputs and inputs when you described the
 4 state's accountability and assessment system.
 5 THE WITNESS: This particular branch would not
 6 deal with those three areas of responsibility.
 7 Q. BY MR. JACOBS: And to your knowledge, is there
 8 anyone charged with those duties in the Department of
 9 Education?
 10 MR. SEFERIAN: Objection. Calls for speculation,
 11 lacks foundation, calls for an inadmissible legal
 12 opinion, vague and ambiguous as to charged and duties.
 13 MR. VIRJEE: Also vague and ambiguous as to what
 14 you mean, one person as opposed to groups of people.
 15 MR. JACOBS: Person or groups.
 16 MR. VIRJEE: Compound question as to whether our
 17 not all those things are centered with certain groups of
 18 individuals as opposed to spread across programs.
 19 THE WITNESS: We have a facilities department
 20 that deals with facilities. We have instructional
 21 materials division that deals with textbook adoption
 22 process and instructional materials approval process.
 23 And regarding the teacher issue, in professional
 24 development, again, we would have the linkage to the
 25 Commission on Teacher Credentialing, we would have other

1 departments that might request specific information
 2 that's databased, and that would reside in a different
 3 department.
 4 MR. JACOBS: So let me refine the question a
 5 little bit.
 6 Q. Is there anyone charged with -- in any of those
 7 areas that you just -- is there anyone in the department
 8 charged with promoting equity in the distribution of
 9 teachers' instructional materials or facilities?
 10 MR. VIRJEE: Objection. Vague and ambiguous as
 11 to promoting equity in the distribution of those things.
 12 THE WITNESS: I really don't know exactly what
 13 you mean by that.
 14 Q. BY MR. JACOBS: Well, let's -- to go back to
 15 SAD-130 and the issue that was discussed in the
 16 executive summary about the distribution of qualified
 17 teachers being quite uneven across the state --
 18 MR. VIRJEE: Want to give us a page number?
 19 MR. JACOBS: Yes, I'm on page Roman IV:
 20 Students in poor, inner-city
 21 schools are much more likely than
 22 their more advantaged suburban
 23 counterparts to have unqualified
 24 teachers.
 25 So my question is -- let's take that example of

1 teachers. Is there somebody who is particularly charged
 2 with looking at that issue from the standpoint of an
 3 equitable distribution of qualified and underqualified
 4 teachers?
 5 MR. SEFERIAN: Objection. Assumes facts not in
 6 evidence, vague and ambiguous as to distribution.
 7 THE WITNESS: Remember that much of the
 8 distribution of teachers happens at the local level.
 9 And from the state perspective, where this will all come
 10 into play will be through the ongoing review of
 11 low-performing schools and their progress or lack of
 12 progress. And that is where all of these issues will be
 13 ultimately addressed.
 14 Q. BY MR. JACOBS: I guess it's the ultimate --
 15 that's the nub of the matter, huh. So the question is
 16 before --
 17 MR. SEFERIAN: Wait, wait.
 18 Q. BY MR. JACOBS: -- before we reach that
 19 ultimate -- before we reach that ultimate stage --
 20 MR. VIRJEE: Don't worry about his
 21 editorializing, just answer his questions.
 22 Q. BY MR. JACOBS: -- is there somebody or some
 23 group that has as its charter to look at and deal with
 24 inequitable distribution of teachers?
 25 MR. SEFERIAN: Objection. Calls for inadmissible

1 legal opinion, vague and ambiguous as to charter and as
 2 to equitable distribution.
 3 MR. VIRJEE: It's also compound unless -- if
 4 you're asking is there just -- that's their charter,
 5 that's what they do, is that that you're asking?
 6 Q. BY MR. JACOBS: They might do it as part of other
 7 duties, but that they're specifically charged with
 8 looking at this from the standpoint of distributional
 9 equity?
 10 MR. VIRJEE: I'm only asking because she's
 11 already testified if -- I don't want her to have to
 12 recite the TAP program and other programs in place to
 13 encourage these to happen, those are around the
 14 department in different places that could be responsive
 15 to your question or not be. I don't know what you're
 16 asking.
 17 Q. BY MR. JACOBS: And the reason it wouldn't be is
 18 that those are programs that you are implementing in the
 19 department, but I don't understand them to have been
 20 generated by someone in the department looking at the
 21 issue of the equitable distribution of qualified and
 22 underqualified teachers?
 23 MR. VIRJEE: And I think that does clarify that
 24 your question is vague and ambiguous, because then I
 25 don't think that's what you asked. You've now asked a

1 different question.
 2 MR. JACOBS: Take the question I just asked,
 3 which was --
 4 MR. VIRJEE: Is there a single person that's
 5 looking at that issue or a single group of people
 6 looking at that issue of distribution?
 7 MR. JACOBS: Perfect.
 8 MR. SEFERIAN: Objection. Calls for speculation,
 9 lacks foundation, assumes facts not in evidence.
 10 THE WITNESS: And I actually am not certain,
 11 because there very well may be at this point in time.
 12 Q. BY MR. JACOBS: And is there something that's
 13 leading you to think that there may be such a person or
 14 group or you just don't want to rule out the possibility
 15 because you don't know?
 16 MR. VIRJEE: There's already been evidence in
 17 this case of that fact. It calls for speculation and
 18 lacks foundation. Others have testified to what they do
 19 in this area already.
 20 THE WITNESS: I would have to go back and check.
 21 I know that we collected the data, and I know that we're
 22 administering this program and other programs. And I
 23 would need to go back to find out if someone is actually
 24 tracking this and targeting it specifically. And I
 25 think it's possible that it may be happening. I may

1 just not be aware of it.
 2 Q. BY MR. JACOBS: And with respect to textbooks,
 3 are you aware of -- and the reason I ask you is because
 4 the same educational equity access and support was
 5 suggestive I think to an outsider that that might be one
 6 of the jobs of that branch. So I'm asking you
 7 whether -- since it appears that that branch doesn't
 8 look at these issues, whether you're aware of someone
 9 else in the department who looks at, for example, let's
 10 take the textbook issue, looks at the distribution of
 11 textbooks from the equity standpoint?
 12 MR. VIRJEE: Objection. Vague and ambiguous as
 13 to the equity standpoint. Also calls for speculation
 14 and lacks foundation as to what others in the department
 15 do in particular in this area.
 16 MR. SEFERIAN: Argumentative.
 17 THE WITNESS: I would remind you that there's a
 18 significant amount of money that has been put into
 19 textbooks in the last two to three years. And there are
 20 beginning processes to begin to track status of district
 21 adoption of textbooks specific to the Shiff-Bustamonte
 22 textbooks. And that effort is -- would fall under the
 23 responsibility of curriculum framework and instructional
 24 resources under curriculum and instructional leadership
 25 branch.

1 Q. BY MR. JACOBS: And to the best of your
 2 knowledge, is there somebody looking at whether
 3 Shiff-Bustamonte and the other programs designed to
 4 support district purchases of textbooks are -- have led
 5 to an equitable distribution of textbooks and
 6 instructional materials to students around the state?
 7 MR. VIRJEE: Objection. Vague and ambiguous as
 8 to equitable, calls for speculation and lacks foundation
 9 as to what may or may not be --
 10 THE WITNESS: I think that systems are being
 11 developed to collect specific information about district
 12 adoption of and purchase of textbooks.
 13 Q. BY MR. JACOBS: What systems are you referring
 14 to?
 15 A. Systems to collect that information in terms of
 16 how districts have spent their textbook money and if
 17 they have specifically purchased standards-aligned
 18 materials.
 19 Q. And aside from those systems, are you aware of
 20 any other person or persons who are assigned the task of
 21 addressing the question of whether textbooks or
 22 instructional materials are equitably distributed to
 23 students around the state?
 24 MR. VIRJEE: Objection. Vague and ambiguous as
 25 to equitably. Calls for speculation and lacks

1 foundation as to what specific individual or individuals
 2 might be assigned to do.
 3 THE WITNESS: Well, they're certainly an
 4 equitable opportunity in the sense that the allocations
 5 are equal and fair across districts. Districts get --
 6 Q. BY MR. JACOBS: They're equal on the amount on a
 7 per-student basis?
 8 A. The amount of money per student. And those
 9 resources are targeted very specifically. There isn't a
 10 great deal of latitude or flexibility around that. So
 11 from a fiscal perspective, that process is in place.
 12 Q. And how about from the standpoint of what's
 13 actually reaching students?
 14 MR. SEFERIAN: Objection. Overly broad.
 15 Q. BY MR. JACOBS: Is there anyone that you're aware
 16 of who is tracking that with respect to instructional
 17 materials from the equity standpoint?
 18 MR. VIRJEE: Objection. Vague and ambiguous as
 19 to the equity standpoint, calls for speculation, lacks
 20 foundation as to what individuals may be tracking or not
 21 tracking.
 22 THE WITNESS: And based on your question, I don't
 23 know of a specific tracking system. That would have to
 24 be locally-based.
 25 Q. BY MR. JACOBS: And does -- I didn't hear

1 facilities falling within the purview of your branches
 2 in the department. Is that correct?
 3 A. Correct.
 4 MR. JACOBS: Okay. Let's take a few minutes. I
 5 think we'll be able to wrap up in about a half hour or
 6 45.
 7 MR. VIRJEE: Terrific. Thank you.
 8 [Recess.]
 9 Q. BY MR. JACOBS: On textbooks, have you
 10 participated in any discussions about -- in which the
 11 following has been a topic, what the state might do to
 12 strengthen the capacity of school districts to more
 13 effectively use their resources in and thereby to more
 14 efficiently distribute textbooks and instructional
 15 materials to students?
 16 A. Well, I think the state has done a lot in the
 17 last couple of years. There is a requirement that
 18 districts hold an annual hearing to certify that they
 19 have sufficient and complete textbooks. As I stated
 20 earlier, there's a tremendous amount of money that has
 21 been forwarded for the purpose of standards-aligned
 22 textbooks with a goal of having a system, again, that
 23 would have consistency and coherence. And there's
 24 requirement in many of the grants that we administer
 25 that districts have adopted standards-aligned

1 textbooks.
 2 So in addition to considerably more resources in
 3 the last three to four years, in addition to the
 4 requirement that a public hearing be held certifying
 5 that there are adequate and sufficient textbooks for
 6 districts, requirement for other incentive grants are
 7 tied and linked directly to sufficiency and currency of
 8 textbooks. There's much that is already in place that
 9 has emerged in the last few years.
 10 Q. The currency component of the last sentence of
 11 your answer arises out of the requirement that the
 12 textbooks be standards-adopted?
 13 A. Standards-aligned.
 14 Q. Standards-aligned.
 15 A. Uh-huh.
 16 Q. And the sufficiency component what you were
 17 referring to there?
 18 A. Primarily to 60119, which is the Education Code
 19 cite that requires that districts hold an annual public
 20 hearing declaring that they have adequate and sufficient
 21 textbooks for their students.
 22 Q. Before your deposition preparation in this case,
 23 had you ever had discussions with anyone about 60119?
 24 A. Yes.
 25 Q. Many discussions, a few discussions?

1 MR. VIRJEE: Objection. Vague and ambiguous as
 2 to many and few.
 3 THE WITNESS: Well, I certainly had this
 4 discussion as an assistant superintendent in the
 5 district who had to implement the hearing process. And
 6 then have had further discussions about the hearing
 7 process and the hearing requirement.
 8 Q. BY MR. JACOBS: In your capacity as a Department
 9 of Education official?
 10 A. Correct.
 11 Q. What's been the -- how many such discussions,
 12 that is, DOE discussions, have you had about 60119?
 13 A. I don't know how many. Several.
 14 Q. Have you -- have any of those discussions been on
 15 the topic of whether 60119 is or the degree to which
 16 60119 is achieving the goal of ensuring that sufficient
 17 textbooks and instructional materials are in fact
 18 available?
 19 MR. SEFERIAN: Objection. Assumes facts not in
 20 evidence, vague and ambiguous as to sufficient and
 21 textbooks.
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to ensuring, as well as -- and compound. Assumes facts
 24 not in evidence that you could disaggregate the effect
 25 of just 60119 on everything else.

1 THE WITNESS: I want to again point to the goal
 2 of having textbooks that align with standards, that
 3 align with assessments, will get us to that place where
 4 we're targeting successful achievement of students.
 5 Q. BY MR. JACOBS: My question was about 60119.
 6 A. Yes.
 7 Q. Have you had any discussions -- the goal of 60119
 8 is to add another mechanism on top of all the mechanisms
 9 that you believe are otherwise available?
 10 A. Uh-huh.
 11 Q. To ensure that students have sufficient textbooks
 12 and instructional materials, correct?
 13 MR. SEFERIAN: Objection. Calls for an
 14 inadmissible legal opinion as to the legislative intent
 15 of the statute, calls for speculation.
 16 THE WITNESS: And they're discussions that we
 17 have had in putting that requirement, for example, in
 18 the audit guide, would heighten the awareness, and that
 19 would ensure on an annual basis compliance.
 20 Q. BY MR. JACOBS: And in the audit guide, the
 21 requirement is that the hearing -- that there be an
 22 audit of whether the hearing was held, correct?
 23 A. Yes.
 24 MR. SEFERIAN: Objection. Calls for speculation.
 25 THE WITNESS: That's my understanding.

1 Q. BY MR. JACOBS: Has there been any discussion
 2 that you've participated in about whether 60119 is
 3 achieving the goal that I just outlined a few minutes
 4 ago?
 5 MR. VIRJEE: Objection. Assumes facts not in
 6 evidence again that that could be disaggregated some
 7 way.
 8 THE WITNESS: Say -- ask your question again,
 9 please. Has there been discussion that . . .
 10 Q. BY MR. JACOBS: About whether or the degree to
 11 which 60119 is achieving the goal that I mentioned a few
 12 minutes ago.
 13 A. There has been discussion that most districts
 14 have complied and that most districts are moving forward
 15 with purchase of new textbooks. And that percentage I
 16 believe is increasing on an annual basis.
 17 Q. The percentage of what?
 18 A. Of districts that are purchasing
 19 standards-aligned textbooks.
 20 Q. Has there been -- 60119 doesn't say
 21 standards-aligned or not, does it?
 22 MR. SEFERIAN: Objection. Calls for an
 23 inadmissible legal opinion, speculation, no foundation.
 24 MR. VIRJEE: The statute speaks for itself.
 25 THE WITNESS: My understanding is that a hearing

1 is required, not specifically related to
 2 standards-aligned, but related to currency and adequacy
 3 of textbooks.
 4 Q. BY MR. JACOBS: Have you participated in any
 5 discussions in which the topic of discussion has been an
 6 evaluation of whether that requirement is contributing
 7 meaningfully to the goal of having sufficiently current
 8 textbooks, instructional materials?
 9 MR. SEFERIAN: Vague as to meaningfully.
 10 THE WITNESS: My belief is that as we track
 11 student performance and student achievement and student
 12 improvement and learning, that will be the documentation
 13 that we will need.
 14 Q. BY MR. JACOBS: So is the answer to my question
 15 no?
 16 MR. SEFERIAN: Objection. Asked and answered.
 17 THE WITNESS: I don't recall a specific
 18 conversation or discussion relative to your question,
 19 no.
 20 Q. BY MR. JACOBS: And is there -- are you aware of
 21 any effort on the part of the state to gather data about
 22 what the actual results of the 60119 hearings have been
 23 as opposed to whether the fact of the hearing being held
 24 or not?
 25 MR. VIRJEE: Objection. Vague and ambiguous,

1 overbroad, calls for speculation as to what the state,
 2 whether the actions the state takes would validate or
 3 invalidate 60119.
 4 THE WITNESS: There has been effort to try to
 5 determine specific to Schiff-Bustamonte districts that
 6 have purchased from those resources.
 7 MR. JACOBS: That wasn't quite my question.
 8 THE WITNESS: Specific to 60119, the
 9 conversations I've had have been specific to
 10 Schiff-Bustamonte and trying to track those purchases.
 11 Q. BY MR. JACOBS: And when you say track those
 12 purchases, what do you mean?
 13 A. To track, to ensure that districts are using
 14 those targeted resources for the targeted purchase of
 15 standards-aligned instructional materials.
 16 Q. And --
 17 A. Which is the purpose of Schiff-Bustamonte.
 18 Q. So those discussions have not been about tracking
 19 whether the purchase of those materials has been in
 20 sufficient quantities to meet the needs of students in a
 21 particular school district?
 22 MR. VIRJEE: Objection. Vague and ambiguous as
 23 to sufficient quantities and meet the needs. Calls for
 24 speculation, lacks foundation, compound.
 25 THE WITNESS: In terms of sufficient quantities,

1 the survey has been -- that has been discussed has been
 2 focused on tracking to ensure that the allocation has
 3 been appropriately spent. And since the allocation is
 4 made on a per-pupil-expenditure basis, that would be a
 5 way of tracking sufficiency, I would think.
 6 Q. BY MR. JACOBS: That way being, what, to compare
 7 what to what?
 8 A. To ensure that the monies that have been targeted
 9 for the purchase have been expended for that purpose.
 10 Q. And in your view, how could that lead to the
 11 answer to the question is this district purchasing
 12 sufficient quantities of textbooks to meet the needs of
 13 its students?
 14 MR. VIRJEE: Objection. Vague and ambiguous as
 15 to sufficient quantities of textbooks to meet the needs
 16 of the students.
 17 MR. SEFERIAN: Calls for an inadmissible opinion.
 18 MR. VIRJEE: Calls for speculation.
 19 THE WITNESS: And I don't have an answer to your
 20 question.
 21 Q. BY MR. JACOBS: Okay. In Compton, are you aware
 22 that one of the issues that was addressed in Compton was
 23 tightening up the administrative procedures with respect
 24 to the distribution of and recovery of textbooks at the
 25 beginning and end of the year respectively?

1 A. I am aware of that.
 2 Q. Are you aware of the mechanisms that were adopted
 3 in Compton?
 4 A. I'm not aware of the mechanisms that were adopted
 5 in Compton.
 6 Q. To the best of your knowledge, did anyone under
 7 your purview play a role in the adoption of those
 8 mechanisms?
 9 MR. VIRJEE: Objection. Vague and ambiguous as
 10 to play a role. Also calls for speculation.
 11 THE WITNESS: I don't know who had a specific
 12 role or responsibility there.
 13 Q. BY MR. JACOBS: To the best of your knowledge,
 14 has anyone in the Department of Education monitored
 15 the -- the adoption and implementation of those measures
 16 with a view toward perhaps recommending them to other
 17 school districts?
 18 MR. SEFERIAN: Objection. Vague and ambiguous as
 19 to monitor. Also calls for speculation.
 20 MR. VIRJEE: Lacks foundation.
 21 THE WITNESS: I don't know the answer to your
 22 question.
 23 Q. BY MR. JACOBS: To the best of your knowledge, is
 24 there any technical assistance available from the
 25 Department of Education on the topic of the proper

1 administration or the best practices in the
 2 administration of textbook purchasing, distribution and
 3 recovery?
 4 MR. SEFERIAN: Objection. Calls for an
 5 inadmissible opinion, calls for speculation.
 6 MR. VIRJEE: Lacks foundation.
 7 THE WITNESS: I don't know the answer to your
 8 question.
 9 Q. BY MR. JACOBS: To ask you about a couple of
 10 interviews you gave, let's mark as SAD-132 a document
 11 entitled Spotlight on C&I, An Interview with Leslie
 12 Fausset.
 13 [Exhibit SAD-132 was marked
 14 for identification.]
 15 THE WITNESS: It was the before interview.
 16 Q. BY MR. JACOBS: Before you actually assumed your
 17 responsibilities?
 18 A. Correct.
 19 MR. JACOBS: Let the record reflect the laughter
 20 between the witness and counsel.
 21 This is a document that we pulled from the Web on
 22 the Web site of cascd.org.
 23 Q. What is CASCD?
 24 A. California Association For -- I think it's -- I
 25 think it's Supervision and Curriculum Development.

1 Q. And --
 2 A. A subset of ASCD.
 3 Q. Which is the national --
 4 A. National, uh-huh.
 5 Q. And let me ask you to turn -- you can take a look
 6 at the whole interview, if you like. I'm going to ask
 7 you about the last paragraph, about your wish for
 8 education.
 9 MR. VIRJEE: Page two of five.
 10 MR. JACOBS: Page five of five is what I'm going
 11 to ask.
 12 MR. VIRJEE: I guess there's a blank page.
 13 MR. JACOBS: I don't know what that is.
 14 MR. VIRJEE: I might have someone's original. I
 15 don't want to --
 16 MS. POONI: No, I did that intentionally.
 17 MR. VIRJEE: Okay.
 18 MR. JACOBS: For some reason it printed out with
 19 a blank page.
 20 Q. My question for you about the last paragraph is,
 21 is that an accurate quotation of what you said?
 22 A. Yes, it is.
 23 Q. And now that you have been in the Department of
 24 Education for several years, if you were asked that
 25 question in the context of an interview like this, would

1 you give a similar answer?
 2 MR. SEFERIAN: Objection. Calls for a narrative,
 3 calls for speculation, assumes facts not in evidence,
 4 calls for an opinion, inadmissible opinion.
 5 THE WITNESS: My opinion, my dream is much the
 6 same. Schools ought to be engaging places for adults
 7 and for kids, exciting places for adults and for kids.
 8 Happy places, supportive places for adults and for
 9 kids.
 10 Q. BY MR. JACOBS: On the sentence in the middle of
 11 the paragraph: Also, I believe we have to stand up and
 12 be accountable and be willing to measure our results.
 13 When you -- I want to focus on the we have to
 14 stand up and be accountable part of that. When you gave
 15 the answer to that question originally in this
 16 interview, what did you mean by the we have to stand up
 17 and be accountable?
 18 A. I said for a long time that the education
 19 community should be embracing accountability. And,
 20 frankly, had we embraced it earlier, we probably could
 21 have done a better job of defining it. And by
 22 accountability, I not only mean state system, but I mean
 23 a local system as well, where we look at the component
 24 pieces of how we want to measure our successes again
 25 around student achievement, and do that measurement and

1 use that measurement to drive decisions and get
 2 ourselves to a place where we can continuously improve
 3 day-to-day, hour-by-hour, year-by-year, and stop some of
 4 the pendulum swing that has occurred in this state. And
 5 focus and do the job we need to do to close the
 6 achievement gap for our kids.
 7 Q. And be willing to measure our results, that's
 8 referring again to measuring student achievement,
 9 correct?
 10 A. Yes.
 11 Q. You said in your answer that had we done this
 12 earlier, that is, been willing -- I took your answer to
 13 be something along the lines of had we in the
 14 educational establishment been willing to be accountable
 15 earlier, I think you said something like we might have
 16 been able to do a better job defining accountability?
 17 MR. VIRJEE: I think your testimony will speak
 18 for itself. And that's not an accurate quotation.
 19 THE WITNESS: I come from a district that's been
 20 focused on results for many years. And I come from a
 21 district where long before the state developed
 22 standards, we had actually developed them at a local
 23 level. And were then developing assessments aligned
 24 with those standards. And were then using that
 25 assessment data to drive decisions, curriculum,

1 instructional staff development, technology next steps
 2 for us. And also were using those various sets of
 3 results to communicate to our public how we were doing.
 4 And so when I talk within that context, I talk
 5 about the local role and the local responsibility to
 6 make sure that we are developing local systems to
 7 complement the state system, to measure what we're
 8 doing, and to communicate our results to our communities
 9 and parents.
 10 Q. BY MR. JACOBS: And you're referring to your work
 11 at Poway, yes?
 12 A. I am.
 13 Q. And at Poway, were there policies in place with
 14 respect to whether schools could hire less-than-fully-
 15 credentialed teachers?
 16 MR. SEFERIAN: Objection. Vague as to less than
 17 fully credentialed.
 18 MR. VIRJEE: Also policies in effect where
 19 schools could hire, the question is vague and
 20 ambiguous.
 21 THE WITNESS: I mean, clearly, we in this state
 22 have a minimum requirements before teachers can step
 23 into classrooms. I don't recall that we had policies
 24 that prohibited having anyone who hadn't met the minimum
 25 standards for entering a classroom. The hiring

1 practices in Poway are unique to them in the sense that
 2 principals and now teachers and oftentimes parents
 3 participate in the selection process.
 4 That school-based selection goes to the district
 5 office for final review and approval. So the hiring
 6 gets done very locally. You find the best candidate who
 7 will fit both in terms of experience, expertise, but
 8 also a working style and personality in your school.
 9 Q. BY MR. JACOBS: The paragraph that we looked at
 10 in SAD-130 that talked about the issue of distribution
 11 of qualified and underqualified teachers, was the
 12 distribution -- and by qualified teachers in that
 13 paragraph, do you have an understanding of what the
 14 report is referring to?
 15 MR. VIRJEE: Objection. The report speaks for
 16 itself. And that's total speculation.
 17 THE WITNESS: Yeah, I don't specifically have a
 18 definition for that.
 19 Q. BY MR. JACOBS: Did you have a definition of
 20 qualified teacher that you applied for hiring purposes
 21 in Poway that was built around the state credentialing
 22 system?
 23 MR. SEFERIAN: Objection. Assumes facts not in
 24 evidence.
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to built around and also qualified teacher.

2 THE WITNESS: Again, a teacher has to have -- you

3 know, they have to meet certain requirements to even

4 step in a classroom, whether they are fully credentialed

5 or not.

6 Q. BY MR. JACOBS: Let's talk about emergency

7 credentialed teachers. Did you have policies in place

8 in Poway with respect to emergency credentialed teacher?

9 A. I don't remember.

10 Q. Did you have schools in Poway in which there were

11 high concentrations of emergency credentialed teachers

12 as compared with other schools?

13 MR. VIRJEE: Other schools in Poway?

14 MR. JACOBS: Correct. Of emergency credentialed

15 teachers.

16 MR. SEFERIAN: Objection. Vague as to time.

17 THE WITNESS: No.

18 Q. BY MR. JACOBS: In Poway, were there

19 accountability mechanisms in place at the local level

20 with respect to the availability of textbooks and

21 instructional materials for students?

22 MR. VIRJEE: Objection. Vague and ambiguous as

23 to accountability measures in effect.

24 MR. JACOBS: And I'm using accountability

25 measures in the way that you were in your answer.

1 THE WITNESS: Bear in mind, the ultimate

2 accountability is student achievement. So there was

3 always an emphasis on measuring how we were doing and

4 ensuring that our students were continuously improving.

5 Q. BY MR. JACOBS: Okay. Aside from that?

6 A. Aside from that, we like most districts would go

7 through textbook adoption, textbooks were available to

8 teachers. There were teachers who some taught with --

9 some taught without -- some of the best teachers I've

10 worked with have elected to not use the textbook, but

11 have done a superb job with other instructional

12 materials.

13 Q. That election was based not on resource

14 constraints, I take it?

15 MR. VIRJEE: Objection. Calls for speculation,

16 lacks foundation, compound.

17 THE WITNESS: I don't believe it was based on

18 resource constraints. The instances I'm thinking of

19 were not.

20 Q. BY MR. JACOBS: Are you aware of instances in

21 Poway in which -- let's talk about resources first -- in

22 which resource constraints led to situations in which

23 principals or teachers felt that there were insufficient

24 quantities of textbooks available for their students?

25 MR. VIRJEE: Objection. Calls for speculation as

1 to what principals or teachers might have felt. And

2 also vague and ambiguous as to insufficient and

3 instructional materials.

4 THE WITNESS: I'm not aware of specific instances

5 where there were -- one would always like more, but

6 where there wasn't at least a sufficient level of

7 instructional resources.

8 Q. BY MR. JACOBS: And to the best of your

9 knowledge, were the textbooks in your professional

10 judgement reasonably up-to-date in Poway?

11 MR. VIRJEE: Objection. Calls for speculation,

12 vague and ambiguous as to up-to-date. No foundation

13 with respect to that. And she's used the word

14 instructional resources, not textbooks.

15 THE WITNESS: To the best of my knowledge, based

16 on the information that I had at the time, I do believe

17 that we had sufficiency and currency of instructional

18 resources.

19 Q. BY MR. JACOBS: And to the best of your

20 recollection about Poway, was the system of purchasing,

21 distributing and recovering textbooks at the end of the

22 year in your judgment a reasonably efficient system?

23 MR. VIRJEE: Objection. Vague and ambiguous as

24 to reasonable efficiency. Vague as to time, calls for

25 speculation, lacks foundation.

1 THE WITNESS: Yes.

2 Q. BY MR. JACOBS: And with respect to facilities,

3 while you were at Poway, were there overcrowded

4 facilities?

5 MR. VIRJEE: Objection. Vague and ambiguous as

6 to overcrowded.

7 THE WITNESS: There were periods of time when the

8 district grew at -- there was a period of time when we

9 were growing at about ten percent a year. And that was

10 during the '80s when it was insufficiency of resources

11 to build schools.

12 The overcrowding is an interesting question.

13 There are some who would say that more students in a

14 school in some cases would be beneficial. But the

15 school or the district I think managed as best it

16 could. There were periods of time when schools were

17 large, yes.

18 Q. BY MR. JACOBS: Large in what sense? Large in

19 the sense of the planned capacity of the facilities?

20 A. Uh-huh.

21 Q. And what did the district do to address that

22 situation?

23 MR. VIRJEE: Objection. Calls for speculation,

24 lacks foundation.

25 THE WITNESS: We obviously used portable

1 facilities, we realigned attendance areas. We also
2 worked hard to gain the resources to build new schools.
3 Q. BY MR. JACOBS: And did there come a time when
4 the -- when that issue had been addressed, that is, that
5 there was not a situation in schools in which there were
6 more students than the planned capacity of the
7 facilities?

8 MR. VIRJEE: Objection. Vague as to time, and
9 vague and ambiguous. Also calls for speculation and
10 lacks foundation.

11 THE WITNESS: I think for the last ten years
12 they've been building a school every year or every other
13 year, frankly, for as long as I can remember. So it is
14 an ongoing challenge.

15 Q. BY MR. JACOBS: Were there any schools in Poway
16 that were on a multi-track, year-round schedule?

17 A. No.

18 Q. Were there any schools in Poway that to the best
19 of your knowledge had issues with -- persistent issues
20 with rodents in the classroom?

21 A. Persistent?

22 MR. VIRJEE: Objection. Vague and ambiguous as
23 to persistent.

24 THE WITNESS: Define persistent.

25 Q. BY MR. JACOBS: Meaning a situation that -- I can

1 for speculation, calls for divine intervention.

2 THE WITNESS: Indeed.

3 MR. VIRJEE: I had to come up with something.

4 MR. JACOBS: That's a good one.

5 THE WITNESS: It does. I think one can always
6 complain about temperature, I think, in classrooms, but
7 I don't remember overall that it was overly hot or
8 overly cold, unless there was some very unique
9 situation. I can't even think of one.

10 Q. BY MR. JACOBS: And do you -- when you -- do you
11 recall a period in which Poway's teacher hiring issues
12 were particularly challenging?

13 A. Yes.

14 Q. What was that period?

15 A. July and August when the legislation was signed
16 for class size reduction.

17 Q. I guess I was thinking in terms of some period of
18 years in which -- that stand out as we were having a
19 tough time getting the teachers we wanted to get.

20 A. No.

21 Q. And do you believe that at any point in time any
22 school in the Poway -- any point in time in which you
23 were there, that any school in the Poway School District
24 had more than ten percent less than fully credentialed
25 teachers?

1 imagine a situation in which there's a rodent in a
2 classroom. A teacher calls up and says get there rodent
3 out of my classroom. And somebody responds and fixes
4 the problem. And I don't mean to be asking whether such
5 situations existed.

6 I mean where the rodent situation persisted over
7 time.

8 A. The two instances that I have familiarity with
9 are when we built canyon schools and we built in their
10 area, if you will. And so we did have an issue with
11 rodents at one school, but we addressed it.

12 We had an issue with rattlesnakes at another
13 school. And that was more challenging to address, but
14 we addressed it.

15 Q. And how about with the maintenance of school
16 facilities, were Poway's facilities while you were there
17 generally considered to be -- by you to be
18 well-maintained facilities?

19 A. One would always like more, but, yes, I think
20 generally speaking, they were very well maintained.

21 Q. How about temperature control in the classrooms
22 in the Poway School District, what was the situation on
23 that topic? I imagine Poway can get pretty hot at the
24 late spring and early fall. Is that right?

25 MR. VIRJEE: Objection. Vague as to time, calls

1 MR. VIRJEE: Objection. Calls for speculation,
2 lacks foundation.

3 THE WITNESS: I don't recall. I don't believe
4 so. But I don't have the specifics.

5 MR. JACOBS: All right. Just give me a minute.
6 I think we may be done.

7 MR. VIRJEE: Sure. Great.

8 [Recess.]

9 Q. BY MR. JACOBS: According to the minutes of a
10 recent State Board of Education meeting, the July
11 11th-12th meeting, you participated in a discussion
12 about the school accountability report card.

13 Do you recall that?

14 A. I recall the discussion. I don't recall
15 participating, but --

16 Q. You -- according to the minutes, you said on the
17 dropout rate -- I guess there was a question by
18 President Hastings. He noted was interested in past
19 discussions and the board's policies about the
20 department's policy of using a one-year rate and a
21 four-year extrapolation. Ms. Fausset replied that the
22 department would provide this information.

23 Does this refresh your recollection?

24 A. Yeah.

25 MR. JACOBS: And then why don't we get you these

1 so you can see what the discussion was.
 2 This will be SAD-133. It's the draft minutes
 3 from the California State Board of Education, July
 4 11-12.
 5 [Exhibit SAD-133 was marked
 6 for identification.]
 7 MR. JACOBS: And this discussion is -- starts, I
 8 believe, on page six and continues on to page seven.
 9 Q. The school accountability report card, is that --
 10 is there some aspect of the -- of that mechanism that
 11 falls within the purview of one of your branches?
 12 MR. SEFERIAN: Vague and ambiguous as to purview
 13 and mechanism.
 14 THE WITNESS: The refinement and revision of the
 15 school accountability report card is -- has fallen to
 16 the accountability branch, and that's not mine.
 17 Q. BY MR. JACOBS: Have -- does the -- strike that.
 18 Is there a process in the department for
 19 reviewing the school accountability report card and
 20 proposing revisions to it?
 21 MR. SEFERIAN: Objection. No foundation, calls
 22 for speculation.
 23 THE WITNESS: There's legislation that has been
 24 passed that is requiring a revision of the school
 25 accountability report card. And that's what this work

1 is about. The committee has been formed. I'm not on
 2 the committee, nor have I worked with the committee.
 3 The committee has been formed to take the elements that
 4 are statutorily defined, and put them into a format that
 5 goes into effect, I believe, in 2002.
 6 Q. BY MR. JACOBS: Is anyone in your -- underneath
 7 you participating on that committee?
 8 A. I don't believe so.
 9 Q. Is there any intention on your part that your
 10 branches be solicited for input as to the SARC
 11 mechanism?
 12 MR. SEFERIAN: Objection. Calls for speculation,
 13 vague and ambiguous as to solicited.
 14 THE WITNESS: I'm sure there will be a process
 15 for us to review the document once it's completed, and
 16 once the recommendation goes forward.
 17 Q. BY MR. JACOBS: The SARC is an accountability
 18 mechanism, correct?
 19 A. Correct.
 20 Q. And as you categorize these mechanisms, do you
 21 regard it as primarily a state accountability mechanism
 22 or primarily a local accountability mechanism?
 23 MR. VIRJEE: Objection. Vague and ambiguous as
 24 to state versus local.
 25 MR. SEFERIAN: Argumentative.

1 MR. VIRJEE: Also assumes facts that it's one or
 2 the other.
 3 THE WITNESS: And, actually, I think it's both.
 4 I think it's a local and a state.
 5 Q. BY MR. JACOBS: How is it both?
 6 A. Because each school completes an accountability
 7 report card and submits that at a local level. And
 8 these are made public to the local community. And in
 9 addition to which, I believe at some point these will be
 10 available to the general public school by school. So I
 11 think it can serve in both capacities. I know it
 12 serves -- the current system definitely serves at the
 13 local level.
 14 Q. I happen to know that many of them are available
 15 on Web sites now, so you can anywhere in the country or
 16 around the world look at what the report card says.
 17 Is that kind of availability of the report card
 18 what you meant by a statewide level accountability
 19 mechanism?
 20 A. Yes.
 21 Q. And are you aware of any use that the Department
 22 of Education itself makes of school accountability
 23 report cards?
 24 MR. VIRJEE: Currently?
 25 MR. JACOBS: Yes.

1 MR. VIRJEE: She's talking about a revision that
 2 hasn't gone into effect yet.
 3 THE WITNESS: The current ones?
 4 MR. JACOBS: Yes.
 5 THE WITNESS: The current accountability report
 6 card allowed for greater flexibility and latitude. So
 7 it's difficult to compare one to another. The elements
 8 are there, but they're not there as specifically as they
 9 will be in the revision.
 10 Q. BY MR. JACOBS: And does that go to the question
 11 of whether they will be useful at the departmental
 12 level?
 13 MR. SEFERIAN: Objection. Calls for speculation.
 14 THE WITNESS: It does go to that question. And
 15 until it gets formally and finally adopted, I really
 16 wouldn't be able to answer it.
 17 Q. BY MR. JACOBS: Are you aware of any present
 18 intention on the part of the department to use the
 19 school accountability report card?
 20 MR. SEFERIAN: Objection. Vague and ambiguous as
 21 to use. Calls for speculation.
 22 MR. VIRJEE: Lacks foundation. It's not even in
 23 her area. She's already said that.
 24 THE WITNESS: In my view, and this is my opinion,
 25 when this is established in a more consistent format, my

1 guess is there could be uses. They could be
 2 applicable. But that is yet to be determined, and that
 3 was just my opinion.
 4 Q. BY MR. JACOBS: Now, at this particular Board of
 5 Education meeting, was there any discussion on whether
 6 what schools are reporting on the report cards is
 7 accurate?
 8 A. Was there discussion at the board meeting?
 9 Q. Uh-huh.
 10 A. I don't recall that discussion.
 11 Q. Are you aware of any such discussions anywhere in
 12 the -- at the state level?
 13 MR. VIRJEE: Calls for speculation.
 14 THE WITNESS: About the accuracy of reporting in
 15 the future or currently?
 16 MR. JACOBS: Let's start with currently.
 17 THE WITNESS: No.
 18 Q. BY MR. JACOBS: And in the future?
 19 A. I've not participated in any discussions about
 20 that.
 21 Q. SARC is a self-reporting mechanism, correct?
 22 A. Correct.
 23 Q. And as you've --
 24 A. Well, I just can't think why you wouldn't report
 25 accurately. It's a very public document. It wouldn't

1 make very much sense to me to purposefully report
 2 inaccuracies, but --
 3 Q. How about fuzzing issues in the report card? Is
 4 that something that by refining -- as far as now about
 5 the process of revising this, is it designed to make the
 6 reporting clear in terms of the precision -- level of
 7 precision of the report?
 8 MR. VIRJEE: Objection. Vague and ambiguous as
 9 to fuzzing, whatever that may be. I know that's a
 10 technical term. And also calls for speculation, lacks
 11 foundation, because she has said she's not involved in
 12 this process.
 13 THE WITNESS: My understanding is that the
 14 purpose is to provide greater specificity and definition
 15 of the data elements.
 16 Q. BY MR. JACOBS: Now, one of the -- the curriculum
 17 and instructional leadership branch could potentially
 18 make use of the reporting on the report cards with
 19 respect to quality and currency of textbooks and whether
 20 the -- as Mrs. Joseph noted, whether these textbooks are
 21 standards-based, state-adopted, right?
 22 MR. SEFERIAN: Objection. Calls for speculation,
 23 vague and ambiguous as to use. Assumes facts not in
 24 evidence.
 25 MR. VIRJEE: Also incomplete hypothetical.

1 THE WITNESS: I think that discussion will occur
 2 as the data elements are finalized and formatted.
 3 Q. BY MR. JACOBS: And in your discussions about
 4 revising the CCR process, have there been any
 5 discussions that you're aware of in which the topic has
 6 been to use the CCR process to assess whether the report
 7 cards are accurate?
 8 A. I'm not aware of any discussions linking those
 9 two purposes.
 10 Q. And the same question with respect to revising
 11 the WASC accreditation process?
 12 A. I'm not aware of any discussion linking this
 13 document with that process either at this stage of the
 14 game.
 15 Q. And are you aware of any linkage between the SARC
 16 and the WASC process today?
 17 A. No, I'm not.
 18 Q. Are you aware of any linkage today between the
 19 WASC process and the CCR process?
 20 I'm sorry. That was a good one too, but that
 21 wasn't what I meant to ask.
 22 Are you aware of any linkage between report card
 23 and the CCR process?
 24 MR. VIRJEE: Objection. Calls for speculation,
 25 lacks foundation as to what may or may not be done in

1 the CCR process.
 2 THE WITNESS: I'm not aware of any specific
 3 connection.
 4 MR. JACOBS: Okay. I have no further questions.
 5 MR. VIRJEE: Thank you.
 6 MR. JACOBS: Thank you.
 7 [The deposition concluded
 8 at 4:35 p.m.]
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1 CASE TITLE: Williams vs. State of California, et al.
2 DATE OF DEPOSITION: August 29, 2001
3 REFERENCE NO.: 27837
4
5

6 Please be advised I have read the foregoing deposition,
7 and I hereby state there are:
8 (Check one)

9 NO CORRECTIONS
10 CORRECTIONS ATTACHED
11
12
13
14

15 Leslie Fausset

16 Date Signed

17 --oOo--
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25

1 REPORTER'S CERTIFICATE

2 I certify that the witness in the foregoing
3 deposition,

4 LESLIE FAUSSET,

5 was by me duly sworn to tell the truth, the whole truth
6 and nothing but the truth in the within-entitled cause;
7 that said deposition was taken at the time and place
8 herein named; that the testimony of said witness was
9 reported by me, a duly certified shorthand reporter and
10 a disinterested person, and was thereafter transcribed
11 under my direction into typewriting.

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

16 Dated September 17, 2001.
17
18
19

20 DANIEL E. BLAIR
21 Certified Shorthand Reporter
22 State of California
23 Certificate No. 4388
24
25

1 DEPONENT'S CHANGES OR CORRECTIONS

2
3 Note: If you are adding to your testimony, print the
4 exact words you want to add. If you are deleting from
5 your testimony, print the exact words you want to
6 delete. Specify with "add" or "delete" and sign this
7 form.

8 DEPOSITION OF: Leslie Fausset (ref. 27837)

9 CASE: Williams vs. State of California, et al.

10 DATE OF DEPO: August 29, 2001

| 11 Page | Line | CHANGE/ADD/DELETE |
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25 Deponent's Signature _____ Date _____

1 ESQUIRE DEPOSITION SERVICES
2 1801 I Street, First Floor
3 Sacramento, California 95814
4 (916) 448-0505

5 Leslie Fausset
6 338 Santa Helena
7 Solana Beach, CA 92075

8 Re: Williams vs. State of California, et al.
9 Deposition taken on August 29, 2001
10 Dear Ms. Fausset:
11 Your deposition is now ready for you to read, correct,
12 and sign. The original will be held in our office for
13 45 days from the date of your deposition.
14 If you are represented by counsel, you may wish to
15 discuss with him/her the reading and signing of your
16 deposition. If your attorney has purchased a copy of
17 your deposition, you may review that copy. If you
18 choose to read your attorney's copy, please fill out,
19 sign, and submit to our office the DEPONENT'S CHANGE
20 SHEET located in the back of your deposition
21 If you choose to read your deposition at our office, it
22 will be available between 9:00 a.m. and 4:00 p.m.
23 Please bring this letter as a reference.
24 If you do not wish to read your deposition, please sign
25 here and return within 30 days of the date of this
letter.

Signature _____ Date _____

20 Sincerely,
21 DANIELE BLAIR, CSR No. 4388
22 Esquire Deposition Services
23 No. 27837

24 pc: Michael A. Jacobs, Esq.
25 Franroze M. Virjee, Esq.
Anthony V. Seferian, Esq.
Sarah Levitan Kaatz, Esq.
Judy Cias, Esq.