

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

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

Plaintiffs, )  
)

vs. ) No. 312236  
)

STATE OF CALIFORNIA, DELAINE )  
EASTON, State Superintendent )  
of Public Instruction, STATE )  
DEPARTMENT OF EDUCATION, STATE )  
BOARD OF EDUCATION, )  
)

Defendants. )  
\_\_\_\_\_)

DEPOSITION OF FLOYD GONELLA, Ed.D.

San Francisco, California  
Friday, April 25, 2003

Reported by:

TRACY L. PERRY  
CSR No. 9577  
JOB No. 41187

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Defendants. )

Deposition of FLOYD GONELLA, Ed.D., taken on  
behalf of Plaintiffs, at 425 Market Street, 33rd Floor,  
San Francisco, California, beginning at 9:24 a.m. and  
ending at 4:52 p.m., on Friday, April 25, 2003, before  
TRACY L. PERRY, Certified Shorthand Reporter No. 9577.

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THERE ALSO BEING PRESENT: BROOKS M. ALLEN

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2 Documents titled "Classroom Teacher Credential and Experience Report by District by School," for the years 1998-99, 1999-00, 2000-01, 2001-02; 4 pages	120
3 CBEDS October 2001 Professional Assignment Information Form - School List; 16 pages	142
*4 Group exhibit, the first page titled "Program Quality Review Completion Form"; multi-paged	151
*5 Document titled "Immediate Intervention/Underperforming Schools Program (II/USP) District Application for Funding For All Schools"; multi-paged	158
6 Document titled "Declaration of Need for Fully Qualified Educators," dated 2/26/98; 4 pages	165
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*11 Document titled "Teacher Recruitment Incentive Program, Ravenswood City Elementary School District Human Resources Assessment & Recommendations, January 28, 2002"; multi-paged	187
*12 Document titled "Review of Ravenswood City School District's Management and Fiscal Policies, Procedures, and Practices, Submitted by Floyd Gonella, Ed.D., San Mateo County Superintendent of Schools, March 1, 2002"; multi-paged	204

\* ASTERISKED EXHIBITS WERE MARKED BUT NOT ATTACHED TO THE DEPOSITION TRANSCRIPT.

1 San Francisco, California

2 Friday, April 25, 2003

3 9:24 a.m. - 4:52 p.m.

4  
5 FLOYD GONELLA, Ed.D.,

6 having been first duly sworn, was examined and testified  
7 as follows:

8  
9 EXAMINATION

10 BY MS. WELCH:

11 Q Could you please state your full name for the  
12 record?

13 A Yes. Floyd, F-l-o-y-d, Gonella, G-o-n-e-l-l-a.

14 Q And what is your business address?

15 A The business address is -- my card -- give me my  
16 card and I'll tell you my address. It's 2160 Euclid  
17 Avenue in East Palo Alto, 94303.

18 Q And are you currently employed by Ravenswood  
19 District?

20 A Yes, I am.

21 Q Do you prefer Dr. Gonella or Mr. Gonella?

22 A Dr. Gonella is fine.

23 Q Okay. Dr. Gonella, have you been deposed  
24 before?

25 A Yes.

1 in those cases?

2 A The majority of those depositions were -- came  
3 as I was superintendent of the Jefferson High School  
4 District in Daly City. I was superintendent there for 16  
5 years, and a lot of that came during that time.

6 Q Besides the cases dealing with administrative or  
7 personnel issues and the developer fee cases that you  
8 just described, is there any other category of cases?

9 A Let's see. Personnel, administrative,  
10 construction. It usually was those three or four areas,  
11 yes.

12 Q So I take it you feel pretty comfortable with  
13 the ground rules of a deposition; is that right?

14 A It all depends on the questions.

15 Q But you understand -- so I'll just go over a  
16 few.

17 A Yeah, yeah. I'm sorry. I do. I feel  
18 comfortable with the ground rules of the deposition.

19 Q Just a couple of reminders. If any of my  
20 questions are confusing to you or unclear, just let me  
21 know and I'll ask a better question.

22 A Can I ask who the representatives are around the  
23 table and from where?

24 Q Sure. I should have said that at the beginning.  
25 My name is Leecia Welch and I represent the

1 Q How many times?

2 A 12, 15, 18 times, something like that.

3 Q And could you generally describe the nature of  
4 the matters?

5 A Of the depositions?

6 Q Yeah.

7 A I think they range from teacher hearings to  
8 administrative hearings to maybe a lawsuit against the  
9 school district. They were all in the realm of  
10 education. Not personally in the realm of education. I  
11 don't think I've ever been deposed on a personal case.  
12 It's all been professionally.

13 Q What sorts of cases have been against the  
14 district that's been the subject matter?

15 A Many of them have been teacher hearings,  
16 dismissal of teachers, dismissal of administrators,  
17 classified people. There were case -- oh. Two or three  
18 cases had to do with construction, construction of sites  
19 involving architects and developers, and a couple of  
20 cases had to do with -- when they first came on, with  
21 developer fees, oh, six, seven years ago, and the  
22 arguments between school districts and the developers and  
23 the development fees and suits that went back and forth  
24 on that.

25 Q And what was your position when you were deposed

1 plaintiffs in this case.

2 MS. CARTER: My name is Margaret Carter and I  
3 represent the State of California.

4 MS. GIORGI: Susan Giorgi from the Attorney  
5 General's Office, and I'm representing the Board of  
6 Education, the State Superintendent of Public  
7 Instruction, and the Department of Education. They're  
8 also known as the State Agency defendants.

9 THE WITNESS: Okay. Thank you.

10 BY MS. WELCH:

11 Q And one other ground rule. If you want to take  
12 a break for any reason, just let us know and I'm happy  
13 to --

14 A Sure. Thank you very much.

15 Q -- oblige.

16 A I do have my cell phone on just in case. I have  
17 to tell you that.

18 Q No problem.

19 A Okay.

20 Q Is there any reason why you can't give your best  
21 testimony today?

22 A No.

23 Q Could you give us a brief summary of your  
24 educational background, starting with High School?

25 A Yes. I graduated from Jefferson High School in

1 Daly City and went on to San Francisco State University  
2 and received my bachelor's and a master's degree and a  
3 secondary teaching credential from that institution.

4 I then went on to the University of California  
5 at Berkeley and received a doctorate in education, and  
6 then picked up the remaining credentials. I have a  
7 general pupil personnel credential, a general  
8 administrative credential, which allows me to administer  
9 to schools between K and 12, and I have a secondary  
10 administrative credential and an elementary teaching  
11 credential and a high school teaching credential.

12 Q That's a lot of credentials.

13 A Yeah. A lot of paper.

14 Q Did you prepare a dissertation for your Ph.D.  
15 (sic) program?

16 A Yes, I did.

17 Q What was the topic?

18 A The topic of my dissertation was to attempt to  
19 define successful -- specific successful programs in  
20 education as per a similar established set of criteria.

21 Q Could you describe what kind of programs you  
22 were looking at?

23 A Right. I had a specific set of criteria that I  
24 selected, which was accepted by the different areas of  
25 education. I looked at physical education, I looked at

1 English, math, counseling and guidance, and  
2 administration. I had five areas that I looked at.

3 And in each area I had -- was able to obtain a  
4 significant set of criteria that was an accepted  
5 criteria; for example, in administration. And a set of  
6 criteria of what makes good administrators and does not  
7 make good administrators.

8 I then interviewed a hundred people in different  
9 programs and correlated all of the answers and determined  
10 the most significant factors affecting a successful  
11 school. And I also -- one of the areas that was the --  
12 that I tried to relate to was successful schools. And so  
13 I also had a criteria of what was a successful school.

14 So I came up with the finalization of five areas  
15 that were present in all of the successful programs, and  
16 then refined it down to one.

17 Q So could you tell me the five areas?

18 A Sure. The five areas -- the most important area  
19 was the interrelationship between the administrators and  
20 the teachers, the personal administration. In other  
21 words, the trust, confidence, dignity, the human element  
22 and the interaction between administrators and staff,  
23 that was the single most important area in a successful  
24 school.

25 The second was the overall concern -- as defined

1 by teachers -- that the administrators had is to make  
2 them more successful. The assistance they would give in  
3 that classroom. It wasn't necessarily an area of money,  
4 all that stuff. It was, What personal assistance did an  
5 administrator give a teacher and what value did the  
6 administrator have for that teacher? Second most  
7 important.

8 The third was the area of finance, and finance  
9 sort of weaved through the whole study, but finance  
10 became third in this area of successful schools.

11 And then fourth, the facilities was last -- I  
12 think equipment was next, and then facilities was last.  
13 A teacher would rather have a VCR than an outstanding  
14 classroom.

15 So I think those were the five, how they listed,  
16 with the interaction -- the human interaction being the  
17 most important.

18 Q When you said "finance," what did you mean by  
19 "finance"?

20 A Finance, meaning the amounts of money that were  
21 available to a school not only for teachers' salaries,  
22 which is absolutely critical -- that is one of the most  
23 critical things we have, but the ability to be able to  
24 provide the basics for a classroom, the basics in  
25 equipment. And it all -- you know, they wanted

1 equipment, but it all reverted back to the ability of the  
2 school district, of the school to pay for the equipment.

3 But I think that as we began talking, I think  
4 the element of salary, the feeling that they were  
5 recognized became very critical.

6 Q And when you just used the phrase "the ability  
7 to provide for the basics," do you have an idea in mind  
8 of what the basics are?

9 A Yeah. The basics. I think that we have the  
10 opportunity to have a library with volumes. I guess, you  
11 know, when I did my dissertation 20 years ago it was a  
12 little different than now. If I reverted to now, I would  
13 go with the application of technology to instruction. I  
14 think that is so critical.

15 Having teachers with appropriate class sizes,  
16 having well-qualified teachers, having a facility that's  
17 safe, a facility that's conducive to learning,  
18 environmental learning, and the ability to pay teachers a  
19 good salary. Those are the basic things.

20 I guess in elementary kids you're looking more  
21 at the elementary-type necessities for education, where  
22 in high school it's the more advance -- business classes.  
23 I think today, the area of technology, being able to  
24 provide the technological advances of today to kids is  
25 critical.

1 Q Would you put instructional materials in the  
2 category of basics, as well?

3 MS. CARTER: Objection; vague.

4 MS. GIORGI: And leading.

5 BY MS. WELCH:

6 Q You can answer.

7 A Okay. Instructional materials, as I indicated,  
8 can be defined in a variety of ways. Instructional  
9 material for a kindergarten might be a crayon and a pad  
10 and that might be critical in that area.

11 As you go on through the classes, it might be  
12 technology, it might be computers, it might be simply  
13 calculators. So I think there are some basic elements in  
14 the instructional materials that one is -- should have.

15 Q And could you just briefly describe the  
16 methodology you used to come up with these five areas?

17 A Yes. I selected -- I went to the professional  
18 organizations, for example, English, math, the  
19 administrator's organization and tried to select some  
20 kind of a -- sort of a criteria, an established set of  
21 criteria that they were using to define what was a  
22 successful administrator, what were successful programs.

23 And then I looked at criteria of what in the  
24 literature said was a successful school. And then I  
25 defined people -- I mean I interviewed people. Let's say

1 I interviewed administrators. And one of the questions  
2 would be, "Do you belong to a professional  
3 organization?" And I wanted to see if belonging to a  
4 professional organization was critical in being an  
5 administrator of a successful school.

6 And then I correlated all of the answers. I  
7 interviewed about a hundred people in different areas and  
8 correlated all the answers.

9 Q Were you looking at particular schools?

10 A I selected -- out of the 100 interviews I  
11 selected about 20 schools, and from that 20, I selected  
12 about a hundred people.

13 Q Were the schools that you selected, selected  
14 because you thought they were successful schools?

15 A No. Random.

16 Q Did you make a determination of what it meant to  
17 be a successful school?

18 A I did not make that determination. I had a  
19 pre-established criteria that was developed. I can't  
20 remember where, but from some professional organization.  
21 Probably through the literature.

22 Q Do you have a general recollection of what the  
23 criteria was? And I don't mean -- it doesn't need to be  
24 specific, but just generally.

25 A You know, as I try to remember, I'm sure it

1 dealt with -- this, again, was -- I received my doctorate  
2 in 1970, so we're talking 33 years ago and I'm sure the  
3 criteria has changed. But to my recollection, it was  
4 something to do with proper -- you know, properly  
5 financed, properly staffed, credentialed, and prepared  
6 teachers. It was that kind of criteria. Much more  
7 general probably than it would be today.

8 Q Do you recall if there was any kind of measure  
9 of student achievement in the criteria?

10 A I can't specifically recall, but I'm sure there  
11 was. But the measurement of today is different than the  
12 measurement of yesteryear in relation to the kinds of  
13 tests.

14 Q What kinds of tests would be used?

15 A I think the tests today are much more specific,  
16 much more designed, much more focused. They're dealing  
17 with standards, they're dealing with very specific  
18 things. I think the tests of yesteryear were much more  
19 general tests.

20 I think today's tests are more diagnostic than  
21 the other tests of yesteryear or at least at that time  
22 were very much sort of a general test. We've come a long  
23 way in testing.

24 Q After you received your Ph.D. (sic), what did  
25 you do next?

1 A Ed.D. It's a doctorate in education.

2 Q Oh, Ed.D. Thank you for that.

3 Could you just give a brief employment history?

4 A Sure. I -- well, I'll give you the employment  
5 picture before the Ed.D. because I was already in  
6 employment.

7 I graduated from Jefferson High School in Daly  
8 City, North San Mateo County. I went back and did my  
9 student teaching at the high school I graduated from and  
10 got my first job at the high school I graduated from,  
11 became -- I was a teacher for eight years, and then I  
12 became a counselor with the district.

13 I became a dean, I became a vice principal, I  
14 became an assistant principal, I became a principal, I  
15 became a district director, I became an assistant  
16 superintendent, I became a deputy superintendent, I  
17 became the superintendent, and I was superintendent for  
18 16 years.

19 And after 16 years I ran for office in San Mateo  
20 County. The San Mateo County Superintendent of Schools  
21 is an elected office. I ran for office and I served  
22 three terms as county superintendent of schools.

23 And in January -- my term of office for  
24 superintendent -- county superintendent of schools was  
25 over at noon on January 6th, and at 12:15 I became

1 superintendent of the Ravenswood School District.

2 Q Did you obtain your teaching credential before  
3 you started teaching at Jefferson High School?

4 A Yes. The teaching credentials, not the  
5 administrative. They came a couple years later.

6 Q Why did you obtain your credential before  
7 starting teaching?

8 A Because you couldn't teach unless you had the  
9 credential. You can -- in order to go into a class you  
10 had to be credentialed, at least then. There weren't the  
11 variety of credentials. We did not have emergency  
12 credentials at that time.

13 So in order to be in a classroom, you had to  
14 have a fully -- to my recollection, you had to have a  
15 full credential. There was very little leeway. So  
16 that's why I got my teacher credential. In order to be a  
17 teacher, I had to have a credential.

18 Q Do you think that was a good policy?

19 MS. GIORGI: Objection --

20 MS. CARTER: Objection.

21 MS. GIORGI: -- calls for expert testimony and lacks  
22 foundation.

23 MS. CARTER: It's also vague.

24 THE WITNESS: Repeat that question again.

25 BY MS. WELCH:

1 saying and what we're saying. If you could just pause  
2 just a second.

3 THE WITNESS: Okay. Sure.

4 MS. GIORGI: Thank you. I appreciate it.

5 MS. WELCH: And just in terms of joinder, I'm happy  
6 to allow anyone to -- you know, just assume that everyone  
7 who makes an objection, others are joining in it so that  
8 we don't have to have joinder each time, if that works  
9 with you all.

10 MS. GIORGI: I'd like that --

11 MS. CARTER: That's great.

12 MS. GIORGI: I'd like that stipulation.

13 THE WITNESS: Tell me the grounds. When somebody  
14 objects, I can answer if I want to, right?

15 MR. MARQUEZ: I'll let you know if you should not  
16 answer.

17 BY MS. WELCH:

18 Q Do you recall the question?

19 A No.

20 MS. WELCH: Could you repeat it?

21 (□The record was read as follows:

22 "Question: Do you think it's important for  
23 teachers to have credentials before they  
24 begin to teach?"")

25 THE WITNESS: I think it's important for teachers to

1 Q I just asked -- you were talking about -- we  
2 were talking about credentialing, and you had said that  
3 there weren't emergency -- to your recollection, there  
4 weren't emergency credentials and you had to have a full  
5 credential in order to teach. And I was just wondering  
6 if you think that's a good policy.

7 MS. GIORGI: Again, same objections.

8 MS. CARTER: Join in those.

9 THE WITNESS: Okay. I believe that we need greater  
10 flexibility. I think that the systems we have today are  
11 for today. I think that when you have the opportunity  
12 for people out there outside of teaching, that the idea  
13 of emergency credentials and special credentials or the  
14 probations and the whole thing we have today I think is  
15 much better than what we've had in the past. I think we  
16 need flexibility.

17 BY MS. WELCH:

18 Q Do you think it's important for teachers to have  
19 credentials before they begin to teach?

20 A I think it's important --

21 MS. CARTER: Objection. It's vague, calls for  
22 expert testimony. It's already been asked and answered.

23 MS. GIORGI: And I'm going to join.

24 Mr. Gonella, we're going to be objecting, and  
25 it's hard for the court reporter to take down what you're

1 be -- to have a specific background, college preparation  
2 and whatever and not necessarily have the credential, as  
3 long as they are in process for the credential, that the  
4 credential is one of their goals, and that it should not  
5 be strung out to years and years and years.

6 I think that there are people who are very able  
7 and should receive an emergency credential in order to be  
8 in a classroom, but I think the eventual goal within a  
9 very short time is to have a regular credential. I think  
10 that's important.

11 BY MS. WELCH:

12 Q You talked before about student teaching before  
13 you started teaching at Jefferson High. Did you find  
14 student teaching to be useful to you?

15 MS. CARTER: Objection; vague.

16 THE WITNESS: It was very, very useful for me  
17 personally. I had wonderful, experienced master teachers  
18 who helped me really establish a foundation, I think, in  
19 teaching, not only in methodology but by example of the  
20 kinds of people they were.

21 BY MS. WELCH:

22 Q Do you think that your credentialing program  
23 helped you be more prepared to be a teacher?

24 A I think the process, what I went through wasn't  
25 just a credentialing program. It was a combination of

1 things. It was the people I worked with, the master  
2 teachers, the credentialing program, the professors in  
3 the college I was involved with, the recommendation for  
4 visitations and observations and the whole thing. I  
5 think it was a -- it wasn't really a single thing. It  
6 was a combination of things that I think made me a good  
7 teacher.

8 Q You said you taught at Jefferson High School for  
9 eight years; is that correct?

10 A I taught at the Jefferson High School District,  
11 in the district for -- yes, for seven -- before my first  
12 entrance into administration. So I was in a classroom  
13 for about seven years, yes.

14 Q Which schools did you teach at?

15 A I taught at Westmoore High School, Jefferson  
16 High School, and Terra Nova School.

17 Q Could you provide a brief description of  
18 Westmoore High School?

19 MS. CARTER: Objection; vague.

20 THE WITNESS: Westmoore -- Westmoore High School.  
21 Westmoore High School. The building or the students?

22 BY MS. WELCH:

23 Q Let's start with the students.

24 A Westmoore High School at that time was I would  
25 say probably a -- there were two sides to the city.

1 Probably a middle class, mainly white school. Middle  
2 class, mainly white school. I guess maybe the white was  
3 about 80, 85 percent or so with some sprinkling of  
4 minority. You have to realize that this was in the --  
5 this was almost 50 years ago.

6 Q Could you describe the building? I think you  
7 started to.

8 A Yeah. The building was considered one of the  
9 ten most innovative buildings in the United States at the  
10 time it was built. It was a slab floor with a slab  
11 ceiling that was held up by about 10 major posts, and  
12 everything else was glass.

13 Q In what respects was it innovative?

14 A It was innovative in that it was glass.  
15 Everything was glass. Buildings prior to that time,  
16 school buildings were not necessarily all glass. They  
17 were solid walls, the typical buildings that were built  
18 in the '30s and '40s. But this was all glass, all the  
19 walls and everything.

20 It's interesting that -- as a side line that  
21 within one year a lot of teachers in the classroom put up  
22 a lot of stuff on the glass so they made it walls, but it  
23 was really a beautiful glass building.

24 Q Other than the architecture, were there other  
25 aspects of the building that made it innovative?

1 A No. It was located on a hill that was probably  
2 one of the high points of the community. It was located  
3 up on a hill.

4 Yeah, the one other aspect, it was an unusually  
5 large site. Most high school districts ranged between 38  
6 and 42 acres. This site was close to 60 acres.

7 Q Were the facilities in good condition?

8 A Excellent condition.

9 Q Is Westmoore still in existence today as a  
10 school?

11 A Yes, it is. It's still in existence.

12 Q Do you have any knowledge of what Westmoore is  
13 like today?

14 A Yes.

15 MS. GIORGI: Objection; vague and ambiguous, calls  
16 for speculation.

17 THE WITNESS: The student body has changed. Much  
18 higher minority student body. The building still is  
19 glass. The only changes that were made is that -- in the  
20 structure of the building is that a lot of the glass  
21 walls were split in half and the lower part of the glass  
22 was -- steel panels were put in and the upper glass  
23 remained glass. And one of the reasons for that was the  
24 cost of repairing any kinds of cracks or chips in the  
25 glass. Like that window (indicating) would be half

1 window on top and half steel on the bottom.

2 And these were colored panels, which sort of  
3 made the school -- it beautified the school in another  
4 sense, and it saved a tremendous amount of money. But  
5 the student bodies in Northern San Mateo County have  
6 significantly changed in relationship to ethnic  
7 population.

8 BY MS. WELCH:

9 Q Do you know if it's changed in terms of  
10 socioeconomic background?

11 A I'm sorry?

12 Q Do you know if the student population at  
13 Westmoore has changed in terms of socioeconomic  
14 background?

15 MS. CARTER: Objection; calls for speculation.

16 BY MS. WELCH:

17 Q If you know.

18 A Yes. I think that the socioeconomics has  
19 changed. I think that we have a greater variety. I  
20 think the socioeconomic structure of -- when I was there  
21 was very similar throughout the community, and now we  
22 have a tremendous variety. The socioeconomics is very  
23 varied in that community.

24 Q Do you have any knowledge of the current  
25 condition of the building?

1 A The current condition of the building now?  
 2 MS. CARTER: Objection; vague and ambiguous.  
 3 THE WITNESS: I haven't been there for a long time.  
 4 I cannot give you anything. I drive by the front of it  
 5 once in a while to go to a meeting, but I don't see  
 6 anything that is that much different.  
 7 BY MS. WELCH:  
 8 Q How long were you at Westmoore?  
 9 A I was at Westmoore for three and a half years as  
 10 a teacher.  
 11 Q Were you -- was Westmoore the first school you  
 12 went to?  
 13 A First assignment, yeah.  
 14 Q And then where did you go next?  
 15 A I went to -- they built two new schools, and  
 16 one -- the second school of that was called Oceana High  
 17 School in Pacifica, and I was there for a very short time  
 18 because of the -- the building -- they were not able to  
 19 build -- there were problems with the construction.  
 20 And so I then was assigned to Terra Nova School  
 21 in Pacifica, and that's the furthest southern school in  
 22 Pacifica, still within the Jefferson High School  
 23 District.  
 24 Q How long were you at Terra Nova?  
 25 A About four or five years.

1 Q How would you describe the student population at  
 2 Terra Nova when you were there?  
 3 MS. CARTER: Objection; vague, ambiguous.  
 4 THE WITNESS: I would describe the Terra Nova  
 5 population as middle class, mainly white.  
 6 BY MS. WELCH:  
 7 Q Did you say that Terra Nova was a newly built  
 8 school when you went there?  
 9 A Yes, when I went there.  
 10 Q Were the facilities in good condition?  
 11 A Yes.  
 12 Q Do you have any knowledge of what Terra Nova  
 13 High is like today?  
 14 MS. CARTER: Objection; vague and ambiguous.  
 15 THE WITNESS: I think the student body has changed,  
 16 much similar to -- I think there's a higher -- a greater  
 17 variety of the socioeconomics. I think there's a  
 18 difference in the ethnic population. And from what I --  
 19 in the few times driving by it -- I've not been by it in  
 20 a long time -- the facility looks like it's in very good  
 21 shape.  
 22 BY MS. WELCH:  
 23 Q After you finished teaching at Terra Nova High,  
 24 is that the point that you became a counselor?  
 25 A I became a -- yes, I became a counselor and a

1 dean at Terra Nova High School, and a vice principal also  
 2 and assistant principal there.  
 3 Q Was that the order that you progressed,  
 4 counselor, dean, vice principal, assistant principal?  
 5 A (Witness nodding head.)  
 6 MR. MARQUEZ: If you affirm something, say "yes" so  
 7 we can get it on the record.  
 8 THE WITNESS: Oh, I'm sorry.  
 9 BY MS. WELCH:  
 10 Q And what was your role -- what were your  
 11 responsibilities as a counselor?  
 12 A As a counselor I was responsible for a segment  
 13 of the student body and tried to provide counseling  
 14 services for them in a variety of ways: classes for the  
 15 following year, any kind of disciplinary problems or --  
 16 minor disciplinary problems, school adjustment, generally  
 17 trying to serve the students and to help them through  
 18 their times.  
 19 Q And how long were you a counselor?  
 20 A I was a counselor for a year.  
 21 Q And then you became the dean at Terra Nova?  
 22 A Mm-hmm.  
 23 Q What were your general responsibilities as the  
 24 dean?  
 25 A I was basically the counselor for the senior

1 class. You dealt a lot with college, places to go,  
 2 selection of colleges; in other words, getting them  
 3 through graduation. So I was basically -- it was a  
 4 different name, but it was a counselor for the senior  
 5 class.  
 6 Q How long were you the dean?  
 7 A One year.  
 8 Q What were your general responsibilities as vice  
 9 principal?  
 10 A I was in charge of discipline -- student  
 11 welfare, and attendance and discipline.  
 12 Q And how long were you the vice principal?  
 13 A Two years.  
 14 Q And then you became the assistant principal; is  
 15 that correct?  
 16 A Mm-hmm. And that was generally more  
 17 administrative.  
 18 Q When you say "more administrative," could you  
 19 give me a couple of examples?  
 20 A Buildings, grounds, budgets, that kind of stuff.  
 21 Q Were you in charge of monitoring school  
 22 maintenance?  
 23 A That was part of it.  
 24 Q What other aspects of building and grounds  
 25 monitoring were you in charge of?



1 A It was a general monitoring and maintenance,  
2 supervision of buildings and grounds and the individuals  
3 who were involved, with gardeners and custodians and  
4 schedules and just a general supervision of buildings,  
5 grounds programs in the administrative offices.

6 Q And what were your responsibilities in terms of  
7 budgets?

8 A Budgets? Monitoring the budgets, expenditures,  
9 basically putting together the preliminary skeletal  
10 budget of a school site.

11 Q And how long were you assistant principal?

12 A One year.

13 Q What was your next job after assistant  
14 principal?

15 A I became principal of the continuation school in  
16 the same district.

17 Q And could you define what you mean by  
18 "continuation school"?

19 A Yes. Continuation school is a school that is --  
20 usually districts have. It's a smaller school, and it's  
21 usually for students who are having difficulty in their  
22 regular schools and need some kind of specialized  
23 services for a period of time.

24 Q And how long were you principal of a  
25 continuation school?

1 A Two years.

2 Q Then what was your next job?

3 A District director. I went from a school site to  
4 the district office.

5 Q And could you generally describe the  
6 responsibilities you had as district director?

7 A I was director of educational services. I was  
8 in charge of guidance district-wide, psychological  
9 services, testing, grant writing, that arena, namely in  
10 the kinds of programs one would describe that support the  
11 educational program.

12 Q And how long were you the district director?

13 A Two years.

14 Q What did you do next?

15 A I was assistant superintendent.

16 Q And this was all for the Jefferson High  
17 District?

18 A Jefferson, correct.

19 Q And what were your responsibilities?

20 A Very similar at a higher level of -- policy  
21 level added, though, with that. Some of the overall  
22 supervision of buildings and grounds. So the whole  
23 guidance program, part of the instructional program, and  
24 the whole facilities, buildings, some new swimming pools,  
25 being involved in new construction.

1 Q And how long were you in this position?

2 A Two years.

3 Q What was your next position?

4 A I became deputy superintendent.

5 Q How did your responsibilities change?

6 A Mainly at a higher policy level, being closer,  
7 direct assistant to the superintendent.

8 Q How long were you deputy superintendent?

9 A One year.

10 Q And then did you become superintendent?

11 A Mm-hmm.

12 Q And what were your responsibilities in that  
13 position?

14 A As superintendent I was in charge of the --  
15 generally the administrative officer and responsible to a  
16 board of trustees for every element of operation of a  
17 school district, which dealt with finance, instruction,  
18 building -- total responsibility. I had people in those  
19 specific areas, but the ultimate responsibility was mine  
20 in all those areas, reporting to an elected board.

21 Q Do you recall how many administrators you had on  
22 your staff?

23 A On my staff?

24 Q In the district office.

25 A In the district office?

1 Q Generally.

2 A Credentialed administrators, I would say  
3 probably, besides myself, five.

4 Q Do you have a recollection of the general number  
5 of students in the district when you became  
6 superintendent?

7 A Mm-hmm. When I became superintendent we had  
8 8,250 students. 825 -- 8,250.

9 Q How long were you superintendent?

10 A Sixteen years.

11 Q Did that number fluctuate?

12 A Yes, it did. It went down to 5,000.

13 Q What was your next position?

14 A I ran for -- after 16 years I ran for office.

15 In San Mateo County the county superintendent of schools  
16 is an elected position, so I ran for election in 1990.

17 Q And I think you testified previously that you  
18 were the San Mateo County superintendent --

19 A Superintendent of schools for three terms, yes.

20 Q Are you able to describe the student population  
21 generally of the Jefferson High District?

22 MS. CARTER: Objection; vague and ambiguous.

23 THE WITNESS: Sure.

24 MR. MARQUEZ: And it's vague as to whether you're  
25 talking about today or back when he was superintendent.

1 BY MS. WELCH:

2 Q Why don't we start with when you became  
3 superintendent?

4 A When I became superintendent? The population at  
5 that time when I first became superintendent, I would say  
6 district wide there was about probably 60 percent white,  
7 about -- about only 10 percent African-American, about  
8 maybe 25 percent Hispanic-Latino, and five percent -- if  
9 that's 100 percent. About five percent Pacific Rim,  
10 which was the Samoan and Filipino population. That was  
11 when I became superintendent.

12 Q Was there variance in terms of socioeconomic  
13 background of the students in the district?

14 A Yes, there was.

15 Q Were there areas where the population was  
16 wealthy in the district when you became superintendent?

17 MS. GIORGI: Objection; vague and ambiguous.

18 BY MS. WELCH:

19 Q If you don't understand my question --

20 A No. Wealth is relative.

21 Q Right.

22 A I would say there was perhaps middle class to  
23 upper middle class in some areas, to some very  
24 impoverished areas in the district. So probably from a  
25 range of poverty to upper middle class. And upper middle

1 widened?

2 A When I talk about the poverty areas, probably in  
3 today's ranking it would be more poverty. And the upper  
4 middle class, probably we don't go into the upper class  
5 ranges, if you want to look at the ranges that we're  
6 dealing with today. I think that we have some people who  
7 are fairly well off, but not the wealthy of what we  
8 define as "wealthy" today, not in that area. But I think  
9 there are some people who are very comfortable, families  
10 that are very comfortable.

11 Q Could you provide a general summary of your  
12 responsibilities as county superintendent? And if they  
13 changed over time, we can talk about that, but if you can  
14 just provide general categories.

15 A The county office of education -- county  
16 superintendent of schools is a constitutional officer.  
17 The county superintendent of schools was established at  
18 the time that the state became a state. It's an elected  
19 position, elected every four years, and is generally  
20 responsible for the monitoring of school services  
21 throughout the county. It does not have line authority  
22 over other school districts.

23 Education in California varies, but in San Mateo  
24 County there are 23 individual school districts, with a  
25 local board and a local superintendent. The county

1 class is when I was superintendent, that kind of income,  
2 not necessarily now.

3 Q Has the student population changed?

4 A Yes, it has.

5 Q How has it changed?

6 A We're talking about Jefferson?

7 Q Yes. Yes.

8 A I think it has changed dramatically. I think  
9 that probably the change would be mainly in the area of  
10 Pacific Islander, Filipino. Daly City area is one of the  
11 largest Filipino populations in the United States.

12 So I think the Filipino population would be the  
13 population that has grown the most. The Hispanic  
14 population has grown, the African-American population has  
15 decreased to a point, and the white population has  
16 decreased.

17 Q Do you see the same variance in terms of  
18 socioeconomic backgrounds today that you just discussed?  
19 MS. CARTER: Objection; vague and ambiguous, also  
20 calls for speculation.

21 THE WITNESS: I think that the socioeconomic  
22 population is -- has varied to a greater extent. The two  
23 extremes have widened.

24 BY MS. WELCH:

25 Q What do you mean by the two extremes have

1 superintendent of schools has oversight, monitoring  
2 oversight related to specific laws but does not have any  
3 direct line authority.

4 Each board sets its own policy. The county  
5 superintendent of schools sort of monitors the program  
6 and provides specific services -- provides specific  
7 services in the area of special education, court and  
8 community schools, and one of its biggest jobs is to  
9 monitor the fiscal -- monitor school budgets and the  
10 fiscal well being of school districts. It is an  
11 intermediary between the State and local districts, but  
12 the State has no authority of county superintendent of  
13 schools. Only by law.

14 The county superintendent of schools does not  
15 have any authority of the local superintendent, only by  
16 law, in whatever that -- if there's a problem with any  
17 legal aspect.

18 Q What services did the county provide in terms of  
19 special education?

20 A It provided services to the most severe of the  
21 special education population. It was -- it would be  
22 expensive for school districts to provide specific  
23 services in areas that they might have only one or two  
24 students; orthopedically handicapped, for example.

25 There might be seven, eight, nine, ten kids in

1 the whole county. It would be extremely expensive for a  
 2 school district to operate a program for one or two  
 3 children, and the county operated a program for students  
 4 in the county. So there might have been those 10, 12 in  
 5 one class. Those were special education services, and  
 6 the county provided this kind of service for that.

7 Q You also mentioned -- I didn't catch the first  
 8 word, but something community schools.

9 A Court and community schools. Yeah, these are  
 10 schools that are run by one -- the court schools are  
 11 schools for students who are incarcerated and they are  
 12 held on the juvenile detention sites.

13 And community schools are schools that are in  
 14 the community, and we have three sites. And these were  
 15 for students who had not yet graduated from high school  
 16 who were having a difficult time and could not attend the  
 17 regular school site, nor could they attend continuation  
 18 school. And the community school assisted in trying to  
 19 help these students get through a high school diploma.

20 Q Were these students who had been expelled from  
 21 other schools?

22 A Some were expelled, some were on probation, and  
 23 some had just refused to go to school.

24 Q And then I believe the third area that you  
 25 talked about in terms of responsibility for that office

1 or are you talking about --

2 A District.

3 Q -- looking at it district wide?

4 A The district budget.

5 Q And was there kind of a set procedure that you  
 6 used for monitoring?

7 A Yes. It was a set procedure that we used for  
 8 monitoring all of the budgets.

9 Q And generally what was that procedure?

10 A Well, in schools we have certain dates that are  
 11 established that we have to -- for example, there's a  
 12 certain date for establishment of a budget. And then  
 13 there is what they call a first interim report, and  
 14 that's a report that's given to the county office in  
 15 relationship to the budget, and that comes in about  
 16 January 15th.

17 The budgets are established in the prior year,  
 18 finalized budgets, sometimes in September, October. And  
 19 then you have a second interim report around April  
 20 15th -- no, March 15th, and those are full reports that  
 21 districts give the county office in relationship to the  
 22 status of their budget at that particular time.

23 And there are certain elements that school  
 24 districts must have, like a certain amount of reserve  
 25 percentage and certain amount of this, and we looked at

1 was or is monitoring school budgets and fiscal well  
 2 being.

3 A Yeah, right.

4 Q Could you explain a little more about that?

5 A And I forgot to mention one other area that's  
 6 pretty large also. It's the assistance in the area of  
 7 instruction and curriculum. There was a division that  
 8 provided workshops, did staff training, and provided  
 9 technological services. When you have a large library --  
 10 so all of the area of instruction. That was another  
 11 division that I didn't mention.

12 Going back to the fiscal, county offices over  
 13 the years have assumed more and more direct  
 14 responsibility in monitoring the fiscal service -- the  
 15 fiscal programs of schools. And we did the payroll for  
 16 all school districts in San Mateo County, including the  
 17 community college. When I mention these things, they're  
 18 not necessarily similar in all counties. It could be  
 19 different.

20 We monitored all schools, monitored all  
 21 expenditures, and provided a business -- a  
 22 technological -- a business -- the business technology of  
 23 computers linked to all the schools.

24 Q When you talk about monitoring the budgets of  
 25 schools, are you talking about individual school budgets

1 all those budgets and monitored the budgets and would  
 2 give districts -- would provide districts with issues of  
 3 concern.

4 If a district was close to the three percent  
 5 reserve and had not completed their collective bargaining  
 6 yet, we would make mention that, you know, "We want you  
 7 to be aware that you have your three percent reserve,  
 8 but -- you don't have anything else, but you haven't  
 9 completed collective bargaining." So this was an issue.  
 10 So they were not necessarily direction, but points of  
 11 concern that were given to districts for them to follow,  
 12 for them to use as a guideline for their operations.

13 Q Did you provide guidance in terms of how  
 14 particular line items in the budget were being spent? If  
 15 that's too general a question, I can give you an example  
 16 of what I mean.

17 A Only in the area of following the procedure. A  
 18 local school board has the authority to make an  
 19 expenditure. They have a budget, they adopt the budget,  
 20 and if the board approves an expenditure, even though an  
 21 expenditure I may not agree with or that we may not agree  
 22 with, but if a local board makes that expenditure, we  
 23 were always concerned with the procedure and the process  
 24 of the expenditure. Was it part of their policy? Did  
 25 they follow their own policies on it, and was it acted

1 upon?

2 And that was -- so we did not involve ourselves  
3 with how a line item was spent; only if it was followed  
4 in some kind of -- according to their policy and  
5 according to law.

6 Q And I think I understand what you're saying, but  
7 let me just ask a clarifying question to make sure.

8 A Sure.

9 Q So, for example, if you saw an expenditure for  
10 something like instructional materials or professional  
11 development that seemed particularly high to you as  
12 you're reviewing it in comparison to other districts,  
13 that's not something that you would generally comment  
14 upon?

15 MS. CARTER: Objection; it's an incomplete  
16 hypothetical and it's also leading.

17 BY MS. WELCH:

18 Q Is that correct?

19 A If I saw something unusual, yeah, I thought it  
20 was my responsibility to comment on it. I would. Not  
21 necessarily stopping it or not take away the money, we'd  
22 never do that, but we would -- if I saw something that  
23 was unusual, I thought it was my responsibility as an  
24 elected official to make a comment on it. I could not  
25 let it go by.

1 Q Do you recall any occasions where you commented  
2 on something like that? And if you want me to be more  
3 specific, I can, but --

4 MS. CARTER: Objection; vague as to time, overbroad.

5 THE WITNESS: I think that during some certain times  
6 there might have been, in the area of a conference, too  
7 many people attending a conference, and I would tell a  
8 superintendent, "Hey, you've got to be careful about this  
9 one."

10 Perhaps expenditures of -- it was usually -- it was  
11 not instructional materials or that. It was usually  
12 something that perhaps caught my eye that was a little  
13 unusual, like perhaps sending a large group of people to  
14 a conference out of state or having some kind of  
15 conference in state or the determination of building --  
16 of some kind of construction or something. But it was  
17 never at the point of -- I never found -- to my  
18 recollection, I did not find someone breaking the law.  
19 It was something that perhaps an outside party could have  
20 said, "Hey, maybe you should be concerned about this."

21 But I can't recollect telling a superintendent,  
22 "You've broken the law here," on a specific thing. I  
23 mean it could have happened that they neglected to do  
24 something or they didn't spend so many days on a bid or  
25 something. And if we would pick that up, we would talk

1 to them.

2 Q The fourth category of responsibilities for the  
3 county office that you mentioned later was instruction  
4 and curriculum services.

5 A Mm-hmm.

6 Q You mentioned workshops, training, technical  
7 services. Are these services that were provided to  
8 teachers?

9 A Oh, yes. They were provided from administrators  
10 to teachers to local boards. The full gamut of all  
11 personnel. Cafeteria workers, building and grounds,  
12 almost every employee of the school district in some way.  
13 It wasn't only instructional. It was sometimes a service  
14 to -- we also had a personnel division, and the personnel  
15 division would also assist with personal problems and  
16 negotiations, things of that sort.

17 Q Would they assist district administrators? Is  
18 that what you mean?

19 A Yes, we would assist district administrators by  
20 a variety of ways: by bringing them together for focus  
21 groups, by -- if there was a specific problem. At one  
22 time I remember -- there were several times where there  
23 were some problems between a superintendent and a local  
24 board, and we had facilitators go in we had a cadre of  
25 facilitators that were very experienced who would go in

1 and establish meetings and try to work things out through  
2 a strategic planning type process.

3 Q Does the instruction and curriculum branch of  
4 the county office provide professional development to  
5 teachers?

6 A Yes. Yes.

7 Q What source of professional development?

8 A Professional development ranged from specific  
9 workshops in -- workshops in specific areas, to a range  
10 of bringing in experts from the outside, to county office  
11 staff who were trained themselves in specific areas to go  
12 to school districts and help with training. A lot of  
13 training of staff and service.

14 In the whole area when there was -- a new  
15 testing program came from the State, we would bring State  
16 people down and our own people would be trained to go  
17 into working with the teachers, administrators, and the  
18 people who administered the tests.

19 Q And tell me if you've already described this,  
20 but when you say "instruction" -- when we talk about  
21 instructional service -- I'm sorry. When we talk about  
22 curriculum services, what sort of services does that  
23 mean?

24 A Curriculum and instruction are sort of  
25 interchangeable in our language.

1 Q Okay.  
 2 A The curriculum is basically what drives the  
 3 instruction. The instruction is the actual teaching  
 4 methodology. Curriculum is where -- what is the process  
 5 that drives instruction. But many of us use that  
 6 interchangeably in the whole area of the education of  
 7 children.  
 8 Q We've been going for about an hour. Do you want  
 9 to take a break?  
 10 A No. No.  
 11 MS. CARTER: We can keep going.  
 12 BY MS. WELCH:  
 13 Q You mentioned that San Mateo County has 23  
 14 districts.  
 15 A 23 school districts, yes.  
 16 Q Are the districts similar in terms of size?  
 17 A No.  
 18 Q Could you describe the range of size?  
 19 A Sure. They range from -- the largest school  
 20 district I would say would be close to 11,000. The  
 21 smallest school district, about 450. And everywhere in  
 22 between.  
 23 Q Are the districts similar in terms of students'  
 24 characteristics?  
 25 MS. CARTER: Objection; vague and ambiguous.

1 THE WITNESS: The question again? I'm sorry.  
 2 BY MS. WELCH:  
 3 Q Are the districts similar in terms of students'  
 4 characteristics?  
 5 A No. It depends on how you define  
 6 "characteristics," but no.  
 7 MR. MARQUEZ: Can you ask that more specifically?  
 8 MS. WELCH: Sure.  
 9 Q Do the districts vary in terms of race and  
 10 ethnicity of the students?  
 11 A Yes.  
 12 Q Are there any districts in San Mateo County that  
 13 are primarily Caucasian?  
 14 A Yes.  
 15 Q Are there districts that are mainly students of  
 16 color?  
 17 A Yes.  
 18 Q Do the districts vary in terms of the  
 19 socioeconomic background of the students?  
 20 A Yes.  
 21 Q Do the districts vary in terms of student  
 22 achievement?  
 23 A Yes.  
 24 Q Do the districts vary in terms of the mobility  
 25 rate of the students?

1 A Yes.  
 2 Q And is there variance among the districts in  
 3 terms of per-person expenditure?  
 4 A Yes.  
 5 Q Did your office, the county superintendent  
 6 office, have any role in monitoring the conditions of  
 7 schools in the district?  
 8 MS. CARTER: Objection; vague and ambiguous.  
 9 THE WITNESS: No.  
 10 BY MS. WELCH:  
 11 Q Was it part of your responsibility as county  
 12 superintendent to visit the schools?  
 13 A It was not a legal responsibility, but I did  
 14 visit many of the schools.  
 15 Q Do you have a general estimate of how many  
 16 schools you may have visited?  
 17 A That would be difficult. There's 165 schools in  
 18 the county.  
 19 MR. MARQUEZ: If you can't, you can tell her that  
 20 you can't estimate.  
 21 THE WITNESS: I mean, let's say on the high side.  
 22 That's the best I could do.  
 23 BY MS. WELCH:  
 24 Q Do you have a specific recollection of any  
 25 particular school visit?

1 A Yes, I do.  
 2 Q Could you tell me what you have in mind?  
 3 MS. CARTER: Objection; the question is vague and  
 4 ambiguous. It also calls for a narrative.  
 5 THE WITNESS: I visited schools for meetings, mainly  
 6 for meetings, meetings with the principals,  
 7 administrative staff. I went to talk with teachers. I  
 8 went to see the different cafeterias. I went to see the  
 9 different facilities, swimming pools.  
 10 I would say the majority of my times in visiting  
 11 schools, the emphasis of the school visit was to visit  
 12 with the staff or talk with a staff member or  
 13 administrator, which resulted in being at the school.  
 14 Q Did the schools you visited vary in terms of the  
 15 quality of the physical layout of the school?  
 16 MS. CARTER: Objection; vague and ambiguous.  
 17 THE WITNESS: I'm not sure of the exact question  
 18 you're asking. The layout, physical layout of the  
 19 school?  
 20 BY MS. WELCH:  
 21 Q Let me ask a better question. Did the schools  
 22 vary in terms of the condition of the facilities?  
 23 MS. CARTER: Objection; vague and ambiguous.  
 24 THE WITNESS: At times, yes.  
 25 BY MS. WELCH:

1 Q Do you recall visiting any schools that struck  
2 you as substandard?  
3 MS. CARTER: Objection; vague and ambiguous. Also  
4 calls for expert testimony.  
5 THE WITNESS: I do not recall visiting any schools  
6 as you defined "substandard."  
7 BY MS. WELCH:  
8 Q Do you recall visiting any schools where you saw  
9 facilities problems?  
10 MS. GIORGI: Objection; vague and ambiguous.  
11 THE WITNESS: I recall visiting some schools that  
12 had some facilities problems, not to the level of  
13 substandard, though.  
14 BY MS. WELCH:  
15 Q What sorts of facilities problems do you recall?  
16 A Well, some of the -- I think I remember visiting  
17 schools that perhaps the play fields perhaps had some  
18 grass growing on the side, some of the grass not being  
19 watered, perhaps some of the bathrooms not being in that  
20 good of shape, some of the perhaps quarters -- the  
21 counseling offices being too small. Just general in  
22 nature, but nothing of a "sub" category.  
23 Q Did you ever visit a school where you  
24 encountered something that you believed to be a safety  
25 concern?

1 A Yes. I remember walking through a place one  
2 time and I saw some electrical wires hanging too low.  
3 And I told the principal, I said, "You know, those are  
4 pretty low." And it was that kind of immediate stuff  
5 that you would walk through a place and you'd see  
6 something, but it was rare.  
7 I think the issue of safety was something that  
8 was very high in everybody's mind and has always been in  
9 our minds. So I don't recollect seeing major safety  
10 issues. It was just something like a wire hanging too  
11 low or something.  
12 Q When you were county superintendent, did you  
13 visit any of the schools in the Ravenswood District?  
14 A Yes.  
15 Q Do you recall which schools?  
16 A I remember visiting -- the superintendent taking  
17 me through Costano, Chavez, and -- Costano, Chavez, and  
18 Belle Haven.  
19 Q Do you recall the general condition of the  
20 facilities at Costano when you visited?  
21 MS. CARTER: Objection; vague and ambiguous. It's  
22 also vague as to time.  
23 MS. GIORGI: And calls for a narrative.  
24 THE WITNESS: Yes, I do recollect. The Costano site  
25 was clean, safe. I did not -- there were no problems

1 that struck me in my visit to Costano when I visited  
2 there with the former superintendent.  
3 BY MS. WELCH:  
4 Q Do you recall whether this was a planned visit  
5 or was it something that was out of the blue?  
6 A It was -- I happened to -- it was out of the  
7 blue to visit schools. I visited -- I went to the  
8 office -- a visit to her office was planned, and she  
9 asked if I wanted to see some of the schools, and I said  
10 sure, and she took me around.  
11 So the visit to the schools was off the cuff,  
12 but the visit to her office was planned because I had a  
13 meeting with her.  
14 Q Do you recall the general time frame?  
15 A Time frame?  
16 Q Mm-hmm.  
17 A I would say it had to be probably in the late  
18 '90s.  
19 Q Was your visit to Costano, Chavez and  
20 Belle Haven all in connection with this meeting that you  
21 had with the superintendent?  
22 A Yes. And I was invited on several occasions to  
23 greet the teachers when they returned to school in  
24 September. They had an all-teacher meeting, and I was  
25 invited several times by that district to go and say

1 hello to the teachers and give a greeting. And I went  
2 there, and that was usually held at Chavez School.  
3 Q Focusing specifically on your visit to Chavez in  
4 the late '90s, is there any -- do you recall anything in  
5 particular about the physical conditions of the school?  
6 A No, I do not.  
7 Q Do you recall anything in particular about your  
8 visit to Belle Haven at that time period?  
9 A Yes.  
10 MS. CARTER: Objection; vague and ambiguous, also  
11 calls for a narrative.  
12 THE WITNESS: Yes. I was really just imp- --  
13 incredibly overwhelmed with the construction that was  
14 going on there and the cooperation between the City of  
15 Menlo Park and the Ravenswood School District in their  
16 facilities, a library facility that is just outstanding,  
17 and the program that was going on with the combination.  
18 I guess my amazement -- not my amazement. My  
19 admiration was not necessarily of the site, but the  
20 cooperation between two governmental agencies in doing  
21 something for kids.  
22 BY MS. WELCH:  
23 Q What construction was going on at that time?  
24 A Renovation of some classrooms and this whole  
25 structure in the front with the administrative offices.

1 It was a library, it was a tech center, that whole  
2 structure in front, and then the City reconfigured the  
3 whole front of the school and the streets and parking.  
4 Really a beautiful structure.

5 Q Do you recall anything in particular about the  
6 school facilities at Chavez on the occasions that you  
7 attended the beginning of the year greeting meeting for  
8 the teachers?

9 A No, I do not recollect any specific thing about  
10 the facilities, except construction. I know there was  
11 construction. I think there was construction going on  
12 definitely at Chavez and definitely at Belle Haven. I  
13 can't remember Costano, if there was construction there  
14 or not.

15 MS. WELCH: I'd like to take a quick break.

16 (Recess taken: 10:45 until 10:52 a.m.)

17 MS. WELCH: Back on the record.

18 Q I want to go back to the responsibilities at the  
19 county superintendent's office for just a second.

20 Does the county superintendent provide services  
21 relating to teacher credential registration?

22 A Yes.

23 Q What are those services?

24 A Registering the credentials, monitoring the  
25 credentials, being the intermediary between the State

1 their paychecks. So it's that kind of information.

2 Q Is there a particular time in the year that the  
3 district reports teacher information to the county?

4 A Usually the big hit is just before the school  
5 starts, like in August. That's where a lot of -- that's  
6 when we're really busy. Usually it can vary. That's  
7 probably the biggest time of business.

8 It can vary throughout the year depending on  
9 getting a new substitute or teacher or a whole pool of  
10 substitutes, but usually it's at the beginning of the  
11 year before school starts, that's a big thing of  
12 reporting credentials, registering credentials and things  
13 of that sort.

14 Q Is there a time line in terms of reporting? And  
15 by that I mean does the district have a deadline by which  
16 they have to provide the county with a particular form,  
17 talking about their teacher population?

18 MS. CARTER: Objection; lacks foundation, misstates  
19 testimony.

20 MS. WELCH: I'm asking him if there is.

21 THE WITNESS: Okay. There are timelines, and the  
22 timelines are basically around payroll; that if the  
23 credentials aren't registered and everything is not set,  
24 they would not get any checks. And we will be highly  
25 concerned of anybody going into the classroom without at

1 Department of -- the credentials division in Sacramento  
2 and the teachers. Also, making sure that they comply  
3 with the laws with regard to credentialing, people being  
4 properly credentialed in certain areas, issuing of  
5 emergency credentials, generally that kind of thing.

6 Q Does the county manage a database with  
7 credential information?

8 A Yes.

9 Q Are you familiar with CBEDS?

10 A With CBEDS?

11 Q CBEDS is the database. Different from CBEST.

12 A Yes, CBEDS has a specific database that deals in  
13 part with personnel, but it also has to do with  
14 instruction and classes being taught. And at this county  
15 office there are two different divisions that do that.

16 Q Do the districts report credentialing  
17 information to the county?

18 A Yes.

19 Q Is there a set process for that reporting  
20 annually?

21 A Yes.

22 Q How does that happen?

23 A We have a database of all the teachers who teach  
24 and what credentials they have, and they have to register  
25 their credentials with the county before they can receive

1 least some type of credentialing, and that's something  
2 we'd watch very carefully.

3 BY MS. WELCH:

4 Q Are there interim reporting requirements  
5 besides -- you know, at the beginning of the school year?

6 A Once a teacher files or registers with the  
7 county, like a re-credential, there is no check that that  
8 credential is there. There would be a check if there is  
9 an expiration. Then the database would come up with a  
10 expiration. Teachers might have a credential that they'd  
11 have to renew.

12 Then, of course, there's the teachers with the  
13 emergency credential, when that expires. So there's  
14 dates of the expiration, of renewals, and everything that  
15 we keep tabs on, and we would notify the people of that.

16 Q Does the county play any role in terms of  
17 monitoring the percentage of teachers with a particular  
18 type of credential --

19 A No.

20 Q -- at a particular school?

21 A No, we did not monitor that. We knew of it, but  
22 it was not in our responsibility to make that  
23 determination on what the school would be doing. We  
24 would know how many, but it was not a monitoring thing we  
25 would do.

1 Q Is it possible to generate a summary document  
2 from the database that the county maintains regarding  
3 general percentages of categories of credentialed  
4 teachers at particular schools or districts?

5 A I'm sure it's possible.

6 Q Before the break we were talking about the  
7 schools in the Ravenswood District that you recalled  
8 having visited when you were a county superintendent.

9 A Mm-hmm.

10 Q I just want to ask you some general comparison  
11 questions about those schools. And if you can't answer  
12 because it's too general, just let me know and I'll try  
13 another question.

14 A Mm-hmm.

15 Q Can you compare generally the schools that you  
16 observed in the Ravenswood District to other districts in  
17 San Mateo County?

18 MS. CARTER: Objection; vague and ambiguous.

19 MS. GIORGI: And overbroad.

20 THE WITNESS: Yeah, that's really broad.

21 BY MS. WELCH:

22 Q Can you compare the schools in the Ravenswood  
23 District that you saw in terms of school facilities to  
24 other districts in San Mateo County?

25 MS. CARTER: Objection; still vague and ambiguous.

1 THE WITNESS: Yeah, in some of the areas, for  
2 example, when I looked at the library that was going on  
3 in Belle Haven and I could compare it to another school  
4 and say, boy, Belle Haven is really lucky compared to  
5 another school district, who had a good library, but this  
6 was so overwhelmingly good that I made that kind of  
7 comparison in my mind.

8 I did not specifically compare a room to a room  
9 or a hallway to a hallway. I compared the things that  
10 struck me. And the library there, it struck me and I  
11 made comparisons in my own mind to other libraries. Some  
12 of the libraries in high schools were just great, but  
13 this had a special uniqueness about it. And it -- I  
14 think it wasn't just about the idea that it was prepared  
15 for little kids; it was a community one. Kids could use  
16 it, people could use it, parents could use it. Great  
17 person assigned there. That's the kind of comparison I  
18 made.

19 Q So, in other words, you could compare particular  
20 things that you saw at particular schools, but you can't  
21 really give a general comparison of the school facilities  
22 in one district versus another?

23 A Right. Right. Exactly.

24 MS. CARTER: Objection.

25 BY MS. WELCH:

1 Q Can you compare Ravenswood District in terms of  
2 student characteristics to other districts in San Mateo  
3 County?

4 MS. CARTER: Objection; vague and ambiguous.

5 MS. GIORGI: Especially as to time.

6 THE WITNESS: Are you asking me now or as county --  
7 are you asking me that question as county superintendent  
8 of schools or as Ravenswood superintendent of schools?

9 BY MS. WELCH:

10 Q Why don't I ask a different question?

11 A Okay.

12 Q At the time -- at the latter part of your time  
13 as county superintendent, why don't we just say in 2002,  
14 for example --

15 A Sure.

16 Q -- can you compare the student population in  
17 Ravenswood in terms of socioeconomic background to other  
18 districts in San Mateo County?

19 MS. CARTER: Objection; lacks foundation, may call  
20 for speculation.

21 THE WITNESS: Yeah, I can only compare it in  
22 relationship to the figures that I received as a county  
23 superintendent of schools. And the racial -- the ethnic  
24 population was much higher than other school districts in  
25 San Mateo County, and the socioeconomic level would be

1 difficult for me because we did not collect -- well, we  
2 did not collect general figures about socioeconomic  
3 level.

4 The only figures that I know of that I know were  
5 high in Ravenswood as compared to other school districts  
6 or some of the other school districts was the free lunch  
7 program at the cafeteria. And free and reduced lunch,  
8 that's one of the criteria that we use in education to  
9 determine this. I can't tell you how many people were on  
10 welfare or those kinds of figures that an educational  
11 institution would not normally collect. But my  
12 comparison would be because I remember the racial makeup  
13 and the free and reduced lunches and that kind of thing,  
14 and so I can make some comparison.

15 BY MS. WELCH:

16 Q Let's talk about the racial makeup first. What  
17 kind of comparison would you make?

18 A The comparison I would make is that Ravenswood  
19 probably in 2002 as it is now is probably the most --  
20 highest minority population of any school district in  
21 San Mateo County, to my knowledge, at this time.

22 Q How would you compare the socioeconomic status  
23 of the students?

24 A That comparison is more difficult because there  
25 are pockets in San Mateo County on the eastern part of



1 the Bay Shore up in Daly City, parts of Pacifica that  
2 would have similar socioeconomic levels. So there are  
3 pockets in Daly City, Bay Shore, by the Cow Palace coming  
4 around that would be similar pockets.

5 Q In terms of a range in the district in terms of  
6 wealth, would you put Ravenswood on the lower end of the  
7 range?

8 MS. CARTER: Objection; asked and answered.

9 THE WITNESS: You mean the wealth of the people?

10 BY MS. WELCH:

11 Q The socioeconomic status of the students.

12 A The socioeconomic status?

13 Q Yeah.

14 A Boy, I -- you know, there are pockets which are  
15 very -- now we're talking about socioeconomic, not  
16 ethnic --

17 Q Right.

18 A In socioeconomics there are pockets in San Mateo  
19 County that would be very similar to Ravenswood.

20 Q Would you say that those pockets were in the  
21 lower range in terms of socioeconomic status?

22 MS. CARTER: Objection; asked and answered and  
23 leading.

24 MS. GIORGI: Also calls for speculation, lacks  
25 foundation.

1 A Okay. Ravenswood was probably -- in San Mateo  
2 County there is a great variance in per-pupil funding,  
3 great variance, and Ravenswood was probably, with the  
4 elementary levels, somewhere in the middle to the higher  
5 end for funding in comparison to some of the other  
6 elementary districts.

7 And in comparison to like districts right next  
8 door, they were incredibly low.

9 Q And which districts do you have in mind when you  
10 say districts -- like districts that are right next door?

11 A Yeah. That are way at the higher end? Yeah.  
12 Woodside, Portola Valley, Las Lomitas. Those are in  
13 the -- those are right in the same area. Menlo Park.

14 Those are the same -- all the districts -- I use that  
15 analogy because those are the same districts that feed  
16 into the Sequoia High School District. So eventually  
17 those kids all go into the Sequoia High School District.  
18 So it is an area that I'm comparing.

19 Q Do you have -- this is a big question, and if  
20 it's too big and too broad, just let me know and I'll ask  
21 another one. But do you have a general understanding of  
22 what accounts for that variance in per-pupil expenditure?

23 MS. CARTER: Objection; it's vague and ambiguous and  
24 also lacks foundation. I'm sorry. That calls for  
25 speculation, is what I meant to say.

1 THE WITNESS: Those pockets -- those pockets were  
2 very similar in the socioeconomic range. Some even  
3 perhaps lower than Ravenswood, but the pockets -- when  
4 you talk about lower ratio, those pockets were very  
5 similar. In fact, some even lower.

6 BY MS. WELCH:

7 Q Do you have any names of districts in mind that  
8 have these pockets that you've referred to?

9 A Mm-hmm. Laguna Salada, Jefferson Elementary,  
10 San Mateo, Foster City, La Honda-Pescadero, Redwood City.

11 Q Are you able to compare -- and in terms of  
12 timing, let's continue on with the 2002-2003 time frame.

13 A Sure.

14 Q Are you able to compare differences in terms of  
15 resources between Ravenswood and other districts in  
16 San Mateo County?

17 MS. CARTER: Objection; vague and ambiguous.

18 THE WITNESS: Can you tell me what you mean by  
19 "resources"?

20 BY MS. WELCH:

21 Q Sure. I'll be more specific. How would you  
22 compare Ravenswood in terms of per-student funding to  
23 other districts?

24 A Per-pupil funding?

25 Q Per-pupil funding.

1 THE WITNESS: Yes, I do.

2 BY MS. WELCH:

3 Q Could you provide that?

4 A Finance in California is a very intriguing and  
5 mystifying thing, school finance. It all goes back to a  
6 tax base that was ended in about the '70s. And at that  
7 time schools were based on -- the funding was based on  
8 their local taxes. And if you had a higher wealth area  
9 with a higher tax base, that established the base.

10 In the mid-'70s school districts -- the State of  
11 California changed school districts from a local tax  
12 revenue basically over to a revenue limit. That's what  
13 we have today. But that original tax base was the base  
14 that was used.

15 So some of the very wealthy areas had a very  
16 high tax base and some of the lower wealth areas had a  
17 lower tax base. There was an attempt by the State of  
18 California, what they call the squeeze factor, to try to  
19 squeeze districts together. In fact, there was a Supreme  
20 Court case and the Supreme Court case said that all  
21 districts in California should be no more than \$200 apart  
22 in revenue limit. I would say that about 90 percent of  
23 California is that way, with some specific areas that are  
24 not -- Santa Clara County, San Mateo County, Marin  
25 County, couple of counties in Los Angeles that have still

1 not had the squeeze factor.

2 The squeeze factor would have worked, but the  
3 problem with the squeeze factor is that during the '60s  
4 and during the '70s and some of the '80s, there was very  
5 little money to apply to the squeeze factor. So if you  
6 apply a dollar to the squeeze factor, it doesn't do it.  
7 You have to apply a lot of dollars to the squeeze factor.  
8 That's why in some of these areas we have a divergent  
9 revenue limit.

10 And it's a historical -- in California there are  
11 approximately 50 basic aid districts. These are  
12 wealthier districts. In San Mateo County I think we have  
13 ten or eleven in one county, and they're spread out in  
14 very few counties. So we do have a great divergence in  
15 San Mateo County on this. And this is the reason why.

16 Q Can you compare Ravenswood to other districts in  
17 terms of teacher characteristics? And I can break that  
18 down if you want, but if you can understand what I mean,  
19 go ahead and answer.

20 MS. CARTER: Objection; it's vague and ambiguous,  
21 especially as to time.

22 BY MS. WELCH:

23 Q I'm talking about the same time frame,  
24 2002-2003.

25 A We're still talking about the time frame? I'm

1 Q I was asking you about whether or not the county  
2 monitored -- whether teachers were in their first or  
3 second year of teaching or generally beginning teachers  
4 while you were there.

5 A You know, I would assume. It's my assumption  
6 that our database had information regarding the beginning  
7 teacher, first-year teacher, second-year teacher, but I  
8 didn't ask that kind of question. I mean I could not  
9 tell you as county superintendent of schools how many  
10 first or second-year teachers -- unless I specifically  
11 had a purpose to do so, I would not have normally gotten  
12 that information.

13 Q Would you have gotten information regarding the  
14 teach turnover rate at particular schools in the  
15 districts that you monitored -- I'm sorry -- that you  
16 superintended?

17 A Yeah, we generally did not monitor the turnover  
18 rate. The only way we would know about the turnover rate  
19 would be if all of a sudden a school district had lines  
20 and lines of people coming in and registering their  
21 credentials, and I never noticed that.

22 I knew that there was a -- no. As county  
23 superintendent of schools, there was never, to my  
24 attention, a problem of turnovers at the schools. There  
25 may have been, but I wasn't aware of it.

1 not there.

2 My only comparison of the teacher  
3 characteristics during that time frame was what I  
4 happened to know statistically through our departments,  
5 not personally. I knew that they had more teachers  
6 with -- who were on emergency credentials, but that was  
7 because of figures that were given to me by my  
8 department. I had no direct knowledge and cannot make a  
9 comparison of teacher A and B. All I know is that when I  
10 went -- when I used to go there for the beginning of  
11 school, they were very, very -- what struck me was the  
12 youth and the enthusiasm of the teachers of the  
13 Ravenswood School District when I visited there for that  
14 one day to greet them back.

15 BY MS. WELCH:

16 Q Did you have a way of monitoring the number of  
17 first and second-year teachers in the districts through  
18 the database that the county maintained?

19 MS. CARTER: Objection; vague as to time.

20 THE WITNESS: I would have --

21 (Telephonic interruption).

22 MS. WELCH: Shall we go off the record?

23 THE WITNESS: Excuse me.

24 (Recess taken: 11:12 until 11:13 a.m.)

25 BY MS. WELCH:

1 Q As part of your responsibilities as county  
2 superintendent, did you prepare an annual report on the  
3 state of the schools within your county?

4 A No. I did prepare -- you said the word  
5 "annual." That meant every year. I did not do one every  
6 year. I did maybe about '99, '98 prepare a -- I think it  
7 was the San Mateo County Schools, and sort of a -- more  
8 of a PR thing showing what the school test scores were  
9 and this and that and everything, but not an annual one.

10 Q Other than what you just described, the PR thing  
11 from '98-'99, do you recall preparing any other kinds of  
12 reports --

13 A No.

14 Q -- on the state of the schools?

15 A No.

16 Q You testified earlier that your tenure as county  
17 superintendent ended in December 2000 --

18 A No. January 6th, noon, 2003.

19 Q And as I understand, you became the  
20 superintendent of Ravenswood about 15 minutes later; is  
21 that correct?

22 A Yes, I did.

23 Q Was there a point where you had planned on  
24 retiring after your third term?

25 A Yeah, let me explain because --

1 MS. GIORGI: Objection; relevance.

2 THE WITNESS: -- I actually began assisting in the  
3 Ravenswood District a little earlier than that.

4 There was a new board that was elected, and when  
5 the new board was going to take over they came to the  
6 county office and asked if the county could help them in  
7 an interim administration until they found a new  
8 superintendent, and it was then that they found out that  
9 I was not going to run for a new office.

10 So as county superintendent of schools, I helped  
11 them as county superintendent of schools, like I would do  
12 for any school district, from about December 9th till  
13 January 6th at noon. I was there may be a couple hours a  
14 day trying to just hold things together.

15 And it was the Christmas vacation in there so it  
16 was a short time, but the County Office of Education gave  
17 services to the Ravenswood School District in  
18 administration. I took that on myself. I had not  
19 planned to continue my career in education. I was going  
20 to do something else. I didn't do anything else.

21 I became superintendent of the Ravenswood School  
22 District at 12:15, and that is my official contract  
23 starting time. Before that time I was with the County  
24 Office of Education, Government Services. At noon that  
25 day, 12:15, I became County Superintendent of Schools --

1 Q And what was that period of time?

2 A That is the commitment I made to Ravenswood by  
3 contract. It's 18 months.

4 Q Sitting here today, do you have -- do you think  
5 you'll continue your commitment beyond that time?

6 MS. CARTER: Objection; calls for speculation.

7 THE WITNESS: I do not plan to continue after 18  
8 months. I've been asked that question by a newspaper and  
9 I said, you know, if something happened and they were not  
10 able to get a regular -- not regular -- a full-time  
11 superintendent and they wanted me to stay a couple of  
12 weeks, couple of days, I would do that because I'd like  
13 to help them. But it is not my career -- this is not a  
14 career position for me, and it would be in the best  
15 interest of the Ravenswood community children and the  
16 public for them to select, go through a selection process  
17 and by July 1st in 2004 to have a superintendent of that  
18 district.

19 BY MS. WELCH:

20 Q I'd like to switch gears a little bit and --

21 A I'm sorry. What?

22 Q I'd like to switch gears a little bit --

23 A Oh, sure.

24 Q -- and talk about the problems, if any, that you  
25 faced becoming the superintendent of the Ravenswood

1 I mean I became Ravenswood Superintendent of Schools.

2 Q Why did you change your mind and decide to stay  
3 in education?

4 A I guess my wife made a long list of things for  
5 me to do around the house when I retired and I decided  
6 that I wasn't ready to do those things.

7 Q You're a smart man. Any other reasons besides  
8 the long list?

9 A Yeah. I like to work with kids. I enjoy --  
10 I've been in education 45-plus years. I am as  
11 enthusiastic today about working with little kids as I  
12 was when I first started in 1957. I think they need it.  
13 I think all school districts need good leadership, and I  
14 think I'm a good leader, I'm a good superintendent, I  
15 know what I'm doing, I'm experienced, and I have the  
16 intestinal fortitude to do what has to be done.

17 Whether it would be Ravenswood or any other  
18 school district, I enjoy -- I don't have to be there. I  
19 want to be there. But that's the same with any other  
20 school district. If it was Burlingame, it would be the  
21 same thing.

22 Q When you started as superintendent of  
23 Ravenswood, did you have in mind a certain period of time  
24 that you were going to act as superintendent?

25 A Yes.

1 District.

2 And if you can, I would like to just start off  
3 with having you give a general summary of what you  
4 perceived to be the problems at Ravenswood if there were  
5 any at the time you arrived that you believed were having  
6 a significant affect on the quality of the education in  
7 the Ravenswood schools.

8 MS. CARTER: Objection; vague and ambiguous as to  
9 "problems." Also calls for expert testimony.

10 MS. GIORGI: And overbroad, calls for a narrative.

11 MR. MARQUEZ: And compound. Is there any way you  
12 can break it down more specifically?

13 THE WITNESS: That was all three attorneys talking  
14 at one time. That's a record for this morning.

15 BY MS. WELCH:

16 Q They didn't like that question.

17 A They didn't like that question.

18 Q Well, let me start off with the first part of  
19 it.

20 Can you provide a general summary of what you  
21 perceived to be the problems at Ravenswood when you  
22 became superintendent?

23 MS. CARTER: Objection; vague and ambiguous. Also  
24 still calls for a narrative.

25 THE WITNESS: Yes. I think that there was an

1 immediate combination of things, and the combination of  
 2 things had to do with a Federal Court case that had been  
 3 going on for almost five years in the area of special  
 4 education. Attorneys who, for lack of a better word,  
 5 bled the district to death, a sort of -- a different  
 6 culture and relationship to the prior administration  
 7 of -- instead of attempting to settle this very difficult  
 8 situation of litigating and combating, a complete  
 9 expenditure or a complete almost -- a complete  
 10 elimination of any reserves or any funds, a little bit of  
 11 a fear factor of people's jobs, what would happen. And  
 12 the prior board -- I mean the new board put the former  
 13 superintendent on administrative leave, and she still had  
 14 another year and a half left on the contract.

15 Probably the -- and a lot of nuances around  
 16 those things, but probably the major thing would be  
 17 the --

18 (Telephonic interruption.)

19 MS. WELCH: Let's go off the record.

20 (□Off the record.)

21 THE WITNESS: The special education case is really  
 22 something that probably right now it's the -- everything  
 23 has been agreed to. In other words, for four or five  
 24 years there's been this battle, and when I first came in,  
 25 along with myself and the board, we immediately changed

1 attorneys and attempted to settle.

2 Everything has been settled out. All of the  
 3 factors, the consent decree and the new regulations have  
 4 all been settled out, agreed to by all parties. What  
 5 hasn't been agreed to is the financing of who is going to  
 6 pay for the implementation of this program. And that is  
 7 now --

8 (Telephonic interruption.)

9 MS. WELCH: Off the record.

10 (Off the record.)

11 THE WITNESS: That now is in the hands of the  
 12 federal judge. That determination will be made in a  
 13 couple of weeks. That is a major, major item for the  
 14 school district because the implementation of the  
 15 program, which the children deserve, by the way, is  
 16 approximately 2.3 million dollars.

17 The district a couple years ago had a reserve of  
 18 7 million. That's all gone. At the last interim report,  
 19 we were able to keep the district with a reserve at a  
 20 third of a percent. That's all we have. We have 129 --  
 21 out of a 40-million-dollar budget, we have \$129,000 left.

22 We're concerned about insolvency. We're  
 23 concerned about a lot of things, but it boils around the  
 24 financial issue. That is the major thing we're dealing  
 25 with right now, is the financial issue, and trying to get

1 the district stabilized into next year. That probably is  
 2 the key issue that's facing us right now. And that is a  
 3 very, very difficult thing.

4 BY MS. WELCH:

5 Q I'll have a few follow-up questions for you  
 6 about that.

7 A Uh-huh. Sure.

8 Q But before I go there, I just want to ask you if  
 9 there -- besides the fiscal problem that you've been  
 10 discussing, are there any other areas that you believe to  
 11 be problematic in terms of -- and why don't I just be  
 12 more specific. I think it will be helpful.

13 A Sure.

14 Q When you -- strike that.

15 Is it your understanding that Ravenswood  
 16 District has difficulty staffing its schools with  
 17 teachers that are fully credentialed teachers?

18 MS. GIORGI: Objection; leading and ambiguous.

19 THE WITNESS: There has been that difficulty.

20 Ravenswood unfortunately has one of the lowest salary  
 21 scales in the county and has been unable really to keep  
 22 up with the kinds of salaries that teachers should have.  
 23 So there's been that difficulty in staffing. They  
 24 have -- so there's been that difficulty of staffing.

25 BY MS. WELCH:

1 Q Does the district have difficulties with teacher  
 2 turnover?

3 A To some degree it has had teacher turnover. And  
 4 the teacher turnover since I've been there, I have not --  
 5 all I can do is go back and look at some history and  
 6 there's been some turnover. The teachers who applied --  
 7 many teachers who applied were on emergency credential,  
 8 but I'm happy to say right now that we have 250  
 9 applications, fully credentialed teachers that have  
 10 applied to the district sitting on our desk.

11 Q For next school year?

12 A Mm-hmm.

13 Q And when you say "applications," do you mean  
 14 that these are new teachers, in other words, teachers  
 15 that aren't currently teaching in the district?

16 A Not new teachers. Teachers not currently  
 17 teaching in the district.

18 Q Okay. Thank you for that clarification.

19 How will this impact the percentage of fully  
 20 credentialed teachers at the district next year, if you  
 21 know?

22 MS. GIORGI: Calls for speculation.

23 THE WITNESS: If I have it my way, and it looks like  
 24 I will, that we will be fully staffed with fully  
 25 credentialed teachers.

1 Because of the fiscal problems, we sent notices  
2 out, the March 15th notices out to all teachers who did  
3 not have full credentials who were not in certain  
4 categories. Many of the emergency credentials were  
5 expired, so we sent out I think almost 98 or 99 notices.

6 And, in turn, we're ready to go now through  
7 interviews to interviewing and having full credentials as  
8 one of the -- one of our highest criteria that we're  
9 looking for.

10 BY MS. WELCH:

11 Q Why is it one of your highest criteria?

12 A I think that if you -- in general, you take the  
13 spectrum of 25 people, a teacher that is fully  
14 credentialed like I had indicated before probably has  
15 greater training, greater experience. Although we've had  
16 some temporary teachers -- we've had some principals tell  
17 me, "I want to keep this temporary teacher forever." And  
18 it all boils down to the person. But having that  
19 credential I think helps the person.

20 Q So all things being equal, would you prefer to  
21 have a teacher --

22 A It would --

23 Q If you could just let me finish, for the record.

24 A Yes. I'm sorry.

25 Q Would you prefer to have a fully credentialed

1 going through interviews. We're including everybody in  
2 interviews: the teacher's union, the parents. A  
3 broad -- I think there's sort of an excitement about  
4 what's going to happen.

5 And we're starting now. I can't tell you when  
6 we're going to finish. I'm excited also, having this  
7 amount of teachers. I don't think the Ravenswood  
8 District or any other district has had the kinds of  
9 applications that we have today, and that's because of  
10 what's happening out in the world.

11 Q And what do you mean by that?

12 MS. CARTER: Objection; may call for speculation.

13 THE WITNESS: Almost every district in California,  
14 almost every district, to my knowledge, in some way has  
15 given notices to people for the next year because of the  
16 budget complications that we have in California, which  
17 are real.

18 BY MS. WELCH:

19 Q And you think that accounts for the high number  
20 of applications that you have of teachers that are fully  
21 credentialed?

22 MS. CARTER: Objection; leading. It's also asked  
23 and answered.

24 THE WITNESS: In part. I think there's an  
25 excitement about coming to Ravenswood, and I think

1 teacher?

2 MS. CARTER: Objection; it's an incomplete  
3 hypothetical and it's also -- it also misstates the  
4 testimony that's been given to some extent.

5 THE WITNESS: All things being equal, if I had the  
6 selection, my -- I look at the person a lot. There's no  
7 doubt about it. I look at the person, but all that being  
8 equal, I would have -- I would opt for a fully  
9 credentialed teacher.

10 BY MS. WELCH:

11 Q Do you think that the credentialing system that  
12 California has in place is a relatively good proxy for  
13 teacher quality?

14 MS. GIORGI: Objection; lacks foundation, calls for  
15 expert testimony, vague and ambiguous, and leading the  
16 witness.

17 THE WITNESS: I think the credentialing process we  
18 have, the kinds of programs that are in colleges, and the  
19 kind of monitoring of the credentials office I think is a  
20 good indicator of an individual who is prepared to teach.

21 BY MS. WELCH:

22 Q Do you have a sense of when the hiring process  
23 of the new teachers for next year will be completed?

24 A Not when they'll be completed. I can tell you  
25 when it will start. It's starting right now. We're

1 there's people who want jobs.

2 BY MS. WELCH:

3 Q Why do you think there's an excitement about  
4 coming to Ravenswood?

5 A I think because of some of the things that have  
6 been done. The idea that this case has been settled --  
7 forget the monetary thing. Just the idea that it's been  
8 settled, I think, has been a tremendous feeling of  
9 excitement that we're now going to move on, that this  
10 isn't the constant tail that's wagging the whole dog.

11 I think there's excitement about the new  
12 leadership, the new board, the new leadership --  
13 excitement that I'm there, excitement of change. One  
14 small example: people have been complaining for years --  
15 I know it's small, but it's an indicator. People have  
16 been complaining for years about the inability of kids to  
17 get a good meal at lunch. The cafeteria food is  
18 terrible. Last night the board approved a management  
19 company coming in, a management company that's been very  
20 successful in schools in California in providing good,  
21 wholesome variety of lunches to kids. Last night the  
22 board passed it. There were parents in the audience that  
23 absolutely cheered that this is going to happen. I know  
24 it's small, but it's these little indicators that I think  
25 Ravenswood is changing, really changing.

1 MR. MARQUEZ: Can I clarify? When you said "this  
2 case," you meant the federal court Emma C. case, not this  
3 case?

4 THE WITNESS: No, not this case. I haven't talked  
5 about this case at all. I mean it's the Emma C. -- the  
6 idea that the Emma C. case has been solved. Again, I  
7 don't think I can emphasize to you what this cloud -- a  
8 right cloud, by the way, hung over this district for so  
9 many years.

10 BY MS. WELCH:

11 Q In your opinion, does the district have any  
12 significant problems with respect to school facilities?

13 MS. CARTER: Objection; vague and ambiguous and  
14 overbroad and calls for a narrative. Also calls for  
15 expert testimony.

16 THE WITNESS: The district has -- other districts I  
17 know have problems in facilities, and one of the major  
18 problems of all school districts, and especially our  
19 school district, for major, is that many times the  
20 schools are not --

21 (Telephonic interruption.)

22 MS. WELCH: Off the record. Why don't we just take  
23 a quick break?

24 (Recess taken: 11:39 until 11:44 a.m.)

25 THE WITNESS: I think I started my answer, like many

1 A Yeah. The whole area of trying to get  
2 technology to the classrooms, you know, where the wires  
3 are going to go to get to the classrooms, the overall --  
4 trying to get the classes moving ahead with technology,  
5 moving ahead with the kinds of teaching techniques we  
6 have today, those are things that we face all the time.  
7 To advance the classroom to meet the instructional  
8 methods of today.

9 Q Are you talking in particular about Internet  
10 access when you talk about technology or other aspects of  
11 technology?

12 A Configuring the classrooms to networking,  
13 whether it be to a central location to have science  
14 programs, math programs. That's just one of the areas  
15 that we're dealing with.

16 Q Any other problems?

17 MS. CARTER: Objection; vague and ambiguous. Are  
18 you still talking about facilities problems?

19 THE WITNESS: Nothing that strikes my mind as I go  
20 through, as I'm trying to -- I was trying to think about  
21 each school site. We have a young children's -- a CC, a  
22 young children's area, we have a center for the young  
23 children. It's, you know, kids before school, preschool.  
24 And we get petitions that -- there are lists and lists of  
25 people who want their kids in there. So it's the idea

1 school districts, there are some problems with  
2 facilities.

3 BY MS. WELCH:

4 Q Do you have any particular problems in mind?

5 A Oh, I think that one of the facility problems  
6 that many schools face is that sometimes the availability  
7 of space is not where the -- is not where the students  
8 are. And I think that we have to look at the  
9 availability of classrooms, portables. We have charter  
10 schools that we have to give classes -- school -- room  
11 to. We have a newly integrated special education  
12 program. So it's a space issue that we have to deal  
13 with.

14 We also have open enrollment and we have to look  
15 at that. So it's a matter of planning for next year for  
16 space, teaching space, office space, counseling space,  
17 that kind of facilities problems that I think all schools  
18 face and we face also.

19 Q Are there any schools in Ravenswood that, to  
20 your mind, there's levels of overcrowding that you feel  
21 are unacceptable?

22 A No, not at all.

23 Q Other than this issue of availability of space,  
24 are there any other facilities problems that you think  
25 are currently facing the district?

1 of, Do you put a new portable in? Should you put in a  
2 new portable, expanded portable, or do you move half the  
3 program somewhere else?

4 So it's a matter of logistics of people who want  
5 to come to the district, particularly in the child care,  
6 just before kindergarten, that group of kids. That's  
7 another area that we're constantly dealing with.

8 MR. MARQUEZ: Can I clarify? When you said "any  
9 problems," it refers back to your original question, any  
10 further problems, meaning any significant facility  
11 problems; is that correct?

12 BY MS. WELCH:

13 Q Yeah, I was trying to make a list of the  
14 facilities problems that you faced when you became  
15 superintendent of the district. And you talked about  
16 availability of space, you talked about access to  
17 technology or getting technology in the classrooms.

18 A Expanding certain programs.

19 MS. CARTER: Objection to the extent that that --  
20 I'm not sure if that was the question, but to the extent  
21 that it was, it -- I object that it might misstate the  
22 witness's testimony.

23 BY MS. WELCH:

24 Q I actually hadn't asked a question yet. I was  
25 just trying to kind of summarize where we were.

1 So besides those things that we've talked about,  
2 are there any other facilities problems that you had in  
3 mind?

4 MS. CARTER: Objection to the extent that it  
5 misstates the witness's testimony.

6 THE WITNESS: Not a facility problem, but -- you  
7 know, I can't think of a specific facility thing that  
8 you're -- you know, you're -- to try to aim at one  
9 specific thing.

10 Foremost in our mind is the safety of kids, to  
11 make a good, safe, healthy environment for kids, and  
12 there's been so much work done with the schools in the  
13 Ravenswood School District in the last few years with the  
14 cities and everything, I can't think of a specific  
15 major -- there was a fire that happened a couple years  
16 ago, and finally the insurance things came through and  
17 they're fixing that. Will they be ready for September?  
18 We could use some of the rooms in September for special  
19 ed. I mean I get back to facilities and starting of  
20 school. That's my whole thing.

21 BY MS. WELCH:

22 Q Are you satisfied with the level of maintenance  
23 that's taking place in the schools in the Ravenswood  
24 District?

25 A Yes, I am.

1 Q Do you feel that you have adequate custodial  
2 staff in the schools in the Ravenswood District?

3 MS. CARTER: Objection; it's vague and ambiguous and  
4 also may call for an expert opinion.

5 THE WITNESS: Yes.

6 MR. MARQUEZ: You can answer if it hasn't already  
7 been recorded.

8 THE REPORTER: I got it. Thank you.

9 BY MS. WELCH:

10 Q In your opinion, does the district have any  
11 significant problems in providing students with adequate  
12 textbooks and instructional materials?

13 MS. CARTER: Objection; vague and ambiguous. Also  
14 calls for expert opinion.

15 THE WITNESS: The district doesn't -- I think you  
16 said, "Does the district have a problem?" The district  
17 doesn't have a problem in providing adequate textbooks.  
18 In fact, we had a report to the board last night that  
19 just this last year the expenditure has been over almost  
20 a half a million dollars on textbooks and new adoptions,  
21 state adoptions. There was a report made last night. To  
22 be precise, \$450,000 worth. They reviewed about maybe  
23 eight or ten different series of sets. So the district  
24 does not have a problem in providing the books.

25 BY MS. WELCH:

1 Q Does it have any other sort of problem?

2 MS. CARTER: Objection; vague and ambiguous.

3 BY MS. WELCH:

4 Q I'm not sure if you were meaning to qualify your  
5 answer.

6 A No, I wasn't meaning to qualify it, but you're  
7 asking another question. And one of the problems we're  
8 facing in some of the areas is that some of the books are  
9 lost or some of the books have been taken home and not  
10 returned. I think we could do a better job in  
11 establishing a system of monitoring textbooks because,  
12 you know, we charge people when they lose a book or  
13 something. So it's loss -- book loss maybe. It's not,  
14 you know, great, but it's enough to be concerned about  
15 and I am concerned about it and we're putting in  
16 procedures to make sure that we have these books. You  
17 just can't go on buying books. We have to watch that  
18 whole thing. So this is an area that's a concern.

19 Q What sort of procedure are you putting in place?

20 A Through the individual clerks, putting on a  
21 greater -- we're bar coding a lot of the books, putting a  
22 greater database of who has the books and what the books  
23 are, getting the books back, making sure that people --  
24 people take the initiative to get books returned so we  
25 can continue having books for everyone.

1 Q You spoke earlier about the Emma C. federal case  
2 on special education that's been going on in the  
3 district.

4 A Mm-hmm.

5 Q And I believe you said that the issue left to be  
6 resolved was how the settlement plan was going to be paid  
7 for; is that correct?

8 A That's correct.

9 Q What is the district's position on who should  
10 pay for the services?

11 MS. CARTER: Objection; calls for a legal  
12 conclusion. Also may call for speculation.

13 MS. GIORGI: And relevancy.

14 THE WITNESS: It's the district's position -- there  
15 are two defendants, State Department of Education and the  
16 school district, and it's the district's position that  
17 the State Department of Education should pay for the  
18 amount next year.

19 It's the district's position that the district  
20 will -- the program -- this is important. The program  
21 did not start July 1st. Usually everything starts on  
22 July 1st in the fiscal year. This judge's ruling started  
23 this whole program, the new program, March 1st. So it's  
24 a district position that by March 1st to June 30th the  
25 district will pick up all the necessary costs and the

1 State of California pick up -- the State Department of  
2 Education pick up the cost for the ensuing year, which is  
3 the 2003-2004 school year.

4 BY MS. WELCH:

5 Q Do you have an understanding as to why the  
6 district thinks the State should pick up the cost for the  
7 following year?

8 MS. CARTER: Objection; calls for a legal conclusion  
9 and may call for speculation.

10 MR. MARQUEZ: And I'm also going to object that it  
11 may call for attorney-client privileged information and  
12 admonish the deponent to be careful in that regard.

13 BY MS. WELCH:

14 Q Yeah, I'm not looking for any privileged  
15 information. If there's something that you can provide  
16 that's public information, give me that answer. If you  
17 can't answer the question, let me know.

18 A I think that -- I would listen to my attorney on  
19 that.

20 MR. MARQUEZ: Can you repeat the question?

21 MS. WELCH: I asked if he had an understanding of  
22 why it was the district's position that the State should  
23 pay for the services starting after June 30th, I believe.

24 MS. GIORGI: The question calls for a yes or no  
25 answer, not an explanation.

1 no, more than that. There were several briefs, and I  
2 remember the last brief, I thought it was very well done,  
3 and there's discussion about the insolvency of the  
4 district. There's discussion about AB1200 and the  
5 process of AB1200, the lack of money in the district, all  
6 those things were mentioned in there.

7 So when I say to you yes, I have knowledge, I  
8 have knowledge of that brief, of those elements of the  
9 lack of ability of the district to pay because of its  
10 insolvency issue. So that's the areas I'm aware of.

11 BY MS. WELCH:

12 Q Are you aware of a discussion of why the State  
13 should be responsible for paying?

14 MS. CARTER: Objection; leading the witness.  
15 Also --

16 THE WITNESS: You know, I'm aware of so many  
17 discussions, I can't aim at one particular one that  
18 you're talking about. I can't think of one.

19 BY MS. WELCH:

20 Q Do you know when the Court will be ruling on the  
21 issues with respect to costs?

22 A I think I said it before. Supposedly within a  
23 couple of weeks.

24 Q Do you have a sense of what will happen to the  
25 district if the Court decides that the district is

1 MR. MARQUEZ: You can answer that yes or no.

2 THE WITNESS: Okay. Would you repeat that question  
3 again?

4 (☐The record was read as follows:

5 "QUESTION: Do you have an understanding as  
6 to why the district thinks the State should  
7 pick up the cost for the following year?"

8 THE WITNESS: I guess I can answer that question yes  
9 and still listen to my attorney.

10 BY MS. WELCH:

11 Q Are you familiar with the district's reply brief  
12 that was filed recently with respect to --

13 A Yes.

14 Q -- costs?

15 Do you have an understanding that that  
16 information is public information?

17 A Yes.

18 Q Is there any -- could you give me a general  
19 summary of the position as expressed in that document?

20 MS. GIORGI: Objection; document speaks for itself,  
21 calls for speculation.

22 THE WITNESS: There were --

23 MS. CARTER: Also calls for the witness's legal  
24 conclusion.

25 THE WITNESS: There were a series of four briefs --

1 responsible for the costs?

2 MS. CARTER: Objection; calls for speculation.

3 THE WITNESS: If the judge rules that the district  
4 is to pay for the Emma C. case, the district would be in  
5 very, very severe fiscal problems. Very severe.

6 BY MS. WELCH:

7 Q Is there a risk of a state takeover if the  
8 district is required to pay the costs?

9 A Yes.

10 Q And is it your understanding that if that did  
11 occur, it would be pursuant to AB1200?

12 MS. CARTER: Objection; calls for a legal  
13 conclusion, also calls for speculation.

14 MS. GIORGI: And leading the witness.

15 BY MS. WELCH:

16 Q If you know.

17 A Yes.

18 Q Given the financial situation of the district,  
19 do you think that the State has an obligation to provide  
20 these services to the students of Ravenswood if the  
21 district can't afford them?

22 MS. CARTER: Objection; calls for a legal  
23 conclusion.

24 MS. GIORGI: Incomplete hypothetical.

25 MS. CARTER: Also vague and ambiguous as to



1 "obligation."

2 THE WITNESS: It's a matter of law. AB1200 lays out  
3 completely what happens to the school district if it is  
4 not able to provide the services. AB1200 just follows  
5 through -- goes to the county and the State. So that's a  
6 matter of law. There's no speculation on it.

7 BY MS. WELCH:

8 Q With respect to the special ed services in  
9 particular, do you think that if the State (sic) can't  
10 afford to pay for the special ed services that are set  
11 out in the settlement agreement, that the district has a  
12 responsibility to pay for those services? Did I say  
13 "State"? Because that's what I meant.

14 A You said State. Is that what you wanted to ask  
15 me?

16 Q Yeah.

17 A If the State can't pay for it?

18 Q No, no. If the district can't pay.

19 A Okay. That wasn't the question you asked.

20 MR. MARQUEZ: It would be helpful if you can restate  
21 the question.

22 MS. WELCH: Sure. Let me start over.

23 Q If the district cannot pay for the special ed  
24 services that are set out in the settlement agreement in  
25 the Emma C. case, do you think that the State has the

1 reason or just to object to emphasize the objection, we  
2 can do that, as well.

3 MS. CARTER: The State also agrees with the same  
4 caveat.

5 MS. GIORGI: So stipulated.

6 MR. MARQUEZ: Thank you for that.

7 MS. WELCH: You're welcome.

8 Q So before our lunch break we were talking about  
9 problems that you saw in the district when you started as  
10 superintendent of Ravenswood. And I'm wondering -- I  
11 know you haven't been superintendent for very long, but  
12 I'm wondering if, since you've become superintendent, are  
13 there any new problems that we haven't already discussed?

14 MS. CARTER: Objection; vague and ambiguous.

15 THE WITNESS: Well, I think I knew about the  
16 problems with the State funding I think in January. I  
17 knew that was out there, but the more we hear about that,  
18 the more that becomes a problem for us.

19 The more I hear about the possibility that the  
20 legislature will not make a decision until late September  
21 or October because of political reasons is a concern to  
22 us. That's a new problem. I'm trying to think of  
23 internally.

24 Internally I think that there's a concern when  
25 we gave out letters -- it might be a new problem. When

1 responsibility to Ravenswood students to provide those  
2 services?

3 MS. CARTER: Objection; it's an incomplete  
4 hypothetical. It's also vague and ambiguous as to what  
5 responsibility and what services are being discussed, and  
6 it also calls for a legal conclusion.

7 THE WITNESS: If the district were unable to pay for  
8 services for students, special education and regular,  
9 that means that they would not be able to fulfill their  
10 obligation both fiscally and educationally. They would  
11 then go into AB1200. AB1200 has a process, and the  
12 process does involve the State. Someone's going to pay  
13 somewhere for the students to have an education.

14 MS. WELCH: Can we go off the record for a second?

15 (□Discussion off the record.)

16 (Recess taken: 12:05 until 1:02 p.m.)

17 BY MS. WELCH:

18 Q We were just having a discussion about one of  
19 the ways that we might be able to keep the deposition  
20 moving as quickly as we can, and I am happy to preserve  
21 all parties' objections as to the form of the question.  
22 And I believe that's agreeable to others?

23 MR. MARQUEZ: That's agreeable by the district, with  
24 the understanding that if there's a particular question  
25 where we feel it necessary to object for some other

1 we gave out letters of warning on May 15th, I think that  
2 a lot of people, non-classroom teaching personnel, began  
3 thinking about, "Is my job safe?" So I think it all  
4 revolves around the fiscal matters, job retention,  
5 concern for their jobs, those kinds of issues rather than  
6 any one specific emergency or point that I can think  
7 about.

8 BY MS. WELCH:

9 Q I'm not quite clear on what you mean by the  
10 legislature will not make a decision. Would you clarify  
11 that or explain that a little bit?

12 A Sure. School districts, May 15th we have to  
13 determine who we're going to take back in school  
14 teachers. We have to adopt the budget by June 5th, with  
15 a three percent reserve. That's required by law. And we  
16 might have to do that all without knowing what the cuts  
17 are going to be. That's a major problem for us. Major  
18 problem.

19 Q Do you have an understanding of possible areas  
20 where there will be cuts? And if you don't, just -- you  
21 can just say you don't. I mean I don't want you to  
22 guess, but if you have an understanding.

23 A We have a finance committee that we put  
24 together, and the finance committee put a whole bunch of  
25 things on the wall. They range from raising class sizes

1 to transportation, to school sites, all of the -- a  
2 bond -- a parcel tax election. They were just throwing  
3 things up on the wall.

4 So there's all kinds of things that we have to  
5 deal with, but the whole point is that we're so tight  
6 right now fiscally, we've made so many cuts already to  
7 try to preserve our own independence that it would be  
8 greatly difficult to make more cuts.

9 If we do make more cuts -- if we do make more  
10 cuts, they're going to eat into the program. They're  
11 going to eliminate kindergarten classes, negotiate with  
12 the union to raise class sizes. It will bite right into  
13 the educational program.

14 Q Do you have an understanding of when decisions  
15 will be made with respect to what programs will be  
16 affected by budget cuts?

17 A I think that we're going to have to make the  
18 decisions before we adopt the budget. The legislature  
19 will not give us -- the legislature will not give us what  
20 they take freely, and that is an avoidance of a time  
21 limit. We have to do something by "X" date. They simply  
22 stop the clock.

23 Q Did you say that date was in June?

24 A Yeah, June 5th is our tentative budget, but  
25 since we are on a two-year budget, probably it's going to

1 be by the end of June/first of July we have to  
2 determine -- and that's where the three percent reserve  
3 comes into play. We don't have that now.

4 Q Do you have an understanding of what will happen  
5 in July if you don't have that reserve?

6 A If we don't have the reserve? Yeah, we're going  
7 to have to make a tremendous amount of cuts. And it also  
8 depends on the judge's ruling on the Emma C. case.

9 Q You talked earlier about applications you have  
10 from the teachers who have full credentials. Do you have  
11 an understanding of whether the budget cuts that are  
12 possible could impact the district's ability to hire  
13 fully credentialed teachers as versus other teachers?

14 MS. CARTER: Objection; asked and answered, calls  
15 for speculation.

16 THE WITNESS: We have negotiated with the union  
17 class size, and the class size is 29-to-1. So we take  
18 the number of students we have, go by 29 -- outside of  
19 the K through 3, the lower classroom program -- that were  
20 in for -- with the State at 20.

21 And we have then -- we need that amount of  
22 teachers. And I am sure -- it would seem to me that it  
23 would be very difficult to negotiate higher class sizes  
24 because that's already in the contract. So therefore you  
25 have to look at that amount of students we have, divided

1 by 29, and that's how much we need to hire teachers.

2 The only way that we would not hire more  
3 teachers, if we were able to negotiate with the union a  
4 higher class size. And if it really came to difficulty,  
5 we would have to do this and raise class size, and  
6 therefore kids would go into school -- kids would be  
7 going to classes with 35-to-1 or 38-to-1. It's that --  
8 or insolvency. And I think it's critical that the  
9 district remain solvent in some way. The district has to  
10 control its own destiny. That's critical.

11 BY MS. WELCH:

12 Q I'm not sure if I understand what you're saying,  
13 so let me kind of go over it with you.

14 A Sure.

15 Q The budget cuts may impact class size ratios  
16 potentially?

17 A Potentially.

18 Q But it's not something that you think would  
19 affect your ability to hire fully credentialed  
20 teachers --

21 A No.

22 Q -- as versus --

23 A No. No. If we hire fully credentialed  
24 teachers, whether it be 29-to-1 or 39-to-1, it will be a  
25 fully credentialed teacher. It's the idea of having the

1 money and the funding to be able to do that at a regular  
2 class level.

3 Q I understand that you said you have a June  
4 deadline to provide the State with a tentative budget,  
5 correct?

6 A Somewhere towards the end of June we have to  
7 provide a tentative budget to the County Office of  
8 Education, and that tentative budget must include a three  
9 percent reserve. That's law.

10 Q If there isn't certainty in terms of the State  
11 budget and where the cuts are going to be there, will  
12 this budget that you -- this tentative budget that you  
13 provide be subject to additional cuts based on what  
14 happens with the State legislature? If you understand  
15 what I'm saying.

16 A What we will do, which all school districts do,  
17 through our best information, through our professional  
18 organizations, whatever that may be, we get an estimate  
19 of what the best up-to-date thinking is of what the State  
20 may cut. And then, in turn, we try to build that in.

21 There's also, you know, the possibility that --  
22 the governor is talking about the possibility of giving  
23 flexibility to the three percent, meaning he would only  
24 require two and a half percent. That gives us another  
25 half percent. So we'll get all the best information we

1 can and submit a budget because the budget can be  
2 revised. We'll submit a budget that we think we can live  
3 with.

4 Q When you were talking earlier about the pink  
5 slips that were sent out to -- I believe you said  
6 teachers that were not fully credentialed?

7 A Right.

8 Q Or to at least a subset of teachers that were  
9 fully credentialed.

10 A We sent pink slips for the March -- May --  
11 April -- March 15th notice. March 15th notice. We sent  
12 it to all teachers who were in a specific category with  
13 credentialing, A, and all certificated non-classroom  
14 personnel. That meant that every administrator, every --  
15 everybody who was not in the classroom -- librarian,  
16 counselor, everybody who is in that category got a  
17 notice, and we sent that out at the appropriate time.

18 Q When you're talking about teachers in certain  
19 categories, could you tell me what those categories are?

20 A The categories that we sent out to were all  
21 teachers who did not have a regular credential, who were  
22 on emergencies, temporaries. And we did not -- we sent  
23 out to emergencies and temporaries the termination  
24 notice -- I mean the notice that they may not be rehired.  
25 That's the way -- the wording of the letter.

1 Q Are teachers with pre-intern credentials in one  
2 of those categories?

3 A We sent out letters to everyone who did not have  
4 a valid teaching credential at that time. If they were  
5 eligible for a teaching credential, for example, by the  
6 end -- if they were at the end of -- by June of this year  
7 if they were getting a credential, they would not have  
8 been on that list. Some of them were in the process of  
9 getting a credential. They would not be on that list.

10 But anybody who has a credential did not get a notice.

11 Q And going back to the 250 applications that you  
12 have received, you said that the 250 applications were  
13 all from teachers who were fully credentialed, correct?

14 A Yes.

15 Q How many -- if you know, how many spots do you  
16 have to fill for teachers for next year?

17 A I would say that we're probably going to need --  
18 we have sent out 98 letters and we have 178 -- I would  
19 say we're probably going to have a good 85 slots to fill.  
20 85 or -- yeah. My best recollection, around that area,  
21 depending on the enrollment. You know, if the enrollment  
22 goes up, we'll have more or less.

23 Q Mm-hmm. Would it be fair to say that there are  
24 differences in the quality in teachers?

25 A Difference in quality of teachers?

1 Q Teachers have different qualities?

2 A Yeah, teachers have different qualities, sure.

3 Some are better in math, some are better in technol- --  
4 have a greater knowledge in technology, some have a  
5 greater personal rapport with kids, some are more precise  
6 in math. Is that the kinds of qualities you're talking  
7 about?

8 Q Yeah.

9 A Yeah, people have different qualities.

10 Q Do you think that teacher qualities matter with  
11 respect to teaching students?

12 A It depends on the quality. Let's take a math  
13 class. If I had a teacher with little personality but  
14 really knew algebra, I'd like that.

15 Let's talk about a drama class. If I had the  
16 same person in there who had no personality but really  
17 knew drama, I wouldn't like that. That's the kind of  
18 determination I'd make.

19 Q Does the district take -- currently take steps  
20 to promote the professional development of teachers?

21 A Yes, we do. We really encourage professional  
22 development. We will be going through quite a bit of  
23 professional development with the Emma C. case. Some of  
24 the conditions, in fact, at the beginning of the school  
25 year, we will be going through a one-week workshop with

1 all teaching staff, bringing them back early. This is  
2 part of the Emma C. settlement.

3 We have a lot of workshops in -- especially in  
4 reading and literacy. We are trying to get some grants.  
5 Just recently we talked to people at the grants in the  
6 area of science, tried to make science more  
7 subject-specific than what it is now.

8 So we're really looking at doing a lot of  
9 workshops with the teachers. Technology is another one.

10 Q Does the district have particular professional  
11 development programs?

12 A We have some programs that we do through some of  
13 our sources, funds, some reading, literacy, science  
14 programs. And then we take advantage of the county. The  
15 county has a lot of in-service training for teachers.  
16 And then we have individual grants from foundations that  
17 we pay teachers to go to certain places.

18 So the availability is there. The problem with  
19 in-service training or the problem that you're talking  
20 about is that more and more teachers want to stay with  
21 their classroom and not leave their classroom. And boy,  
22 that becomes a real dilemma in getting professional  
23 training and trying to keep the teachers in their  
24 classroom.

25 Q What do you mean by teachers want to stay with

1 their classroom? They want --  
 2 A They want to stay with their classroom. They  
 3 don't want to miss instructional days. They don't want  
 4 to have a substitute in, even though we have some  
 5 excellent substitutes. They want to be with their class.  
 6 And I see that phenomena happening more and more of the  
 7 teacher knowing they have to have all the special  
 8 training, knowing they need all this, but the inability  
 9 to -- the desire not to leave their classroom. I see  
 10 that more and more with teachers. And it's a real  
 11 commendable attribute that people have in teaching.  
 12 Q Other than the trainings that you talked about  
 13 relating to the Emma C. case and science training and  
 14 technology training, are there any other types of  
 15 professional development that the district is doing?  
 16 A Reading, science (inaudible).  
 17 THE REPORTER: I'm sorry?  
 18 THE WITNESS: I'm mumbling to myself. I'm not  
 19 answering, I guess.  
 20 Yes. There's a training we're going through and  
 21 it's called positive behavior. It's a training that  
 22 we're doing about the positive behavior in a classroom,  
 23 trying to enforce from the youngest child about being  
 24 courteous, about waiting their turn. And I guess a lot  
 25 of teachers are involved in this. It's called -- there's

1 two Ps in it, but it -- I know it's positive behavior.  
 2 There's another P, but I'm not sure what it is. It's  
 3 really trying to get people just to have -- the civility  
 4 of kids towards each other. That's another training  
 5 we're going through.  
 6 Q Anything else that comes to mind?  
 7 A Not in my mind right now, no.  
 8 Q When the district has a choice, would it prefer  
 9 to hire teachers with more training and experience rather  
 10 than less?  
 11 A If I had a choice? It all depends on the  
 12 person, the credential. And then of course an ingredient  
 13 would be an experienced teacher. So that is one of the  
 14 ingredients I think we would look at, absolutely.  
 15 Q Why is that?  
 16 A Well, I think that if you have a teacher -- if  
 17 you're able to get a teacher who meets the kind of  
 18 individual needs that -- the individual personality  
 19 traits you want, that has a credential and has maybe been  
 20 involved in a math class for five years and knows all of  
 21 the curriculum and knows all of the nuances of teaching  
 22 skills, you know, no matter how you slice it, you can  
 23 have all the degrees in the world, all the credentials in  
 24 the world. Experience, being there, working directly on  
 25 line with kids is vitally important, vitally important.

1 On the other hand, you've got to be careful  
 2 about the teacher who has been teaching for 20 years, one  
 3 year at a time, versus the teacher who is really  
 4 experienced. So it's a judgment you make on the person  
 5 and their background.  
 6 Q When you are hiring a teacher --  
 7 A When I was hired as a teacher?  
 8 Q No. I'm sorry. When you are hiring a teacher,  
 9 outside of training and experience, credentials, other  
 10 things that you've already testified to, are there any  
 11 other qualities that you think are important?  
 12 A Yes, I do. I think that when you talk to  
 13 someone, a new teacher, and you ask them the question,  
 14 "What else have you done besides teaching?" or, "What  
 15 else have you done?" "What kinds of hobbies do you  
 16 have?" "What kind of experiences do you have?" That's  
 17 important.  
 18 People who have had out-of-class experiences,  
 19 whether with a recreation department, as a volunteer,  
 20 working with a city, working with kids in a non-profit  
 21 organization, the kinds of volunteer things that are not  
 22 necessarily jobs and job-related but give an individual  
 23 experience, I look for those things.  
 24 I look for a lot of different traits in a  
 25 person. I look at a person -- I'm assuming the

1 credential, I'm assuming -- you know, you see the three  
 2 years, four years of experience. Then you dig for the  
 3 other things. What kinds of things has the person really  
 4 done, and does the person like kids? That's a real major  
 5 question.  
 6 Q Are you familiar with CLAD and BCLAD  
 7 certification?  
 8 A Mm-hmm, yes.  
 9 Q Can you explain CLAD certification just briefly?  
 10 A Yes, it's a certification when you have a  
 11 bilingual -- a certain amount of students in the district  
 12 who are bilingual, and you have the CLAD, which is --  
 13 it's a credential.  
 14 Then you have the BCLAD, and the BCLAD is the  
 15 one where you are bilingual. And these are the two  
 16 certifications.  
 17 Q Do you have a view on whether CLAD or BCLAD --  
 18 let me start with CLAD.  
 19 Do you have a view on whether CLAD certification  
 20 is necessary for a teacher to be qualified to teach  
 21 English language learners?  
 22 A I would say that it would strengthen that  
 23 teacher immensely by having that certification.  
 24 Q Do you have an understanding of another ELL  
 25 designation that is sometimes referred to as a "teacher

1 in training"?

2 A I'm not sure what you mean by "teacher in  
3 training." You mean there's a certification that says  
4 "teacher in" --

5 Q I think "certification" is probably not the  
6 correct word. It's probably more like a category of  
7 teacher who is in training for a CLAD or BCLAD  
8 certification. Are you familiar with that category?

9 A I'm familiar with teachers who are -- who are  
10 involved in getting -- obtaining the certification. Is  
11 that the person you're talking about in training?

12 Q Exactly.

13 A Yeah, okay.

14 Q But you haven't heard of the term being used "in  
15 training"?

16 A I've heard "principal in training,"  
17 "administrators in training," but not necessarily  
18 "teachers in training," but -- I know of people who are  
19 training and going for the certification, but I'm not  
20 sure I've heard of that particular terminology.

21 MS. WELCH: I'd like to have this document marked as  
22 Exhibit 1.

23 (Deposition Exhibit 1 was marked.)

24 BY MS. WELCH:

25 Q If you could just take a look at the document.

1 Just for the record, this is a document with the  
2 Bates stamp DT-RA 5496 to DT-RA 5501. And the first page  
3 is a memorandum from Mike Smurthwate, Director of  
4 Multilingual Education Office, to Monica Nava, Department  
5 of Education, and it's dated December 7th, 2000.

6 Is that an accurate description of the document?  
7 Does that sound right?

8 A Yes, mm-hmm.

9 Q Have you seen this document before?

10 A No.

11 Q Are you familiar with the process of submitting  
12 an LEP staffing plan?

13 A I'm not familiar with this particular process of  
14 establishing -- of doing this plan in this way.

15 Q Is -- to your knowledge, is this something that  
16 the district is currently doing? And by that I mean  
17 splitting an LEP staffing plan.

18 A Yes, we're under -- we have a language learners  
19 division department under curriculum, and we've been  
20 working with the State. We -- about two years ago we  
21 were noncompliant in almost 15 or 16 areas. Just  
22 recently the State made a visit, and in fact I sat in on  
23 the exit of that visit, and we were down to two  
24 noncompliant areas, and I think that it was -- the person  
25 who took this person's place was the one who is heading

1 it up for us now.

2 Q And when you talk about compliant and  
3 noncompliant areas, are you referring to the Coordinated  
4 Compliance Review process?

5 A Correct.

6 Q Do you know if there is a document similar to  
7 this one that is more recent that would provide updated  
8 information?

9 A I'm not sure. There were a lot of documents  
10 that went back and forth with the State and there were  
11 absolutely volumes of it. I can't tell you at this time  
12 the nature of those, if they're similar or the same or if  
13 the same format was used. I just don't know. This  
14 happens to be almost three years ago. Well, no December  
15 of 2000. Two and a half years ago. So I don't know if  
16 the same format was used. It looks familiar, but I  
17 cannot tell you if it's the same type of -- yeah,  
18 '99-2000 staffing plan annual report. I would assume  
19 that the format is pretty similar.

20 Q If you look on the second page, which is  
21 DT-RA 5497, in the first paragraph, the last sentence  
22 says, "All non-CLAD authorized teachers must sign a  
23 Memorandum of Understanding acknowledging that they are  
24 only on 'Provisional' assignment in an EL class setting  
25 until full authorization is obtained. (See enclosed

1 copies of the Memorandums of Understanding for all  
2 'CLADs-in-training')."

3 A Where are the words you used, teacher in  
4 training (sic)? I don't see it.

5 Q This document says --

6 A Oh, CLADs in training. Oh, I thought you said  
7 "teachers in training."

8 Q I may have said that earlier and then --

9 A Okay. Okay.

10 Q So do you have an understanding of what this  
11 document is referring to, memorandums -- when I --

12 A Yes.

13 MS. GIORGI: I'm going to object. The document  
14 speaks for itself, and this gentleman has already said  
15 that he's not familiar with this document.

16 BY MS. WELCH:

17 Q Did you hear my question?

18 A Yeah. I -- I'm familiar not with this document  
19 but the concept, because I've seen other documents that  
20 would refer to the same thing. But I can't tell you if  
21 it's the same format.

22 Q I'm sorry. Let me go back.

23 This document refers to the term "CLADs in  
24 training." Do you have an understanding of what this  
25 document is referring to?

1 A Yes.

2 MS. CARTER: Same objections.

3 BY MS. WELCH:

4 Q And what is that?

5 MS. CARTER: He's already testified that he's not  
6 familiar with this document.

7 THE WITNESS: Now that I see this, as I read this  
8 document, it refers to people who are in training for  
9 their CLAD credential.

10 BY MS. WELCH:

11 Q Looking at page DT-RA 5500, the top column says,  
12 "Teacher Need, Supply and Shortages (Cont.)." If you  
13 look at the bottom row it refers to current shortage, and  
14 then over at the far right column it says 107. Do you  
15 see that?

16 A Mm-hmm.

17 Q Do you have an understanding of what that is  
18 referring to?

19 MS. GIORGI: Objection; the record speaks for  
20 itself. And his understanding -- he's already testified  
21 that he's not familiar with this document nor what the  
22 107 -- I'm sure it lacks foundation of personal knowledge  
23 as to what the conditions were at Ravenswood District in  
24 the year 1999-2000, which this document reflects.

25 BY MS. WELCH:

1 MS. CARTER: It's asked and answered.

2 THE WITNESS: I believe that this kind of  
3 information is available.

4 BY MS. WELCH:

5 Q Do you have an understanding of whether or  
6 not -- what that number would be --

7 A No, I don't.

8 Q -- in terms of shortages?

9 A Not at this time.

10 Q Do you have an understanding of whether there  
11 are any shortages?

12 A I do not know of any specific shortages of the  
13 CLAD credentials, so I have no specific knowledge of  
14 that.

15 Q Do you have any general understanding of whether  
16 the district had shortages in the past?

17 A No.

18 Q I think you've already answered this question,  
19 but let me just ask it anyway. And if you have, you can  
20 tell me you have.

21 Do you know if Ravenswood is currently able to  
22 provide teachers with CLAD or BCLAD training to all the  
23 English language learners in the district?

24 A Repeat that question again.

25 MS. WELCH: Could you read it back for me?

1 Q You can answer if you have an understanding.

2 A I have an understanding, but I have no knowledge  
3 of what happened in '99 and 2000. This is a figure  
4 that's two and a half years old.

5 Q I understand that. I want to know if you have  
6 an understanding of what this figure means or is  
7 referring to.

8 MS. GIORGI: Same objections.

9 MS. CARTER: And asked and answered.

10 THE WITNESS: Practically, yes, but I have no  
11 knowledge of it.

12 BY MS. WELCH:

13 Q So practically, what is it --

14 A I mean the figures -- I mean if it says 107, I  
15 know what 107 means, but I don't know what that means  
16 overall for that year.

17 Q Do you have an understanding of whether or not  
18 there is a document similar to this one that reflected  
19 any current shortages that may be in existence with  
20 respect to --

21 MS. CARTER: Asked and answered.

22 MS. WELCH: Could I please finish my question?

23 MS. CARTER: Please do.

24 BY MS. WELCH:

25 Q -- with respect to ELL credentials?

1 (□The record was read as follows:

2 "QUESTION: Do you know if Ravenswood is  
3 currently able to provide teachers with CLAD  
4 or BCLAD training to all the English  
5 language learners in the district?")

6 THE WITNESS: To all the English language learners  
7 in the district. I -- I know that it is being done. I  
8 do not know to what extent. By the nature that we  
9 have -- are in compliance now with all but two areas, I  
10 would assume that we are.

11 BY MS. WELCH:

12 Q The documents that you referred to earlier that  
13 you've said are similar to this but updated --

14 A Mm-hmm.

15 Q -- do you think that information -- do you think  
16 that information would be reflected in the document?

17 A Probably so.

18 Q Does Ravenswood have a current agreement with  
19 the teachers collective bargaining representatives in the  
20 district?

21 A Yes, we do.

22 Q What is the time period covered by that  
23 agreement, if you know?

24 A Yes, I do. The contract was -- the contract  
25 that we're working on now is two years old because

1 teachers haven't had a raise for two years. So it's two  
2 years old. And since we have not had any agreement with  
3 teachers in two years, the existing contract continues.  
4 So the date of that contract is two years ago.

5 Q Are there plans for a new contract?

6 A The teachers have sunshined a new proposal that  
7 was sunshined about three weeks ago, and we will be  
8 sunshining our proposal in about probably a month. But  
9 the teachers association and the district administration  
10 have been meeting on a regular basis dealing with all of  
11 the issues that we can outside of the formal negotiating  
12 process.

13 Q Is there any way of estimating when you might  
14 reach agreement on a new contract? And if there's not,  
15 there's not, but I'm just wondering if you have a sense.

16 A I think that's difficult because of the  
17 uncertainty of where we are with funding.

18 Q We talked earlier about the reporting  
19 requirements that districts in San Mateo County have with  
20 respect to the county superintendent.

21 A Mm-hmm.

22 Q And now I want to talk about something a little  
23 bit different. I want to talk about the requirements  
24 with respect to reporting to the State.

25 So I'm wondering if you have an understanding of

1 A To my best knowledge, the credentials go through  
2 the county.

3 MS. WELCH: Could we mark this as Exhibit 2?  
4 (Deposition Exhibit 2 was marked.)

5 THE WITNESS: Yes?

6 BY MS. WELCH:

7 Q I'll just say for the record that this document  
8 is four pages in length, and each page is a different  
9 download from the CDE website, the educational  
10 demographics unit. And the document was prepared, as you  
11 can see from the top left, on April 22nd, 2003.

12 MS. GIORGI: And this was prepared by you, Counsel?

13 MS. WELCH: Yes, I downloaded these documents. And  
14 the documents are called Classroom Teacher Credential and  
15 Experience Report by District by School for the year  
16 1998-'99, '99-2000, 2000-2001, and 2001-2002, for the  
17 Ravenswood District.

18 Q Are you familiar with this document?

19 A Yes, uh-huh.

20 Q I think you may have already answered this, but  
21 do you have an idea of the procedure that Ravenswood uses  
22 to report these numbers to the State, if they do?

23 A Yeah, I'm assuming it goes through the county  
24 because that's my experience that the county does all the  
25 credentialing, and probably this goes to the State.

1 whether every district reports to the State about the  
2 teachers employed by that district, their number, their  
3 credential, et cetera?

4 MS. GIORGI: I'm going to object. Vague and  
5 ambiguous as to "State." Do you have a specific entity  
6 in mind or do you just really want a global "State"?

7 MS. WELCH: Well, I mean, I'm assuming they report  
8 it to the CTC, but --

9 THE WITNESS: Yeah, I'm very familiar with the  
10 reporting that's done to the county, and I can't  
11 specifically say that -- I can't specifically tell you  
12 what exact information is reported to the State.

13 I know that there is a very close  
14 relationship -- I mean a close -- a continuing contact  
15 between the State, the credential division, and the  
16 county office. So I'm assuming there's a lot of stuff  
17 going back and forth, but I can't specifically say the  
18 nature of the reports. The State seems to know all of  
19 the credentials and everything, so I'm assuming the  
20 reporting is there.

21 BY MS. WELCH:

22 Q And in your -- in San Mateo County, is it your  
23 understanding that that reporting is a county  
24 responsibility, or do you know if there's also a direct  
25 link between the district and the State in terms of --

1 Q Do you have any reason to doubt these figures in  
2 this document?

3 A To the extent that the information was correctly  
4 put in there, I don't have any figures -- I don't have  
5 any doubt that these figures are not fairly correct.

6 Q Do you know if Ravenswood has reported the  
7 numbers for the 2002-2003 school year to the county?

8 A I'm assuming they have.

9 Q So in addition to dividing the -- dividing  
10 teachers by credential type, the document also provides  
11 the average years teaching and the number of first and  
12 second-year teachers; is that correct?

13 MS. GIORGI: The document speaks for itself.

14 THE WITNESS: Are you telling me that or asking me a  
15 question? I'm not sure.

16 BY MS. WELCH:

17 Q Is that your understanding?

18 A Repeat that again.

19 MS. WELCH: Can you read it back?

20 (The record was read as follows:

21 "QUESTION: So in addition to dividing  
22 the -- dividing teachers by credential type,  
23 the document also provides the average years  
24 teaching and the number of first and  
25 second-year teachers; is that correct?")

1 THE WITNESS: Mm-hmm, yes, yes.  
 2 BY MS. WELCH:  
 3 Q Looking at the last page, for 2001-2002.  
 4 A Mm-hmm.  
 5 Q If you look at the Ravenswood City Elementary  
 6 total column, which is about the fourth column from the  
 7 bottom, do you see that?  
 8 A Which one?  
 9 Q If you look on the first column under "School"?  
 10 A Yeah.  
 11 Q And you look towards the bottom, it says,  
 12 "Ravenswood City Elementary Total."  
 13 A Right.  
 14 Q It indicates that the average years teaching for  
 15 the district as of when these numbers were reported in  
 16 2001 was 7.9; is that correct?  
 17 A Mm-hmm.  
 18 MS. CARTER: Objection; the document speaks for  
 19 itself. And leading the witness.  
 20 THE WITNESS: Yes.  
 21 BY MS. WELCH:  
 22 Q And also looking down a couple categories, it  
 23 gives the state average, which is for 2001-2002, which is  
 24 12.7; is that correct?  
 25 MS. CARTER: Objection; the document speaks for

1 itself.  
 2 THE WITNESS: Yes.  
 3 MS. GIORGI: And the witness has already -- or at  
 4 least so far has testified that he has no foundational  
 5 knowledge of the what the State's total was, short of  
 6 reading the document that you've just handed him.  
 7 BY MS. WELCH:  
 8 Q If you look under the "Average Years Teaching"  
 9 column, you see quite a variance in terms of the average  
 10 years teaching in the different schools in Ravenswood; is  
 11 that correct?  
 12 MS. CARTER: Objection; the document speaks for  
 13 itself.  
 14 MS. GIORGI: And leading the witness.  
 15 THE WITNESS: Yes.  
 16 BY MS. WELCH:  
 17 Q And looking at the last two columns for first  
 18 and second-year teachers, there is also a significant  
 19 range in terms of the number of first and second-year  
 20 teachers among the schools; is that correct?  
 21 MS. GIORGI: Objection; the record speaks for  
 22 itself, leading the witness.  
 23 THE WITNESS: Yes.  
 24 MS. CARTER: I'm not sure what you're trying to do  
 25 with this document, but just from a time perspective, if

1 there's questions that go beyond just what the document  
 2 itself says that this witness can testify to personally,  
 3 it might be good to just get to those.  
 4 MS. WELCH: Do you have an objection?  
 5 MS. GIORGI: It's wasting our time.  
 6 BY MS. WELCH:  
 7 Q We talked a bit earlier about teacher turnover  
 8 in the schools in Ravenswood. Would it be fair to say  
 9 that the problem with teacher turnover is greater at some  
 10 schools than at others in the district?  
 11 A Are you talking about now or when this document  
 12 was made? This is 2001-2002.  
 13 Q Correct. I wanted to ask you some foundational  
 14 questions about the document, and I'm going to return to  
 15 it.  
 16 A Okay.  
 17 Q So now I'm just focusing specifically on teacher  
 18 turnover.  
 19 A Currently?  
 20 Q Yeah.  
 21 A There would be a difference in turnover. Some  
 22 have a greater turnover than others.  
 23 Q Do you have any knowledge of schools that had  
 24 greater turnover in the district in the past?  
 25 A In the past? No.

1 Q So your knowledge is limited to what is going to  
 2 be the turnover for this year; is that correct?  
 3 A My knowledge is limited to what I see here in  
 4 the documents and what is -- what's going to happen this  
 5 year.  
 6 Q So you've never heard that there are particular  
 7 schools in Ravenswood that have higher rates of turnover  
 8 than others?  
 9 MS. CARTER: Asked and answered.  
 10 THE WITNESS: Have I heard that some have higher  
 11 rates of turnover than others? Have I heard that? I've  
 12 heard that second or third or fourth-hand, but -- I hear  
 13 that from other districts also, but I can't tell you if  
 14 the turnover was two in one school and one in the other  
 15 school or 50 in one school and 50 in the other school.  
 16 The word "turnover" is so broad.  
 17 BY MS. WELCH:  
 18 Q In looking at 2001-2002, the average years of  
 19 teaching in the district versus the average years of  
 20 teaching in the State, does that say anything to you  
 21 about turnover rates in the district?  
 22 A Yes. That would tell me that in a particular --  
 23 in some of the cases that the turnover was greater. But  
 24 let's take a look at the turnover. Turnover of 1.1 is a  
 25 charter school, small charter school. The next one, 2.2



1 is a charter school. 2.5 is a charter school. 1.7 is a  
2 very small alternative school. 2.0 is a charter school.

3 So the lower turnover rates were charter schools  
4 that the district does not hire and the district does not  
5 terminate, the district does not set the salary scale.  
6 It's completely independent. And those are the lower  
7 rates you see there.

8 Q I'm not quite following you. Are you talking  
9 about emergency permits or --

10 A No. Let's take a look at the average years in  
11 the district, and the average in the -- county total is  
12 9.9. Let's look at the county. It's closer. So that's  
13 9.9. Then let's look at the district. And as you go  
14 down the district, you see the real small numbers, like  
15 1.0, 2.2, 2.5 and 2.0. Now, those stand out right away,  
16 but those stand out because they're charter schools and  
17 charters are operated under a completely different set of  
18 standards and laws. So those are the things that strike  
19 you right away.

20 We could look at the 12.9. We could look at the  
21 8.4, even the 5's and 7's, but the real small ones that  
22 hit me right away are charter schools.

23 Q Do you know if the district has done anything to  
24 address teacher turnover?

25 A We've done a lot -- the district has done a lot

1 and we're doing a lot to try to deal with the recruitment  
2 and retention of teachers. Teacher turnover in San Mateo  
3 County is not a phenomenon of the school district. There  
4 is a great deal to do with the economy and the living  
5 conditions of San Mateo County, where a one bedroom  
6 apartment a few years ago ran about \$3,000 a month.  
7 Teachers are living four and five -- teacher housing and  
8 the ability of a teacher to live in San Mateo County is  
9 extremely high, very high in turnover.

10 We have teachers who go 100 miles and live  
11 somewhere and come here to teach. And then what occurs  
12 is that after a few years they become a little  
13 experienced and they get a job within the community  
14 they're living in about 100 miles away. We lose a lot of  
15 teachers to Tracy, Modesto, Stockton, up and down  
16 Highway 5.

17 So the whole turnover rate is not necessarily  
18 the indication of a school district. It's an indication  
19 of where they live. Teachers are the lowest paid,  
20 beginning, of all the professions. When you think  
21 about -- think about a fireman making \$52,000 a year.  
22 Think about a policeman at \$55,000 a year. Think of a  
23 teacher at \$32,500 or \$36,000 a year. That's why we have  
24 a lot of turnover.

25 Q Having that --

1 A Having said that.

2 Q Having said that, is there anything that the  
3 district can do in order to address teacher turnover?

4 A You know something? I would love -- I've been  
5 involved with the housing coalition of San Mateo County  
6 to try to get housing on school grounds. Most high  
7 schools are 40 acres, and the idea of taking a portion of  
8 that 40 acres and slapping up 22 or 25 units for  
9 beginning teachers, getting involved with maybe -- we  
10 tried to talk an apartment owner into maybe taking four  
11 or five apartments and eliminating the first year --  
12 first month/last month rent and for the first couple  
13 years reducing it down to 75 percent of the cost. We  
14 even talked about the -- with the redevelopment agencies,  
15 if they would subsidize teachers for the first three  
16 years.

17 The only area I know that's been very successful  
18 is Santa Clara. The Santa Clara District has actually  
19 built some housing for teachers. They're very  
20 successful. They're a real model. We talk about this  
21 all the time, but land is so precious in San Mateo  
22 County, you can't build. You can't build. So we've  
23 talked a lot about teacher housing in San Mateo County.  
24 Teachers qualify, you know, for low subsidy housing.

25 THE REPORTER: Counsel, when you get to a convenient

1 point, I need a restroom break.

2 MS. WELCH: That's fine. We can take a restroom  
3 break.

4 (Recess taken: 1:56 until 2:00 p.m.)

5 BY MS. WELCH:

6 Q We were talking about things that the district  
7 could do that might improve teacher turnover rates.

8 A Right.

9 Q And you were talking about housing subsidies as  
10 something that's been explored or at least discussed. Is  
11 there anything else you think that the district can do?

12 A Yeah. I'll come up with a big one at the end,  
13 but the housing thing is really critical.

14 The other thing is maybe more way out there, and  
15 that is the attempt to have a community give value to the  
16 profession of teaching, to value their teachers. And  
17 sometimes it takes little things like awards or  
18 recognitions or whatever that may be. We're going to  
19 have a teacher recognition day in Ravenswood in a few  
20 days, and the union said maybe not many people are going  
21 to show up. And I said I don't care if one person shows  
22 up. We'll recognize that one person. So I think it's  
23 the recognition of all.

24 I think the housing thing, the recognition,  
25 being part of the community, having business take an

1 active part in maybe adopting a class, adopting a  
2 teacher, supporting a teacher. But let me give you the  
3 biggie: teacher salary. That's where it is. And it  
4 isn't a matter of being, you know, greedy. It's a matter  
5 of self-worth. We have the lowest teacher salary in the  
6 county by a long shot. Teachers around us, at the 12th  
7 step, which is sort of a comparison basis, 20 years ago  
8 the difference between some districts was maybe 3- to  
9 \$4,000. Today in San Mateo County it's close to \$20,000.

10 And with the retirement system the way you have  
11 it now, where after -- 24 years is the single highest  
12 year -- so a teacher can work 25 years at \$65,000 and go  
13 work one year at Palo Alto High School at \$95,000, and  
14 they retire at \$30,000 at a percentage much greater. So  
15 teacher salaries are really, really the indicator.

16 And I think second to that is the ability of  
17 housing and living conditions and being able to raise a  
18 family in the community. Those two things are the top,  
19 but I'd say salary would be first. And our salaries are  
20 at the bottom. And, you know, that is one of my biggest,  
21 biggest problems.

22 We talked about collective bargaining and the  
23 whole agreement of collective bargaining. That is one  
24 thing that worries me the most is how am I going to  
25 get -- how am I going to become competitive and give

1 A One of the things is that there had been a  
2 tremendous amount of little personnel issues that the  
3 union has been sort of dealing with with very little  
4 assistance from the district in solving them. We've set  
5 meetings with the union and we're chipping away. There  
6 were something like 90 of them. Some very small. We're  
7 chipping a way little by little at that. Then the union  
8 tells the constituents the district is trying to work  
9 out, solve these little personnel problems. That's one  
10 thing.

11 Two, we've escalated our recruitment out into  
12 the community in relationship to letting people know we  
13 need the teachers, who we need, and everything. But as I  
14 indicated, I would have never even begun to guess that we  
15 would get 250 applications. Never. I expect 50, 60, but  
16 that was just sort of a goal that came in.

17 The other thing is I travel and speak to rotary  
18 groups, I speak to other groups, talk about the  
19 profession of teaching, how important the profession of  
20 teaching is. And just by the nature of what's happening  
21 in East Palo Alto, the change in democracy in East  
22 Palo Alto with the shopping centers and everything  
23 happening there. East Palo Alto, which at one time three  
24 years ago was the murder capital of the world, has  
25 completely changed.

1 teachers a raise? That's a tough one for me.

2 Q Given current resources in the district, do you  
3 have the resources to increase salaries?

4 A No, not at all. We do not have resources to  
5 raise salaries in any way whatsoever. We don't even have  
6 resources to meet the three percent until we find out  
7 what's going to happen with the Emma C. case, what's  
8 going to happen with the State cuts.

9 And one thing I never mentioned that's also  
10 hanging out there for us but it's there is attorney fees  
11 that are still lingering in very large amounts.

12 Q And this is relating to the Emma C. case, as  
13 well?

14 A The Emma C. case is part of it, and it's also  
15 with some attorneys in that we haven't paid for labor  
16 negotiations and issues related to personnel that have  
17 been hanging on for the past couple years.

18 Q My understanding is we were talking about things  
19 that the district could do in order to affect turnover?

20 A Mm-hmm. Right.

21 Q Are there things that the district is currently  
22 doing, you know, that they are doing now to affect  
23 turnover?

24 A Yes.

25 Q What are those things?

1 So I think a lot of us are out there talking  
2 about the value of East Palo Alto and Ravenswood School  
3 District. So it's a PR thing, it's a personal thing, and  
4 it's trying to get salaries up there. And the housing  
5 issue, we haven't been able to get anywhere on that.

6 Q Do you know whether the district has ever  
7 surveyed teachers or conducted any kind of inquiry to  
8 develop an understanding of why the turnover rate has  
9 been what it is?

10 A I have not done it in three and a half weeks --  
11 in three and a half months. I cannot tell you if it's  
12 been done in the past.

13 Q Does Ravenswood allow teachers to choose their  
14 teaching assignment to some degree based on teaching  
15 experience, seniority?

16 A Well, for the most part, Ravenswood being a K-12  
17 has all-self contained classrooms. It is not a  
18 divisional or a classroom. Like if you had a junior high  
19 school, you'd have 7th and 8th. Then you'd have  
20 departments, you'd have science and so on.

21 So we do for the most part, you know, teachers  
22 who -- assign teachers, and we assign -- the management  
23 assigns teachers. And teachers with more experience will  
24 get specific classes, and not necessarily a class that's  
25 better than the other class.

1 So if a teacher, for example, wanted to go to  
2 another school, transfer to another school, we would try  
3 to accommodate that. We would try to accommodate any  
4 request for a teacher.

5 The bottom line is that we assign the teachers,  
6 but within that assignment, if they want something, they  
7 want a particular school, they want a particular  
8 situation, we try to accommodate as much as possible, and  
9 not necessarily by seniority. If a first-year teacher  
10 wanted something or a 20th year teacher, we would try to  
11 accommodate as much as possible our teachers.

12 Q Do you know whether there are some schools in  
13 the district that have a more difficult time attracting  
14 fully credentialed teachers than other schools?

15 A Fully credentialed teachers? I can tell you  
16 that better in June when we start going through this  
17 whole interview because we have almost half of our staff  
18 to replace. So I think I could tell you better later on  
19 on that.

20 I know that the teachers that are there now and  
21 many teachers I've talked to who have been there for a  
22 while have formed an alliance and a sort of connection  
23 with the school and they don't want to move.

24 Q So you haven't heard any kind of -- you haven't  
25 had any communications from principals or teachers where

1 statistics. I have -- just by the knowledge that I have,  
2 I can't tell you the last few years -- well, I can tell  
3 you by looking at these charts.

4 Q Well, that's what I was going to say. I wanted  
5 to see if you had any independent understanding.

6 A I would go to a chart to try to figure out  
7 because I couldn't tell you last year, but let's look at  
8 what happened. 22, 26, 28. Belle Haven has increased.

9 Q Instead of going school by school, if we could  
10 just look at the district total.

11 A Let's go to the total.

12 MS. GIORGI: Just read the number off the chart.

13 THE WITNESS: Did you want me to read it? I'm not  
14 sure of the question.

15 MS. GIORGI: I mean, the document speaks for itself.

16 MS. CARTER: I would object to both the question and  
17 the testimony to the extent that it's just reading the  
18 number off the chart.

19 MS. WELCH: It's not just reading the document; it's  
20 establishing a foundation.

21 MS. CARTER: Then I object that the question lacks  
22 foundation because the witness has testified that he has  
23 no personal knowledge other than the chart.

24 MS. WELCH: Well, there hasn't been a question yet,  
25 so...

1 they've said, you know, this particular school is having  
2 a more difficult time attracting fully credentialed  
3 teachers than, you know, that school? You haven't heard  
4 those things?

5 A Principals have not relayed -- you see, it's in  
6 the middle of the year also. We're now going through the  
7 whole interview -- the question you ask is almost at the  
8 wrong time because we have given letters to teachers and  
9 the majority of those teachers will not be back.

10 We're going to have a whole new cadre of fully  
11 credentialed teachers, so it's going to be interesting as  
12 the fully credentialed teachers come in, over 250 people  
13 looking for jobs. I don't think it's going to be  
14 difficult. I don't think people are going to get too  
15 choosy, but I have not specifically heard, "I cannot  
16 attract a teacher."

17 Last couple of years we haven't had them. Now  
18 we have them. So I can't answer that specifically with  
19 my experience.

20 Q Okay. That's fair.

21 Do you have an understanding of whether the  
22 percentage of fully credentialed teachers in the district  
23 has declined over the past few years?

24 A Fully credentialed teachers has declined? I  
25 think that I would say that in -- I would have to look at

1 Q Looking at 2001-2002, if you look at the  
2 percentage of fully credentialed teachers for Ravenswood,  
3 do you see that the percentage is 46.1 percent?

4 A Mm-hmm.

5 Q Looking at 2000-2001, do you see that the  
6 percentage is 44.6 percent?

7 A Mm-hmm.

8 Q And for 99-2000, the percentage is 50.9 percent;  
9 is that correct?

10 A Mm-hmm.

11 Q And for '98-'99, the percentage is 52.9 percent;  
12 is that correct?

13 A Mm-hmm.

14 (□Telephonic interruption.)

15 MS. WELCH: Off the record.

16 (Off the record.)

17 MS. CARTER: Just, again, in the interest of time,  
18 this is going to be attached as an exhibit so I don't  
19 know if it's necessary to read all the numbers into the  
20 record. But however you want to use your time is  
21 obviously fine with me.

22 BY MS. WELCH:

23 Q So having looked at these percentages over the  
24 past four years, do you see that the number has -- the  
25 number of fully credentialed teachers has decreased

1 slightly each year?  
 2 A I'm just writing them down to see whether they  
 3 decreased --  
 4 MS. CARTER: Objection; the document speaks for  
 5 itself.  
 6 MS. GIORGI: And leading the witness.  
 7 THE WITNESS: Yeah, there's been a decrease and  
 8 there's been an increase. I got 52.9, 50.9, 44.6 and  
 9 46.1. 46.1 is 2001-2002. And, in fact, it's gone up  
 10 from 2000-2001 to 2001-2002. It's gone up from 44.6 to  
 11 46.1.  
 12 BY MS. WELCH:  
 13 Q So it went down for the first three years and up  
 14 slightly from 2000-2001; is that correct?  
 15 MS. CARTER: Objection; documents speaks for itself.  
 16 MS. GIORGI: Leading the witness.  
 17 THE WITNESS: It went down between '99-2000,  
 18 2000-2001. It had a decrease of almost six percent.  
 19 About five and a half, more or less.  
 20 BY MS. WELCH:  
 21 Q Do you know whether this percentage has declined  
 22 or risen for 2002-2003?  
 23 A '02-'03? I can't tell you specifically what the  
 24 numbers are on this year.  
 25 Q You can or --

1 A I cannot.  
 2 Q Do you have an estimate?  
 3 A My estimate is that it's probably gone up. I  
 4 would say -- when I say "gone up," it's probably hovering  
 5 around the 50 percent mark. I'll say that with some kind  
 6 of assurance.  
 7 Q Looking at 2001-2002, do you see that the  
 8 percentage of fully credentialed teachers for Ravenswood  
 9 is 46.1 percent as versus the state percentage, which is  
 10 86.4 percent?  
 11 A 46.1 versus the county of 87.5 and the state  
 12 of -- yes, I see that.  
 13 Q Do you have an understanding of why there is  
 14 such a large difference between both the -- well, first,  
 15 between the Ravenswood percentage and the county  
 16 percentage?  
 17 A Yeah. I think it's --  
 18 MS. CARTER: Objection; lacks foundation. The  
 19 witness has testified that he has no knowledge of this  
 20 document.  
 21 THE WITNESS: I cannot give you a lot of specific  
 22 reasons why this is so. I can tell you generally that  
 23 the salaries have been low and I can tell you that sort  
 24 of the past history of East Palo Alto has not been  
 25 conducive to recruitment just by the nature of some of

1 their internal problems, more of a civic nature rather  
 2 than a school nature. So I think you put those  
 3 combinations together and you'll see for that difference.  
 4 I think I testified that things are changing in  
 5 East Palo Alto, and I think the teachers will go up if  
 6 they get salaries. So I think there are a couple of  
 7 conditions: salaries, and perhaps some of the problems  
 8 that were encountered were not conducive to teachers  
 9 coming there.  
 10 BY MS. WELCH:  
 11 Q Looking again at 2001-2002, do you see that the  
 12 percentage of fully credentialed teachers in the schools  
 13 in Ravenswood varies quite a bit?  
 14 A The full credentials? I think I answered that  
 15 question before and I said yes, I see it varies. But I  
 16 also said that you have to look at the big variances  
 17 being the charter schools.  
 18 Q Is it your testimony that only the charter  
 19 schools have low percentages of fully credentialed  
 20 teachers?  
 21 A No. I'm saying that the more dramatic figures  
 22 are with charter schools.  
 23 Q I think based on your prior testimony you  
 24 probably are not going to know the answer to this  
 25 question, but I'm going to ask it anyway.

1 A Sure.  
 2 Q If you look at the note on the bottom of this  
 3 chart, it talks about teacher credential data. It says,  
 4 "Teacher credential data may not have been submitted or a  
 5 teacher may hold one or more types of credential. As a  
 6 result, percentages on this report may not add up to 100  
 7 percent."  
 8 Do you see that?  
 9 A Mm-hmm.  
 10 Q Do you have any understanding of how a teacher  
 11 might hold more than one credential, which would make  
 12 these numbers not exactly correct?  
 13 A Yeah. Teacher credential data may not have been  
 14 submitted or a teacher may hold one or more different  
 15 type of credential that as a result percentages may not  
 16 add up. For example, if you have a teacher that has a  
 17 standard teaching credential and -- there's a standing  
 18 teaching credential, there's designated teaching  
 19 credentials, and we also have -- on the full -- I don't  
 20 quite understand that terminology with the full  
 21 credential. I can understand it with the pre-intern,  
 22 emergency, and the waiver. They could be on a  
 23 different -- there could be different designations of  
 24 credentials, and I think that they're talking about  
 25 mainly those columns. Because if a teacher has a full

1 credential, that's a full credential. There's very  
2 little variance in that definition.  
3 But interesting, university intern and district  
4 intern, that's -- I'm not sure what that means, the  
5 difference between those. The district intern is one out  
6 of the district, but they usually are also an intern from  
7 a university. They also internship out of a university  
8 if they're a district intern. So I'm not sure exactly  
9 what that means.

10 MS. WELCH: Could we mark this as Exhibit 3?

11 (Deposition Exhibit 3 was marked.)

12 BY MS. WELCH:

13 Q I really only have one question about this  
14 document, and it goes to what we were just talking about  
15 in terms of whether -- or how teachers would have  
16 multiple credentials.

17 If you look at the column that's called  
18 "Credential," you know, second from the left -- I mean  
19 from the right, you see that sometimes there's an F and  
20 an E, which, according to the key, means full credential  
21 and emergency permit.

22 A Mm-hmm.

23 Q I'm wondering if you have any understanding as  
24 to how a teacher can have both a full credential and an  
25 emergency permit?

1 A F and E. That person has a teaching credential  
2 and that person has a full teaching credential and  
3 emergency credential. That one there is unique. I  
4 haven't the slightest idea how they could have a full  
5 teacher credential and an emergency credential, unless  
6 they have a very specific credential like a credential in  
7 a designated area but the district needed them to teach  
8 in another area.

9 So they got a full credential in X area, but  
10 they're needed in another one to keep their job. So they  
11 got an emergency credential to teach in that area.  
12 That's the answer.

13 Q Okay. Thank you. That's very helpful.

14 You talked a little bit about the low percentage  
15 of fully credentialed teachers in the charter schools in  
16 Ravenswood.

17 A Yes.

18 Q Do you have -- setting aside that discussion  
19 that we've already had --

20 A Sure.

21 Q -- do you have any other opinions on what might  
22 account for the disparity in percentage of fully  
23 credentialed teachers in the schools in Ravenswood?

24 A Including or excluding the charters?

25 Q Excluding that.

1 A Well, let's see. Let's take one. The second  
2 one is an F and E. That's full and emergency, right?

3 Q Right.

4 A So that person has a full-time pupil services  
5 credential, and then they have an emergency credential.  
6 So that means that person has a credential in pupil  
7 personnel services, could have been a psychologist, could  
8 have been a therapist, and has another credential but did  
9 not have a teaching credential, got an emergency teacher  
10 credential. So that person would be under the F and E.

11 Q Okay.

12 A Now let's take a look at another one, another F  
13 and E down here. That person has -- oh, it's the same  
14 one. Pupil personnel credential. You notice one thing.  
15 There is no E on -- probably no E on the administrative  
16 credential because you need a teaching credential to get  
17 an administrative credential, but you don't need a  
18 teaching credential to get a pupil personnel credential.

19 So if you get a pupil personnel credential and  
20 you don't have a teaching credential, you'd have to get  
21 the emergency credential to be with that credential.

22 Q And I don't want to belabor this, but if you  
23 look at the third teacher from the bottom --

24 A Third from the bottom. Okay.

25 Q -- where it says -- there's an F and E.

1 A Excluding charters, yeah. I think that the  
2 variance would be that you have -- perhaps there's been a  
3 greater turnover in some of the schools and in the last  
4 couple of years they have not been able to recruit. So  
5 you're going to get emergency credentials. So if you  
6 have a turnover of three percent and eight percent,  
7 you're going to have -- maybe in a difficult time the  
8 eight percent might be filled up with emergency  
9 credentials. So I think originally turnover, whatever  
10 that turnover may be, would be -- would do that.

11 Also, the -- there is a high correlation between  
12 teachers who are employed and the connection with the  
13 principal. Interviews are a two-way street. I might  
14 interview you as a teacher and I might really like you,  
15 but you as a teacher might really like me as a principal.  
16 And when it's time to make selections of where you would  
17 like to go, you would say my first selection would be "X  
18 principal."

19 So these are small ingredients, and I think that  
20 these are bits and parts. It doesn't account for the  
21 full -- for some of the ranges, I admit that fully, but I  
22 can't give you -- until after this year, I can't give you  
23 very specifics on why that range is varied in schools. I  
24 know some of the ingredients of it, but not the full  
25 amount.

1 MS. CARTER: Can we take a short break?

2 MS. WELCH: Sure.

3 (Recess taken: 2:28 until 2:35 p.m.)

4 BY MS. WELCH:

5 Q Do you think that the working conditions in the  
6 schools has an impact on the percentage of fully  
7 credentialed teachers in the schools in Ravenswood?

8 A The conditions in the school have an impact on  
9 fully credentialed teachers. I think that it is the  
10 impact of the low salary scale and the -- oh, the  
11 rumored -- the rumored dysfunction of the city that maybe  
12 had a greater impact, the rumors about the problems that  
13 occurred in East Palo Alto. I think that might have a  
14 greater impact rather than the schools themselves.

15 Q Are you aware of any legislation or State  
16 programs that are designed to increase the number of  
17 fully credentialed teachers in the work force generally?

18 A You know, over the years I've known of programs.  
19 I can't specifically talk of one today. I know that all  
20 of the state superintendents I've been associated with  
21 have all talked about and have given a lot of discussion  
22 about the recruitment and retention of teachers in the  
23 work force and the value of teaching and everything.  
24 From Wilson Riles and Delaine and Jack O'Connell. I knew  
25 them and know them all, and I can't think of any specific

1 the TAP program?

2 A You know, I really can't tell you that. I don't  
3 think we are now.

4 Q Have you ever heard a discussion of whether or  
5 not that's something Ravenswood should participate in?

6 A In discussions, no, I haven't. I haven't had  
7 the opportunity -- we haven't had the opportunity -- no.  
8 We haven't had a reason -- being there such a short time,  
9 I was involved with the whole financial issue, and then  
10 when you get 250 applicants, that sort of shocks you.  
11 You don't go into exploring and taking time on how you  
12 get teachers.

13 Q Are you familiar with any steps that Ravenswood  
14 may have taken in the past to try to attract fully  
15 credentialed teachers?

16 A Yes. They did a lot of things, some of which  
17 were traveling to -- they were trying to attract  
18 teachers. There's a whole series of people going to  
19 foreign countries, Mexico, Philippines, a different  
20 country trying to attract teachers, working with colleges  
21 and universities. They were trying to attract people.  
22 Oh, and working with Americorps teaching. We had several  
23 Americorps teachers.

24 So there was a big emphasis on trying to attract  
25 teachers, and a lot of those teachers are the emergency

1 one right now -- of a program. I know they're there, but  
2 I can't think of one.

3 Q Are you familiar with the Teaching As a Priority  
4 program?

5 A Teaching As a Priority program? Not  
6 specifically.

7 Q Are you familiar with a program called BTSA?

8 A Yes, I am.

9 Q Given that you're not familiar with the TAP  
10 program, I'm sure --

11 A Which program?

12 Q TAP, Teaching as a Priority program.

13 A Oh, I'm sorry. I'm familiar with the TAP  
14 program. I never heard the acronym, I've always heard of  
15 it as TAP. Okay.

16 Q What is the TAP program?

17 A The TAP program tries to bring -- it goes into  
18 trying to bring teachers from other -- people going into  
19 the teaching profession from other professions or out of  
20 college. And I've always heard it as the TAP program,  
21 not necessarily how you spelled it out.

22 Q Right.

23 A We are a world of acronyms and I relate to  
24 those.

25 Q Do you know whether Ravenswood participates in

1 credentialed teachers you're talking about today.

2 Q Do you know if Ravenswood participated in any  
3 State programs in the past to try to attract fully  
4 credentialed teachers?

5 A I don't know of any specific one, but the way  
6 they were -- the way they emphasize the recruitment and  
7 retention everywhere, I'm assuming that it's possible,  
8 but I cannot speculate.

9 Q I think you've answered this question, but I'm  
10 not quite sure so I'm just going to ask it and you can  
11 tell me if your past testimony covers it.

12 Is there a way for the district to direct a  
13 transfer of a teacher from one school to another?

14 A Yes, there is.

15 Q And we talked about that before, that that's a  
16 district decision, correct?

17 A Transfer --

18 Q Teacher placement is --

19 A In a teacher transfer, it's very spelled out in  
20 the contractual agreement with the teachers on how  
21 exactly that happens. But the management has the right  
22 to transfer a teacher.

23 Q Are you familiar with the -- and I'll use the  
24 acronym -- II/USP?

25 A Yes.

1 Q Are any of the schools in Ravenswood in II/USP?  
 2 A Yes.  
 3 Q Do you know which schools?  
 4 A I know Chavez is. I know that -- I think  
 5 Costano is, and I believe Belle Haven to a certain  
 6 amount. I think Chavez got the greatest amount, close to  
 7 over two-hundred-some-thousand dollars. And I know that  
 8 the other schools -- Belle Haven I think was about 60. I  
 9 think they've been involved for a couple of years. So  
 10 they've all gotten money from the programs.  
 11 Q And do you have an understanding that in order  
 12 to receive funds from the State, the district has to  
 13 submit an action plan detailing various issues at the  
 14 school and how the district and school are going to solve  
 15 those issues?  
 16 A That's right, mm-hmm.  
 17 Q I'm now going to look specifically at the Chavez  
 18 action plan. And if it's all right with others, I'd  
 19 rather not make it an actual exhibit because it's pretty  
 20 lengthy. So if I just refer to it so it's clear on the  
 21 record what we're talking about, is that okay with  
 22 everyone?  
 23 MS. CARTER: No objection.  
 24 MR. MARQUEZ: That's fine.  
 25 MS. GIORGI: It will depend on how involved we are

1 in the document. A lot of times we just go through one  
 2 or two pages and it's not a problem, but if we're going  
 3 to go through it a lot, then I'd prefer it to be an  
 4 exhibit.  
 5 MS. WELCH: Okay. Well, you can let me know.  
 6 MS. GIORGI: Sure.  
 7 BY MS. WELCH:  
 8 Q You're obviously free to spend as much time as  
 9 you want looking at the document, but I'll direct you to  
 10 the area where I'm going to ask questions.  
 11 A Sure. Sure.  
 12 Q And then you can decide how much time you need.  
 13 MS. CARTER: Can I just ask, Are we nevertheless  
 14 marking this as Exhibit 4, even though the actual copy  
 15 won't be attached?  
 16 MS. WELCH: I think we probably should.  
 17 MS. CARTER: Okay.  
 18 MS. WELCH: Let's mark it as Exhibit 4 and see where  
 19 we go.  
 20 (Deposition Exhibit 4 was marked.)  
 21 THE REPORTER: For the record, at this time, unless  
 22 otherwise stated, I won't be attaching it, correct?  
 23 MS. WELCH: Correct.  
 24 Q Looking at DT-RA 3043.  
 25 A Yes.

1 Q Is it your understanding that this document was  
 2 prepared for submission in 2000?  
 3 A Mm-hmm.  
 4 MS. GIORGI: Objection; lacks foundation. I don't  
 5 believe he was there at this time period and there's no  
 6 foundation that it goes to the county.  
 7 BY MS. WELCH:  
 8 Q Do you see where it says "Date of local  
 9 governing board approval" on the document?  
 10 A Yes.  
 11 Q And it says April 13th, 2000.  
 12 A That's why I said yes.  
 13 Q I'd like to direct your attention to DT-RA 3054,  
 14 which is actually page 6 of the action plan itself.  
 15 If you could just take a look at pages 6 and 7  
 16 and let me know when you've had a chance to review them.  
 17 (□Witness reviews document.)  
 18 THE WITNESS: Yes.  
 19 BY MS. WELCH:  
 20 Q The top of the page, the top column says,  
 21 "Barriers," and if you look earlier in the document, on  
 22 page 3048, article B says, "Identification of barriers to  
 23 improvements in student achievement." Is that correct?  
 24 A 48, did you say?  
 25 Q I'm sorry. 1B.

1 A Yeah, but on page 3048?  
 2 Q Yes. Yes.  
 3 A Okay. 1B. Okay. Yeah.  
 4 Q So when on page 3054 it says, "Barriers," is it  
 5 your understanding that that means barriers to  
 6 improvements in student achievement, as documented  
 7 earlier?  
 8 MS. GIORGI: Objection. This document speaks for  
 9 itself. This witness lacks -- there's a lack of  
 10 foundation that the witness has any independent knowledge  
 11 other than reading the words on the page that he's just  
 12 seen. We have no foundation that he's ever even seen  
 13 this before.  
 14 THE WITNESS: The answers to your questions  
 15 regarding this document, I'm sorry, is what she says. I  
 16 can only go from what's written on the page, and I have  
 17 no personal knowledge of the events that transpired at  
 18 that time.  
 19 BY MS. WELCH:  
 20 Q I understand that. I understand that.  
 21 A Okay.  
 22 Q Have you ever seen this document before?  
 23 A Not this particular document.  
 24 Q Have you ever seen any documents dealing with  
 25 Cesar Chavez's involvement in II/USP?

1 A Yes, the recent ones.  
 2 Q What types of documents have those been?  
 3 A What they were doing. In other words, the  
 4 amount of money they received and what they were doing,  
 5 the people they were hiring, the consultants, and some of  
 6 the programs they're involved with.  
 7 Q Have you seen any more recent documents that  
 8 talk about barriers --  
 9 A No.  
 10 Q -- to achievement?  
 11 A No.  
 12 Q Have you seen documents that talk about what the  
 13 school is currently doing with respect to II/USP funds or  
 14 where it is in the plan?  
 15 A I've seen documents that tell me what -- the  
 16 II/USP funds that are being spend and what's being used  
 17 and what the plan is, but not to this extent  
 18 (indicating). I have not seen this kind of a layout of  
 19 the documents.  
 20 Q Do you see on page 3048 where it says,  
 21 "Identification of barriers to improvements in student  
 22 achievement"?  
 23 MS. GIORGI: The document speaks for itself.  
 24 BY MS. WELCH:  
 25 Q Do you see that it refers to pages 6 and 7? Is

1 under number 2 it says, "Some teachers are not adequately  
 2 trained in strategies to meet the needs of all students  
 3 due to the large percentage that are non-credentialed and  
 4 are new to the district and school. The school suffers  
 5 relatively high staff turnover; consequently the current  
 6 staff development is inadequate"? Do you see where it  
 7 says that?  
 8 A Yeah.  
 9 Q Looking at the following page, number 7 under  
 10 the barriers column, it says, "There is no school  
 11 library." Do you see that? Do you have any --  
 12 A There is a school library now.  
 13 Q That's good to know. I'll definitely ask you  
 14 more about that.  
 15 Do you have any reason to doubt the truth of  
 16 these characterizations when the document was created?  
 17 A I have --  
 18 MS. CARTER: Objection; lacks foundation. Lacks --  
 19 lacks foundation that the -- he's already testified that  
 20 he has no knowledge of the document and that he was not  
 21 at the school at the time, so there's no foundation about  
 22 his independent knowledge of any of these conditions.  
 23 THE WITNESS: The word you used was "truth." I'm  
 24 assuming that the people did not lie. I can't testify or  
 25 verify to the degree of accuracy.

1 that --  
 2 MS. CARTER: The document speaks for itself.  
 3 THE WITNESS: Yes, it says 6 and 7. I'm reading  
 4 from the page, yes.  
 5 BY MS. WELCH:  
 6 Q I understand that.  
 7 So when you look on page 6 and 7 and the topic  
 8 of page 6 refers to barriers, do you see that?  
 9 MS. GIORGI: I think we've already established his  
 10 good eyesight.  
 11 THE WITNESS: Yeah, I'm reading it on the paper,  
 12 right.  
 13 BY MS. WELCH:  
 14 Q So do you have an understanding that they're  
 15 referring to barriers in student achievement with these  
 16 categories?  
 17 A Yeah, I have an understanding that they're  
 18 referring to barriers. But I have to repeat again, with  
 19 all due respect, I'm just reading it from the paper. I  
 20 understand what the words mean, but I'm just reading it.  
 21 I'm not sure what kind of testimony I can give on it.  
 22 Q Well, I'll ask questions and you can answer the  
 23 best you can and --  
 24 A Go ahead. Go ahead.  
 25 Q Do you see under the barriers column, it says --

1 BY MS. WELCH:  
 2 Q Do you have any reason to doubt the accuracy of  
 3 the characterizations?  
 4 MS. CARTER: Asked and answered.  
 5 THE WITNESS: It's not a matter of accuracy. It's a  
 6 matter of what their perception is and what I feel would  
 7 be their perception. As you can see, the words, what  
 8 they say, is that approximately 22 percent of the student  
 9 population exhibit poor attendance during April and  
 10 December due to travel.  
 11 What does that really mean? What does that  
 12 mean? Three kids? Five kids? What's their definition  
 13 of "poor attendance"? You might think poor attendance as  
 14 one kid out; I may think five kids are out. That's the  
 15 kind of disagreement I would have. But I do not disagree  
 16 with their professional interpretation of it. It might  
 17 not be what I would interpret. I might take debate -- I  
 18 might take exception to some of these things, but I don't  
 19 know enough about them to do that.  
 20 BY MS. WELCH:  
 21 Q Okay. That's fair. You can just set this aside  
 22 for a little bit. We might come back to it.  
 23 I have also the II/USP plan for Menlo Oaks, and  
 24 same request. You can let me know, but it would be my  
 25 preference not to have this exhibit attached, just given



1 the length of the document.  
 2 MR. MARQUEZ: No objection.  
 3 (Deposition Exhibit 5 was marked.)  
 4 MR. MARQUEZ: This will, nonetheless, be Exhibit 5?  
 5 MS. WELCH: Yeah.  
 6 THE WITNESS: Okay.  
 7 BY MS. WELCH:  
 8 Q Are you familiar with this document?  
 9 A Not this particular document.  
 10 Q Have you seen the Menlo Oaks II/USP action plan  
 11 before?  
 12 A Nope.  
 13 Q Have you seen more recent documents that discuss  
 14 where Menlo Oaks is in terms of implementing the action  
 15 plan?  
 16 A No.  
 17 Q Have you seen other documents relating to Menlo  
 18 Oaks's involvement in II/USP? And I'm not trying to ask  
 19 a trick question. You'd just said you'd seen other  
 20 documents relating to Cesar Chavez, and I'm wondering if  
 21 you've seen similar documents relating to Menlo Oaks.  
 22 A Menlo Oaks is no longer open. Menlo Oaks is now  
 23 a charter -- or the Aspire Charter School. I'm looking  
 24 at the address. That's why I was trying to determine.  
 25 Menlo Oaks is -- the building where Menlo Oaks used to be

1 is now the Aspire Charter School, so there is no Menlo  
 2 Oaks currently in the district.  
 3 Q Do you know when it closed down?  
 4 A Yeah, that's what I was trying to connect.  
 5 Aspire is in its -- Aspire is going into its third year,  
 6 so I'm thinking Menlo Oaks must have closed as of -- in  
 7 the school district approximately a couple -- what's the  
 8 date of this one, 2001? It must have been right after  
 9 this that Menlo Oaks closed down. I wanted to see the  
 10 address. But we don't have Menlo Oaks. It's now a  
 11 charter school. We have a Green Oaks but not a Menlo  
 12 Oaks. Where is 75 Pope?  
 13 Q If you could take a look at 5827.  
 14 A Yes.  
 15 Q And in particular, at the bottom of the page it  
 16 talks about district-wide -- it says, "District-wide  
 17 barriers to the improvement of student achievement:  
 18 Although the district has a rigorous teacher recruitment  
 19 process, there is a high yearly turnover of teachers  
 20 resulting in teaching and curriculum inconsistencies."  
 21 A What's the bottom number on the page again?  
 22 Q 5827.  
 23 A 5827. Okay. Thank you. Okay. Go ahead.  
 24 Q Do you have an opinion on whether teacher  
 25 turnover in the district in the past had been a barrier

1 to the improvement of student achievement?  
 2 MS. GIORGI: Objection; lacks foundation,  
 3 speculative.  
 4 THE WITNESS: That's a tough one.  
 5 MS. CARTER: Also vague and ambiguous as to whether  
 6 you're asking about the district or Menlo Oaks.  
 7 THE WITNESS: I don't think I can answer that  
 8 question. Not that I don't want to answer it. I just  
 9 have no knowledge to answer that question. I don't have  
 10 specific knowledge as to what you're asking.  
 11 BY MS. WELCH:  
 12 Q Is there a part of the question that is unclear?  
 13 I mean would it help me to rephrase it or is it just a  
 14 question that you can't answer?  
 15 A No, it's a question that deals with something  
 16 happening in the past that I would have no knowledge --  
 17 you asked my opinion -- I think you used the word  
 18 "opinion" -- about something that's happened in the past,  
 19 and I don't have any opinion on something that's happened  
 20 in the past, so I just can't answer the way the question  
 21 is worded.  
 22 Q So when you were the county superintendent in  
 23 San Mateo, did you have any understanding of whether  
 24 Ravenswood was experiencing a high rate of teacher  
 25 turnover?

1 A I knew that they were having problems recruiting  
 2 and retaining teachers. I did not know to what extent  
 3 the turnover -- because the turnover would not be  
 4 something that would be reported to the county  
 5 superintendent of schools in regard to a specific site.  
 6 I probably would have known that Ravenswood in general  
 7 throughout their whole district was having a problem with  
 8 teacher turnover, but to go to Green Oaks or Chavez or  
 9 Bell Air, I would not know that.  
 10 Q Well, this document is actually talking about  
 11 district-wide barriers and district-wide turnover.  
 12 A Mm-hmm.  
 13 Q So with that in mind, do you have an opinion on  
 14 whether district-wide turnover was a barrier to student  
 15 achievement in the district?  
 16 MS. GIORGI: Objection; again, foundation. You  
 17 can't rely on a document as to its influence on his  
 18 opinion when he's already testified he hasn't seen the  
 19 document before.  
 20 THE WITNESS: I could not give you an answer or an  
 21 opinion on that.  
 22 BY MS. WELCH:  
 23 Q Okay. Would it be fair to say that the problems  
 24 Ravenswood has had in providing fully credentialed  
 25 teachers to students has been widely known in the

1 district?

2 A Has been widely known in the district -- within  
3 the district?

4 Q Yes.

5 A I think the -- I think it's pretty widely known  
6 in the district that there were a specific number of  
7 emergency credentialed teachers. I think that was known.  
8 I think it was known to perhaps the professional staff.  
9 I don't think custodians or janitors or secretaries or  
10 other people knew about that.

11 I think the community did not know that to a  
12 great extent, but I think that within the professional  
13 organization that this was known that we had -- and that  
14 we still have emergency credentialed teachers.

15 Q Is this something that has been -- is this issue  
16 something that's been commented upon in the media, as far  
17 as you know?

18 A I can't remember any specific -- I would have --  
19 I think it's been mentioned, but not necessarily to a  
20 great extent. The Ravenswood -- this is not -- this has  
21 not been a subject in the last -- while I've been there  
22 that has drawn media attention when you look at the other  
23 things that have been occurring, which overshadow this.

24 Q Is it something that has drawn media attention  
25 in the past?

1 action plan -- current action plans get submitted to the  
2 State? So action plans from this year, for example.

3 A Yes. They're submitted in a very timely basis.  
4 I'm familiar with the process. Not the specifics of the  
5 individual plans, but I'm familiar with the process. And  
6 I know that we have -- have the plans or we have the  
7 funds, the monitors and the whole thing.

8 Q Are you familiar with a document called  
9 Declaration of Need for Fully Qualified Teachers?

10 A Declaration of Need for Fully Qualified  
11 Teachers? Yes. That's the document that comes to the  
12 board -- yes, I'm familiar with it.

13 Q What is that document?

14 A That's a document where a district puts forth  
15 there the credential a teacher has and declaration of  
16 need for the different specific credentials they need --  
17 the different areas of credentialing that they need for  
18 their teachers.

19 Q Is that a document that is submitted to the  
20 State CTC?

21 A It's -- to my knowledge, it's adopted by the  
22 board and submitted to the county. And I'm assuming the  
23 county submits it to the credentialing division, mm-hmm.

24 MS. WELCH: Why don't we go ahead and mark all of  
25 these, 6, 7, 8, and 9.

1 A I cannot answer that. I don't know.

2 Q You testified earlier that you were familiar  
3 with CBEDS, correct?

4 A Yes, mm-hmm.

5 Q Do you know how long CBEDS has been in  
6 existence?

7 A Okay. I'm going to tell you maybe at least 10  
8 or 12 years, and that's really speculating. At least 10,  
9 12.

10 Q Do you know whether, for those 10 or 12 years,  
11 districts have reported information such as the number of  
12 teachers by credential type to the State?

13 A I think the format has been very consistent over  
14 the years, very consistent.

15 Q Are you familiar with the district's process  
16 for -- well, let's start from the time that Chavez  
17 submitted its action plan to the State.

18 A For BTSA?

19 Q No. I'm sorry. For II/USP.

20 A Yeah.

21 Q Are you familiar with the process of --

22 A Yes.

23 Q -- submitting action plans to the State?

24 A Yes. Yes.

25 Q Do you have an understanding of whether the

1 (Deposition Exhibits 6, 7, 8 and 9 were  
2 marked.)

3 THE WITNESS: Yes.

4 BY MS. WELCH:

5 Q I take it that you haven't seen these particular  
6 documents before. Is that correct?

7 A No, I haven't seen these particular documents.

8 Q And these are declarations of need for '98, '99,  
9 2000 and 2001, correct?

10 A Yes.

11 Q Have you seen a document similar to this for  
12 2002 or 2003?

13 A I'm trying to think if we've gone to the board,  
14 because this has to go to the board. I don't think that  
15 we have gone to the board -- I'm trying to look at the --  
16 I notice the dates on this are -- for example, when it  
17 went to the board, 2/26. Here's one on 6/17, here's one  
18 at 5/11, and here's one at 5/24. So my assumption is we  
19 haven't gone yet to the board.

20 Q Do you know who -- is there someone in the  
21 district that's responsible for completing this document?

22 A Yes. We have a personnel director. That  
23 position is empty. Our director of curriculum has been  
24 taking that on, along with her own job, since I got  
25 there. It was before the curriculum director left last

1 fall. So since that date that position has been with the  
2 assistant superintendent for curriculum, doing it as best  
3 she can. And by the dates, I would see that this thing  
4 is coming forward probably in the month of May, in a  
5 board meeting in May.

6 Q And what is that individual's name?

7 A Maria De La Vega.

8 Q So do you have any understanding of the  
9 procedure that is used to complete this form?

10 A I know the procedure by looking at this form and  
11 how it's done, and she, in turn, will put that together  
12 and bring it to the board.

13 Q But other than looking at the document, you  
14 don't have any independent understanding of what --

15 A I have an understanding of how it's done. So  
16 what is your question?

17 Q Well, I just may have misunderstood you. I  
18 thought you said by looking at the document you  
19 understood how it's done. And my question was, Besides  
20 looking at the document, do you know how the district  
21 goes about completing this process?

22 A Oh. Yeah, I know how it's done. I do not know  
23 what specific process -- what specific process that she's  
24 going to use to accumulate this information.

25 Q So when you say you know how it's done, what is

1 A I cannot answer that. I don't know.

2 Q Do you know who would know of that information?

3 A Yes. Maria De La Vega, our personnel person.

4 Q Do you have any knowledge of whether anyone from  
5 the State contacts the district to verify the information  
6 that goes into the declaration of need?

7 A If anybody from the State contacted the district  
8 to do what?

9 Q To verify the information that goes into the  
10 declaration of need.

11 A I'm not sure that's the process. I think this  
12 verification of need is verified by the local governing  
13 board, like I had testified, and it says here that the  
14 governing board specified the declaration. And I am not  
15 aware of any State person checking this, but, again, I  
16 have no knowledge if somebody checked or if somebody did  
17 not check.

18 Q Okay. Do you have an understanding of the  
19 purpose of the declaration of need?

20 A Yes.

21 Q What's that understanding?

22 A My understanding is that the declaration of need  
23 makes a statement to the public via a public board  
24 meeting of the need of that school district, and then  
25 verifies it with -- gives that information to other

1 your knowledge on that?

2 A Well, my knowledge is as I look at the different  
3 categories, I'm going to see that she's going to put  
4 recruitment of each she's contacted. Name of agency.  
5 She's going to put down San Francisco State, Hayward  
6 State, San Jose State. She's going to put down the  
7 Peninsula Newspaper. She's going to write a lot of this  
8 stuff right here. If it's a certified -- in other words,  
9 by reading this, I know what she's going to do, but I  
10 can't attest to how she's going to do it. She might  
11 put -- she might not put San Francisco State down. She  
12 might use Stanford or something else.

13 So it's easy to figure out -- yeah, list of  
14 target languages. Here it's Spanish, Tonga and Samoan.  
15 She may this time put Spanish, Filipino, and Asian.

16 So I don't know what process -- she's going to  
17 get the information. I know how to get the information,  
18 but I can't tell you how she's going to get it.

19 Q Okay. That's fair.

20 Do you know if the district has a document  
21 that's called a plan to remedy shortage -- I don't know  
22 the full name of the document, but that's the gist of it.  
23 Have you heard of that sort of document?

24 A Yes.

25 Q Do you know if the district has such a document?

1 agencies. So it's a public statement for the public to  
2 determine this district's need.

3 Q So based on the testimony that you've given  
4 previously about the applications that you currently have  
5 in the district with respect -- you know, of fully  
6 credentialed teachers, do you have any reason to believe  
7 that the district will need to file the declaration of  
8 need for fully qualified educators?

9 A 250 applications is a new phenomena for this  
10 district, and I would hope to say we would not have to  
11 file this, but we would have to wait to see what  
12 positions are filled and everything.

13 And so I'm going to answer your question in the  
14 affirmative. We probably would not have to file this,  
15 unless there is a requirement to file it even if you  
16 don't have a need. I don't know if there's a requirement  
17 to file this annually even if you don't have a need.  
18 That I'd have to check out. Maybe you just file it and  
19 say you have no need.

20 Q When you were a county superintendent, do you  
21 recall reviewing any declarations of need from districts?

22 A No, that was not a function that I would do. It  
23 would be with the credential department, a personnel  
24 division.

25 Q Do you have a recollection of that being a

1 function that they carried out or are you just assuming  
2 that that's something that they would do?

3 A No, I have knowledge of the function that they  
4 carried out for the county office of education because we  
5 declared the same thing. I do not know if it was  
6 required that this come to the county office or whether  
7 it went directly to the State. So I cannot say that we  
8 monitored that thing. My assumption is that from the  
9 documents I've seen and from the statistics I've seen  
10 that we have access to this information at the county  
11 office.

12 Q So the county had -- I just want to make sure I  
13 understand what you were just saying. The county also  
14 had a requirement to file a declaration --

15 A Mm-hmm, yeah.

16 Q -- of need?

17 Was that specific to the schools that the county  
18 was running?

19 A No. It was specific to our own schools. The  
20 county had about 250 teachers, credentialed teachers, the  
21 schools I had mentioned before. It was in relation to  
22 that. And I remember filing probably in the area of  
23 special education. That's always been a problem of  
24 getting special education teachers. We probably filed on  
25 that.

1 Q And I think I got you, but you're not talking  
2 about the district schools?

3 A No.

4 Q You're talking about the county schools?

5 A Our schools. That's right, yeah.

6 Q Got it.

7 This is another thick document so I'd prefer not  
8 to attach it, but you all can let me know whether you  
9 agree once we have a chance to look at it.

10 MR. MARQUEZ: Excuse me. Is it okay if we take a  
11 five-minute break?

12 MS. WELCH: Sure.

13 (Deposition Exhibit 10 was marked.)

14 (Recess taken 3:29 until 3:34 p.m.)

15 BY MS. WELCH:

16 Q Are you familiar with the plan for recruitment  
17 and retention of qualified staff?

18 A Yes, I am.

19 Q Have you seen this particular document before?

20 A Yes.

21 Q Do you know if the document is currently being  
22 utilized by the district?

23 A Well, this whole document was -- dealt with the  
24 federal Emma C. case. It was down to what they call the  
25 RCAP, and now it's the RSIP. We talked about the March

1 1st date, and then with the new consent agreeing to  
2 everything, that's called the RSIP, the Ravenswood Site  
3 Improvement Plan. This was the RCAP, and it talks about  
4 the plan for recruitment and retention of qualified staff  
5 to implement the RCAP plan.

6 And this, of course, was a major, major fiscal  
7 issue. Money was the big situation. As I talked  
8 earlier, we talked about the money. We talked about what  
9 the decision -- the decision that the judge is going to  
10 make about the fiscal insolvency of the district. We  
11 talked about AB1200, and it all comes into this whole  
12 area here of the fiscal solvency of the district.

13 Q Do you know if this plan has been modified  
14 since -- it's dated June 20, 2001. Do you know if it's  
15 been modified since then?

16 A This particular plan has been modified to meet  
17 the new requirements of the new plan that went into  
18 effect -- in fact, this here, this was taken -- this was  
19 modified to meet the conditions of the new consent decree  
20 that was signed from here.

21 Q Do you know the approximate date of the new  
22 plan?

23 A Yeah. The new plan started on March 1st, and  
24 all of the work was done I think from about, oh -- I  
25 would say the major part of the work was done from about

1 January 6th on in developing this new plan of this year.

2 Q Okay. Thanks.

3 Do you know who has been involved or who was  
4 involved in creating the March 1st plan?

5 A Yes. The major person who was involved with the  
6 March 1st plan is a Dr. Pamela Downing-Hosten,  
7 H-o-s-t-e-n. She's the assistant superintendent for  
8 special education, and she has been intimately involved  
9 in the development of the plan.

10 Q Do you know if she was involved in the  
11 development of this plan?

12 A Not the original plan. She's only been with us  
13 I would say for maybe a year and a half. She was brought  
14 in -- she worked with this plan but I don't think, I  
15 believe, had any involvement in the establishment of the  
16 plan. There were other people. She picked up this plan,  
17 worked with it, and then helped develop the new plan.

18 Q Could you please take a look at DT-RA 524- -- I  
19 think it's 2. Yeah, 5242.

20 (□Witness reviews document.)

21 BY MS. WELCH:

22 Q Under the "Task" column it refers to a survey of  
23 employees. And my question is, Do you know whether the  
24 district has conducted this survey referenced in this  
25 document?

1 A This reference in this document, I'm assuming  
2 that it was conducted because we -- if we did not conduct  
3 it, we'd be under contempt, and I don't remember seeing  
4 that as one of the list of contempts. So I'm assuming  
5 this survey was conducted in the target date of 1/1/01 by  
6 Ray Houser. Ray Houser was the person before Pamela  
7 Downing-Hosten.

8 Q But you haven't seen this summary?

9 A I haven't seen it, no.

10 Q And when I refer to a summary, I'm just talking  
11 about under "Status" it says, "Draft summary of findings  
12 to be published June 20, 2001."

13 A I have not seen that. And again, this plan is  
14 not in effect right now.

15 Q I understand that. I'm mainly trying to figure  
16 out what other documents are out there that might be  
17 useful for me to look at to see where things are  
18 currently with the plan.

19 Have you been involved in any discussions of any  
20 surveys to ascertain the different things that are listed  
21 here on 5242?

22 A Yes.

23 Q What survey are you aware of?

24 A This was a -- to my recollection, this type of  
25 survey was going to be continued on into this year, into

1 A No. It would be the district.

2 Q If you could please look at DT-RA 5250.

3 (☐ Witness reviews document.)

4 THE WITNESS: Yes.

5 BY MS. WELCH:

6 Q The document lists on 5250 and 5251 a number of  
7 barriers. And the heading of the page is "Summary of  
8 Barriers To Recruitment and Retention and Steps to  
9 Minimize or Remove Barriers."

10 I think we've already talked about your views on  
11 housing as a barrier, so I really -- I don't have any  
12 questions about that column.

13 Do you view transportation problems as a  
14 barrier?

15 A Not to a great extent in our society today.  
16 Everybody has three cars, so I don't think transportation  
17 in San Mateo County is a major barrier in recruitment.  
18 I've never heard of that being one of the issues.

19 Q Do you know whether the current plan that --  
20 from March 2003 discusses barriers to recruitment, as  
21 well?

22 A Barriers to recruitment?

23 Q I mean, in other words, does the current plan  
24 have a similar section as the 2001 plan?

25 A I don't know about a similar section to this. I

1 March 1st, and I am not sure if that survey has been  
2 conducted as of this time. I know that we are doing the  
3 in-service workshop in September. No, I can tell you  
4 that probably the survey of all staff -- March 1st only  
5 happened -- March 1st, April 1st. We're about two  
6 months...

7 I cannot tell you if Dr. Downing has conducted  
8 the survey or not.

9 Q But it's your understanding that that was in the  
10 works?

11 A That was in the works. There's discussion on  
12 it, on the type of survey definitely, that some type of  
13 survey was going to be conducted.

14 Q And I know the district has previously produced  
15 surveys of teachers, parents, and those are the main two  
16 that I remember that ask a variety of general questions  
17 about the condition of the schools and the condition of  
18 the districts.

19 A Mm-hmm.

20 Q I'm assuming that you're talking about a survey  
21 that's different from those?

22 A Different from those, yes, mm-hmm.

23 Q Do you know who -- is the district responsible  
24 for conducting that survey or is it an outside group that  
25 is --

1 know it speaks about recruitment and retention as one of  
2 the major -- there are 13 or 14 -- the old RCAP had,  
3 like, 75 elements. This one here has 13 or 14, and I  
4 know that one of the major ones, one of the major  
5 elements of the new RSIP is the recruitment and retention  
6 of teachers and has a variety of things listed on how to  
7 recruit and retain. So that is definitely there.

8 Q Do you have any understanding as to whether  
9 transportation issues appear in the new document?

10 A I do not know -- I'm assuming that  
11 transportation just by the nature of experience has not  
12 been a big issue to recruitment and retention.

13 The whole issue of money, stipends, loans and  
14 everything, I think that's one of the major issues. And  
15 these stipends we're talking about are stipends of  
16 special education teachers, teachers who are credentialed  
17 in special ed.

18 This, by the way, is not the general -- we're  
19 not talking about the general population here. We're  
20 talking about special education and special education  
21 teachers and credentialed people.

22 Q Do you think that the barriers listed to  
23 recruitment and retention in 5250 and 5251 apply equally  
24 to the greater teacher population in Ravenswood?

25 A Okay. Let me take a look. The issue of loans

1 can apply to all teachers. Stipends --

2 Q And just if we could specifically focus on the  
3 barriers and then --

4 A Oh, on the barriers.

5 Q Okay.

6 A Lack of decent affordable housing, yes. Lengthy  
7 commutes, yes. Limited access by public transportation,  
8 not that much. Lack of nearby housing? Yes.

9 Non-English speaking population for 60 percent English is  
10 second language, yes. Need for second language for  
11 communication, yes. Need for understanding cultural  
12 differences, yes. It would affect -- all those elements  
13 would affect the teachers -- any teachers in general.

14 Q And if you could also look at the barriers  
15 listed on 5251. And would you look at the same question  
16 for that barrier number 4?

17 A California credentialing process? Is that a  
18 barrier?

19 Q If this document lists it as a --

20 A Well, you know something? Getting your  
21 bachelor's degree, getting a high school diploma, getting  
22 an elementary graduation is a barrier to some people.  
23 Some people use those things -- some people use  
24 credentialing and degrees as barriers. I don't consider  
25 any of these as barriers. If you're determined to do it,

1 you can do it.

2 Sometimes it's a barrier to teachers who are  
3 not -- perhaps barriers of teachers who come from foreign  
4 countries who are not that proficient in language and  
5 have a degree from the Philippines, for example, and come  
6 here to try to get a teaching credential.

7 And there's been some barriers to people who are  
8 trained in -- who have credentials in other states and  
9 try to come here. I remember specifically people from  
10 some of the states who were credentialed and they didn't  
11 have to take the kind of work, and so -- but the word  
12 "barrier" is not a word I would use for credentialing  
13 purposes.

14 What other ones do we have here? Lack of  
15 reciprocity. I was talking too much. There it is right  
16 there. Lack of reciprocity with other states. Fees for  
17 credentialing. I don't think fees are a barrier.  
18 Requirements, transcripts, tests. There's a barrier.  
19 The name of the test? What's the name of the test now?  
20 It's slipped my mind.

21 Q The CBEST?

22 A Is it the CBEST? The test that teachers have to  
23 take to get credentialed. CBEST, yes. That has become a  
24 barrier to some people, particularly the math one.  
25 People haven't multiplied fractions for years, and that's

1 some of the things they ask. I know people who have --  
2 in fact, that probably -- course work, fees, fees to  
3 LiveScan. I don't consider those barriers. The tests,  
4 though. That CBEST has been a barrier to get  
5 credentials. That has really been one.

6 Q And just so that my question is clear or the  
7 record is clear, this document is focusing, like you  
8 said, specifically on special ed teachers?

9 A But it would refer to a regular teacher.

10 Q So my question is, Would these barriers refer to  
11 the general teacher population, as well?

12 A Absolutely. The CBEST, I've heard more about  
13 the CBEST being a barrier than almost all the other stuff  
14 talked about here, with the exception -- well, the salary  
15 is not considered a -- I keep harping back to the salary  
16 because that's a major issue.

17 Q If you could look at DT-RA 5254. It's the  
18 salary schedule effective July 1st, 2000.

19 A \$66,000.

20 Q Do you know if this is the current salary  
21 schedule, as well?

22 A Yes, it is. Mm-hmm. That's the last time that  
23 this salary -- the 11 percent increase was the last  
24 increase that was given the district -- that was given to  
25 teachers. And 11 percent may seem to be exorbitant, but

1 districts across California gave 11 percent or ten  
2 percent or nine percent that year because of the  
3 governor's action of taking away or replenishing the  
4 reduction that schools had been suffering over the years.

5 We used to only get -- we were on deficit  
6 spending. Instead of a dollar, we'd only get 92 cents.  
7 And when the times were good, the governor gave us that  
8 eight cents back in one shot. And I remember the county,  
9 we gave ten percent. So this was not an uncommon raise.  
10 And that raise was so dramatic, and I know that was the  
11 last time the teachers had a raise. And so that -- that  
12 teachers have ever had a raise besides that.

13 And that's where you find this salary scale  
14 here, in comparison to other districts in the San Mateo  
15 County, is the lowest in the county. And, in fact,  
16 it's -- it could be as far as \$30,000 in some places  
17 lower than other districts.

18 Q Take a look at DT-RA 5262.

19 (□Witness reviews document.)

20 THE WITNESS: Yes.

21 BY MS. WELCH:

22 Q Do you know whether Ravenswood has a Grow Your  
23 Own Teacher program currently?

24 A You know, it's interesting. The term Grow Your  
25 Own is something we've been talking about for 20 years,

1 especially in the area of administration. It's so  
2 difficult to get administrators, and we talk about  
3 growing our own. And I don't know if we have an  
4 application or if we have a Grow Our Own program, but we  
5 always talk about growing our own, exclusive of any  
6 formalized program or application. We talk about growing  
7 our own a lot. We talk about growing our own maintenance  
8 staff, our own custodians that go on to become  
9 electricians, secretaries that become confidential.

10 So we talk about growing our own through the  
11 whole district. So that term is used, but I can't tell  
12 you if there's an actual formalized program of growing  
13 our own.

14 Q At the bottom of the page the last paragraph  
15 says, "Research data supports the idea that salaries  
16 alone are not the sole determinant for the decisions of  
17 many to either enter or leave the teaching profession.  
18 Other key factors include appropriate physical  
19 facilities, a collegial work environment,  
20 opportunities" -- and then these documents were Bates  
21 ranged in the wrong order by the district, so you  
22 actually have to go to 5264 to see the next page.

23 So it says, "...opportunities for professional  
24 growth and development, service recognition and career  
25 advancement opportunities."

1 A Boy, my dissertation of 30 years ago was not  
2 that far off, was it?

3 Q Maybe your study is what they were looking at.

4 A Maybe they read my study. I think these are all  
5 important, but I do believe, you know, we can talk across  
6 the table and talk about, you know, the desire to teach  
7 children, the desire to be with children, the desire for  
8 this, and all of the euphemisms we can talk about of  
9 being in the teaching profession, but when the chips are  
10 down and a teacher has to buy or pay for college  
11 education or buy food or whatever, rent an apartment,  
12 salary is just as important as anything else. It's --  
13 salary is a matter of self-worth.

14 Q You can set the document aside. I don't have  
15 any more questions about it.

16 I asked you generally whether you knew of  
17 particular professional development programs that were  
18 happening in Ravenswood currently. And we talked about  
19 that already.

20 Do you know if the district has any programs  
21 that are specific to teachers that hold emergency  
22 permits?

23 A Teachers that hold emergency permits? We  
24 were -- there was a program that -- when we had some  
25 money there was a program to encourage teachers, give

1 them stipends to go back and get full credentials. In  
2 fact, I had personally talked to some foundations. I had  
3 personally talked to some granting agencies about giving  
4 us grants for that. As late as Thursday -- last night we  
5 met with a foundation who was interested in science  
6 teachers or para-professionals in science or emergency  
7 credentialed teachers in science go back to college and  
8 get a full credential, trying to get that.

9 Now I have 250 applications. Maybe I can use  
10 that money for something else.

11 Q This would be a private foundation?

12 A A physician at Stanford, he and his family have  
13 a private foundation. We were talking to him about  
14 encouraging people to go back.

15 I would say there are a good number of emergency  
16 teachers that we had that I am familiar with at  
17 Ravenswood that I would, you know, personally transport  
18 to a college to see if they could get a credential. They  
19 are really good but they don't have the credential and  
20 it's going to take a while for them to get it.  
21 Meanwhile, you have this 250 out there who are lining up  
22 at the door.

23 Q I take it you're familiar with FCMAT?

24 A I am familiar with FCMAT.

25 Q Do you know if FCMAT has done any reviews of

1 Ravenswood regarding its teacher recruitment efforts?

2 A Teacher recruitment areas, no, not teacher  
3 recruitment. It has done work in practices, procedures,  
4 policies, fiscal, personnel, and we just got a grant from  
5 the Hewlett Foundation of \$200,000, and they will be  
6 doing an audit of all non-classroom teaching personnel  
7 and looking at the whole financial structure to see if  
8 Ravenswood can maintain its position as a viable  
9 institution. That is going to start within three or four  
10 days.

11 Q I'm not sure I understand what sort of audit you  
12 mean. I mean, could you explain it a little bit?

13 A Sure. The Hewlett Foundation was interested in  
14 doing something with the Ravenswood School District in  
15 the transition. And they asked me, and I said I would  
16 like to know -- have an audit of all non-classroom  
17 teaching personnel. I would like to take a look at,  
18 like, an electrician, the job specs, in comparison to a  
19 like district and see how many electricians do we need  
20 for a district like this? Do we have two? Is that one  
21 too many?

22 So they're going to come in and look at each  
23 position -- secretary, accountant, electrician, gardener,  
24 cafeteria worker -- to determine if -- what the job spec,  
25 what the person is doing, and compare it to a like

1 district to see if we have too many.  
 2 There's always a question when you're in the  
 3 real -- when you're in a fiscal question, there's always  
 4 the question of, Do you have too many employees? In a  
 5 classroom, it's easy. Teacher, it's easy. You have  
 6 29-to-1. When you go down, what's two electricians?  
 7 What's a glazer? I only have one glazer, but I could use  
 8 three. Do I need two electricians? That kind of stuff.

9 Q I got it.

10 Do you know when the results of the audit --

11 A Yes.

12 Q -- will be released?

13 A The results of the audit will be in by the end  
 14 of -- by June. We're timing it so the audit will be  
 15 completed when we have to make some decisions on the  
 16 budget. And the grant has been set. It's all set.  
 17 We're getting the money. We're really appreciative of  
 18 the Hewlett Foundation for stepping in and taking this  
 19 step.

20 Q So I referred to a review, a FCMAT review of  
 21 Ravenswood regarding teacher recruitment, and you said  
 22 you'd seen a review regarding personnel issues but not  
 23 teacher recruitment. And I wonder if we're talking about  
 24 the same review. And it may be that I'm just not  
 25 describing it in a way that's meaningful to you.

1 A The review I know about with FCMAT was done when  
 2 I was county superintendent of schools.

3 Q Right.

4 A And it's entitled, "FCMAT Review of Personnel  
 5 Practices, Policies, and Procedures," and I was  
 6 intimately involved with that.

7 Now FCMAT is coming in to do this other review  
 8 for me, but I don't remember a FCMAT review of teacher  
 9 recruitment and retention. I don't think the FCMAT  
 10 review that I'm talking about had review and retention.  
 11 I may have forgotten a part of it, but I don't remember  
 12 that being a part of it.

13 Q Why don't we just go ahead and mark this as an  
 14 exhibit? I don't know that I have questions about it,  
 15 but just so we're communicating and on the same page.

16 (Deposition Exhibit 11 was marked.)

17 BY MS. WELCH:

18 Q Is this the document --

19 A Yeah.

20 Q -- that you were talking about?

21 A No, it's not. This is a document before my  
 22 document.

23 Q And I take it you haven't seen this document  
 24 before?

25 A No, not this one. This was done in 2/'01.

1 THE REPORTER: We're not attaching that?

2 MS. WELCH: No.

3 THE WITNESS: I'm glad you brought this to my  
 4 attention.

5 BY MS. WELCH:

6 Q So given your past testimony, I take it that you  
 7 don't have an understanding of whether or not the  
 8 district is following the recommendations in this report?

9 A I do not.

10 Q In general, do you know -- do you have an  
 11 understanding of whether districts are required to follow  
 12 FCMAT's --

13 A No, they're not. A FCMAT -- the -- a FCMAT is  
 14 advisory, but FCMAT is also -- when a FCMAT team comes  
 15 up -- comes in, especially in the area of finance, like  
 16 it is in Oakland, like it's been in San Francisco, you  
 17 better well pay attention to FCMAT or you're going to  
 18 have a real problem because it's usually a very serious  
 19 situation.

20 FCMAT was down in Southern California, other  
 21 districts. There's only five or six districts that have  
 22 gone bankrupt in California, and -- when the AB1200  
 23 process came into it. And so FCMAT has been intimately  
 24 involved. And when FCMAT comes in, it's a serious thing.  
 25 And if the intent of their recommendations, especially in

1 the area of finance, are unpaid, there's going to be a  
 2 problem. So the profession takes FCMAT very seriously.

3 Q And I lost track of what you said before we  
 4 started talking briefly about this report, but did you  
 5 say that FCMAT was coming in to do an audit currently?

6 A Yesterday. FCMAT did a study when I had my last  
 7 year of county of superintendent of schools.

8 Q Right. I will have some questions for that.

9 A Sure. Now they're going to come in and do this  
 10 study on these two things: the district audit and the  
 11 financial structure.

12 Q Do you have an understanding of why FCMAT is  
 13 coming in to do these two things?

14 A Totally.

15 Q What is that?

16 A I'm going to repeat myself again.

17 Q Okay.

18 A But I'm concerned, when you're dealing with a  
 19 district that's almost insolvent, you're always wondering  
 20 about personnel, positions. They range from accountants  
 21 to gardeners to cafeteria workers. Do you need five  
 22 cafeteria workers to serve 400 kids with one spoon each?  
 23 I mean, those might be trite, but in this job I'm down to  
 24 really micro-managing. I watch everything and look at  
 25 everything in the district and I wonder if we need those



1 people.  
 2 I can't go through and do this separately. I  
 3 need somebody to help me with this. That's why I'm doing  
 4 the audit, and they're going to look at every position to  
 5 see if we need them.  
 6 Q Did you ask FCMAT to do this audit?  
 7 A I asked for the grant from Hewlett, and they  
 8 asked me, "Who do you want to do it?" And I said FCMAT.  
 9 Q I understand. So it's the same audit that we  
 10 were talking about that Hewlett is involved in?  
 11 A You got it. Right.  
 12 Q I got it. Gotcha. Because my next question was  
 13 going to be, Why are you having two audits? But now I  
 14 understand.  
 15 A Yeah, right.  
 16 Q Was there a reason why you chose FCMAT to do the  
 17 audit?  
 18 A Yes.  
 19 Q Why is that?  
 20 A A, their expertise. They have the ability to  
 21 tap -- they are probably the most renowned experts in the  
 22 area of school review, examination, whatever you want to  
 23 call it. They have -- are able -- they have a cadre of  
 24 people throughout the state that they can tap.  
 25 When I asked them to do the FCMAT report, the

1 one you're going to ask me questions on, there was a  
 2 question about accounts, and they brought in a special  
 3 accountant from a district in the middle -- in Fresno  
 4 County who looked at that exact thing. She was an expert  
 5 in that area. She gave recommendations in that area.  
 6 They're going to bring experts now in regards to  
 7 the positions in food services, cafeteria, in management.  
 8 They're going to bring these experts in, and they have  
 9 been recognized throughout the country as having some  
 10 real specific standards.  
 11 So they are a highly respected body not only by  
 12 the profession, but by the State of California, the State  
 13 Department of Education, universities. It is a very  
 14 accepted agency.  
 15 Q Earlier we looked at Cesar Chavez's II/USP  
 16 action plan.  
 17 A Mm-hmm.  
 18 Q And that document -- one of the problems that  
 19 the document discussed in the barrier section was a  
 20 shortage of qualified and experienced teachers.  
 21 Do you know -- setting aside what's going to be  
 22 happening with the 250 applications that we've talked  
 23 about, do you know whether the district has been able to  
 24 remedy that problem documented in that section of the  
 25 plan with the monies provided by II/USP?

1 MS. GIORGI: Assumes facts not in evidence and this  
 2 witness can't testify as to the prior information.  
 3 THE WITNESS: I believe that the money, the  
 4 consultants used, the programs used, have assisted the  
 5 quality of education at the school. I don't think we've  
 6 come far enough, but it has assisted.  
 7 BY MS. WELCH:  
 8 Q Is there a current state program out there that  
 9 will, if not enable you, but help you to solve some of  
 10 the barriers that we discussed before in terms of  
 11 recruitment of fully qualified teachers?  
 12 A Not a specific program that I'm aware of at the  
 13 state level. I am sure that there is some assistance and  
 14 there might be some programs, but I can't tell you right  
 15 now of a specific program that I'm aware of that would  
 16 help in the recruitment and retention of teachers.  
 17 The recruitment and retention of teachers has  
 18 heretofore really been a local issue because it varies  
 19 throughout the state. But I can't say there might not be  
 20 something in the Department of Education.  
 21 Q I take it you're familiar with the No Child Left  
 22 Behind Act?  
 23 A Yes.  
 24 Q Has the district undertaken plans to comply with  
 25 the requirements of the No Child Left Behind Act?

1 A We are now in the process of putting together a  
 2 process to comply and looking at the whole district and  
 3 what No Child Left Behind means.  
 4 Q Have you taken any concrete steps in the  
 5 process?  
 6 A Yes. The concrete steps have been to establish  
 7 a group to begin talking about it and putting something  
 8 down in writing. That's the concrete step.  
 9 Q Can you tell me who the group is made up of?  
 10 A Yeah. It would be my assistant superintendent  
 11 for instruction and curriculum, the assistant  
 12 superintendent for special ed, and the other group that  
 13 we would be talking to will be the principals. Sort of a  
 14 principal's cabinet with myself in looking at No Child  
 15 Left Behind.  
 16 And we have principal meetings on a regular  
 17 basis and we have been discussing it. In fact, we have  
 18 been -- it comes up all the time at board meetings as  
 19 something else -- you know, what the implications of a  
 20 No Child Left Behind -- what that means for us.  
 21 Q Do you have a -- do you plan to put together a  
 22 written document?  
 23 A Yes, we do.  
 24 Q And do you know, is there a federal requirement  
 25 to prepare a written document?

1 A There's a federal requirement to prepare a plan.  
 2 Q Do you know when this plan is due?  
 3 A We have to have a plan ready by the end of this  
 4 school year, getting ready for next -- I think we're  
 5 talking about '04, September of '04 or July of '04.  
 6 Q To the best of your knowledge, has the State  
 7 ever communicated to the district any concern about the  
 8 percentage of fully qualified teachers in the district?  
 9 A During my tenure there I have not seen any  
 10 specific report or concern that has been expressed by the  
 11 State.  
 12 Now, if you go -- we're talking -- we're doing a  
 13 compliance report -- it's been other groups. During the  
 14 Emma C. case, we talked about it. During the compliance  
 15 for limited English speaking, we had a compliance issue,  
 16 we talked about it. But I don't remember any  
 17 communication from an official State organization dealing  
 18 specifically with that during my three and a half months  
 19 there.  
 20 Q And you don't have any reason to -- do you have  
 21 any reason to know about communications --  
 22 A In the past?  
 23 Q -- in the past?  
 24 A No.  
 25 Q In your time as superintendent, has the State

1 directed the district to do anything in particular with  
 2 regard to the teaching staff at any school within the  
 3 district?  
 4 A Not while I've been superintendent.  
 5 Q In your opinion, do the condition of school  
 6 facilities have an effect on student learning?  
 7 A Yes, they do.  
 8 Q Why do you think that?  
 9 A I think that if you don't have safe, secure  
 10 facilities that present a learning environment, I think  
 11 that it's not conducive to good learning. I think that  
 12 when you talk about school facilities, I'm talking about  
 13 everything, including a classroom, how a teacher develops  
 14 a classroom. You can walk into some classrooms and just,  
 15 wow, and others are not.  
 16 I think, first of all, with the kind of  
 17 restrictions we have and the kind of inspections we have  
 18 with regard to earthquakes and everything -- I'm not  
 19 talking about walls falling down, I'm not talking about  
 20 roofs caving in. I'm talking about the basic  
 21 fundamentals of having a classroom basically where the  
 22 student spends time. Classroom, playground, facilities  
 23 like that that should be conducive to learning.  
 24 MS. WELCH: Can we take a quick break?  
 25 MR. MARQUEZ: Sure.

1 (Recess taken: 4:18 until 4:26 p.m.)  
 2 BY MS. WELCH:  
 3 Q Do you think that schools with substandard  
 4 buildings and grounds can have a negative effect on  
 5 school climate?  
 6 A Depends on the definition of "substandard." I  
 7 mean that's pretty -- I'm not sure what you mean by  
 8 "substandard." There are some school districts that  
 9 have -- you know, their buildings and grounds are not as  
 10 good as others, but I know that -- I guess I'll interpret  
 11 that by saying a really low substandard. If you say a  
 12 really low substandard, then I think I would say yes, but  
 13 I'm not sure what you mean by "substandard." I'm not  
 14 sure what the standard is.  
 15 Q Are you aware of any standards out there  
 16 promulgated by the State with respect to facilities?  
 17 A I don't know of any specific list of standards.  
 18 We always use the inclusive phrase of safety and welfare.  
 19 I remember when I was superintendent of Jefferson High  
 20 School District, when it rained we had all kinds of roof  
 21 problems and everything. Is that substandard? It didn't  
 22 bother the education of children, but was it substandard?  
 23 So I think that definition is pretty broad. I  
 24 think I can name -- not I could name, but I think there  
 25 are some districts who have beautiful facilities and

1 perhaps are not doing as good a job as some schools that  
 2 might have standard facilities.  
 3 Q Do you have a definition in mind of what you  
 4 mean when you say "low substandard"?  
 5 A I think that if you have school buildings that  
 6 have broken windows, a lot of graffiti, a broken chain  
 7 link fence, some of the things we see in the movies, I  
 8 think those are substandard.  
 9 Q So you would say those types of schools could  
 10 have a negative effect on school climate?  
 11 A Yes, right.  
 12 Q Do you think that those types of schools could  
 13 have a negative effect on student self-esteem?  
 14 A Yes.  
 15 Q Do you think that those type of schools send a  
 16 message to students about how adults value their  
 17 education or whether they value their education?  
 18 MS. CARTER: Objection; leading and vague.  
 19 THE WITNESS: If we're dealing with my definition of  
 20 "substandard."  
 21 BY MS. WELCH:  
 22 Q Yes.  
 23 A Yes.  
 24 Q As a superintendent of Ravenswood and, you know,  
 25 when you've been superintendent in the past, in assessing

1 whether schools are doing, you know, a good job  
2 generally, do you take some account of how well the  
3 school keeps up its facilities?

4 A I think how they keep their facilities and the  
5 safety factor and how their facility looks I think is  
6 important overall for the image of that school, that  
7 school district, and also with parents and community.

8 Q Does the district supervise the quality of  
9 facility maintenance in the schools in Ravenswood?

10 A Absolutely. And I have to tell you that when I  
11 mentioned in my testimony that I was into  
12 micro-management, I've been in every corner, every  
13 cafeteria line, I've tasted food, I've looked at the  
14 kitchens, I've been in the bathrooms, I've been in the  
15 hallways, I've been in the store rooms, I've been  
16 everywhere. And so I can tell you firsthand that I do  
17 look at that stuff at every site.

18 Q Do you assess whether principals at a particular  
19 school site are keeping up their end of the bargain in  
20 terms of --

21 A Absolutely. That's an important part. I talk  
22 to them a lot about that. I talk to them a lot about  
23 that. If there's not something -- if I see something  
24 that I think is a problem, a danger or something, I talk  
25 to the principal and I talk to the maintenance people and

1 it better done within a very short period of time. Very  
2 short time. And if it's a safety reason, I'll stand  
3 there until it's done.

4 Q Do you have a set of standards or goals you use  
5 to assess whether maintenance is being performed  
6 adequately in the district?

7 A Mm-hmm.

8 Q Is that something that's written down or just  
9 something that you --

10 A 40 years' worth of doing it and I know what's  
11 safe for kids.

12 Q Are there any -- in terms of helping other  
13 people understand your standards, have you created any  
14 kind of formal checklist of standards for the maintenance  
15 folks to use?

16 A No. What I've created is a heightened awareness  
17 on the maintenance people that I'm all over the place and  
18 I don't like things that are unsafe. And I've really  
19 been successful in that because I know that people will  
20 say, "Hey, better take care of that. He's going to be  
21 here." And they know I will call them up immediately if  
22 something is wrong.

23 So I think that I've established an unwritten --  
24 you know, I could write a memo on something, but that's  
25 not what it is. You have to live it, display it, and be

1 there and tell the person, "That has to be fixed."

2 Q Do you know if that sort of approach was in  
3 place or being used before you got to the district?

4 A I cannot tell you what the former superintendent  
5 did or had in mind or what was in her mind.

6 Q I understand that. So I guess my question would  
7 be, Has anyone told you, "Wow, this is really different  
8 from how it used to be," or have you had those sorts of  
9 conversations?

10 A No. They've told me, "This is really great." I  
11 don't encourage impugning the past. I really don't. I  
12 really -- in fact, I stay away from it. I really  
13 discourage it because people love to talk to you about  
14 the past and complain about the past, hoping that  
15 complaining about the past makes themselves in better  
16 light with you.

17 So I really, really -- and that goes with  
18 principals, custodians and secretaries, everybody. I  
19 really discourage talking about the past.

20 Q So I take it, based on your past testimony, that  
21 you communicate firsthand to maintenance staff and others  
22 at the schools about what you expect?

23 A Absolutely. The maintenance person has now  
24 taken to reporting directly to me.

25 Q Does the district have a system for managing

1 facilities complaints or issues that arise at schools?

2 A Yes. We have a regular complaint procedure and  
3 we have a process where they can put things in writing  
4 and send it through the regular system.

5 I've asked the principals especially to be  
6 concerned about their school and to send -- anything they  
7 send to the maintenance, I want a copy of.

8 Also, because of our problems with financing,  
9 almost everything has to come through me. I sign off on  
10 stuff to be purchased. I've stopped all purchasing. I  
11 stopped everything. I caught the nurse the other day  
12 going out and buying Band-Aids with her own money. And I  
13 told her, "You don't have to do that much." But  
14 everything has come through me.

15 Q Do you know if the district has a practice of  
16 having routine inspections of its schools?

17 A I'm not sure that there's a schedule written  
18 down somewhere or a practice. I know that by example  
19 that I'm all over the place, which encourages other  
20 administrators if they want to keep up with me and they  
21 want to keep their jobs, they do the same thing.

22 Q Is there a complaint system that parents can  
23 use?

24 A Yes.

25 Q What is that system?

1 A It's a uniform complaint system that's in -- we  
2 have a policy -- in fact, by law we have to have a  
3 uniform complaint system. And the complaint system can  
4 be a complaint that's a regular complaint on harassment,  
5 a complaint on textbooks. There's a whole body of law  
6 that deals with complaints about textbooks and how you  
7 can complain about a specific textbook. We have  
8 personnel, we have student complaint forms. So there are  
9 a series of processes to go through.

10 Q Other than the UCP, does the district have any  
11 other procedure for complaints that you're aware of?

12 A Well, there's a big series of them, different  
13 complaints. We have a complaint -- we have a -- a  
14 complaint procedure is required by law, and then the  
15 regular complaint we have with parents complaining about  
16 something being wrong, and then we have the claim for --  
17 if somebody trips and falls. So we have an extensive  
18 complaint procedure process that we go through.

19 Q How is this procedure or -- first, is this  
20 procedure communicated to parents in the district?

21 A Yes. Students when they first register and then  
22 every year there's a packet of information that goes out  
23 to parents that speaks about the requirements of the  
24 district, the requirements of the curriculum and also the  
25 complaint procedures, parents' rights, and things of that

1 sort.

2 Q Are you familiar with a custodial staffing  
3 formula that the district used?

4 A Yes. It's a combination of four things: It's a  
5 combination of square footage -- and it comes from CASBO,  
6 California Association of Business Officials. They have  
7 the regular criteria, and the four things are number of  
8 students, square footage, classroom versus gyms, open  
9 spaces, and there's one other one. There's four criteria  
10 that is taken into account when development of a square  
11 footage formula is applied to a custodian.

12 Q So I take it this formula is still in use by the  
13 district?

14 A Yes, correct. Mm-hmm.

15 Q Do you think it's an effective formula?

16 A Yes. Sure. I think it's used by many school  
17 districts in California.

18 (□Telephonic interruption.)

19 MS. WELCH: Off the record.

20 (Discussion off the record.)

21 MS. WELCH: Back on the record.

22 Q Do you think that your approach in terms of  
23 ensuring that the facilities are well-maintained would be  
24 workable in a larger district?

25 A You know, that's a good question. I don't think

1 that I could sustain the type of work I'm doing now on a  
2 long-range basis. When you have a superintendent getting  
3 down to find out what kind of food is served in the  
4 cafeteria, there's something -- it just isn't going to  
5 work for a long time. I guess I have the energy to do it  
6 for a while, but there's going to be times and places  
7 where the meetings will engulf me in curriculum and  
8 instruction. I've got to get down to the instruction of  
9 students and what's happening.

10 I'm recommending committees next year to look at  
11 boundary lines, look at transportation, looking at grade  
12 configuration. So I'm not sure how long a superintendent  
13 could sustain what I'm doing now. It probably is not  
14 practical.

15 Q I'd like to take a look at the FCMAT document.

16 A Sure.

17 MS. WELCH: This will be Exhibit 12.

18 (Deposition Exhibit 12 was marked.)

19 THE WITNESS: Yes.

20 BY MS. WELCH:

21 Q I take it you've seen this document before?

22 A Many times.

23 Q What is your understanding of why this report  
24 was prepared?

25 A I think there was a time when there was -- for a

1 period of time there was some fairly serious upheaval in  
2 the district in relationship to the allegations of  
3 illegal activity. The superintendent had just gone  
4 through a trial alleging 18 or 19 felony counts, which,  
5 in turn, she was exonerated from all counts, and Delaine  
6 Easton, the State Superintendent of Public Instruction,  
7 felt that there should be some review of the current  
8 practices. And Delaine Easton and I -- Delaine and I  
9 talked about and it was agreed that -- and I agreed and  
10 we agreed that we should take a look at things just as a  
11 matter of our professional responsibilities.

12 And this is how this study came about. This  
13 study was under the auspices of the county superintendent  
14 of schools, and it was, I felt, my responsibility under  
15 law to take a look at things just to put things right in  
16 relationship to the millions of rumors and things that  
17 were going on all over the place. I think that's the  
18 genesis of this study.

19 Q When you say -- I don't want to misquote you,  
20 but when you say that you thought that it was -- I can't  
21 remember if you said responsibility under the law or --

22 A I think it was my responsibility under the law.  
23 The law states the county superintendent of schools --  
24 it's an old law. Sorry.

25 Q That was my next question. Which law?

1 A The law says that the county superintendent of  
2 schools shall superintend the schools in the county. And  
3 there has been an attempt to define that since it first  
4 came on the books and it has a variety of definitions.

5 I think that what it means is that  
6 professionally as county superintendent of schools that I  
7 have some responsibility of what goes on in schools, and  
8 that I think -- in this case I didn't actually  
9 superintend at the regular school district at that time,  
10 but I felt that the definition of law -- that I had some  
11 authority to step in and do this review.

12 I have to add that the Ravenswood superintendent  
13 and a committee of the board -- two members of the board  
14 came to see me in my office and supported my doing this  
15 review. I think that has to be noted. It wasn't just me  
16 coming in and saying I'm going to do the investigation.  
17 They supported me doing this review. That was the  
18 superintendent and two -- two board members.

19 Q When you and Superintendent or former  
20 Superintendent Easton spoke about doing a review, did  
21 Superintendent Easton discuss with you what she believed  
22 the authority would be to do such a review?

23 A No. No. We had -- yes, we did discuss that.  
24 We did discuss -- now, you're talking about the  
25 superintendent of Ravenswood or the superintendent of the

1 did not find any illegal -- I forget how I worded it in  
2 my preface, but I did not find any illegal -- let me look  
3 at this for a moment.

4 Q Sure.  
5 (□Witness reviews document.)

6 THE WITNESS: I must have said that to a newspaper  
7 at one time. I don't see it in here. I did state that I  
8 did not find any overt illegal activity in the district.  
9 And I thought I said it somewhere in here. Your question  
10 was, again?

11 BY MS. WELCH:

12 Q We were talking about the purpose of the report,  
13 and you said it was four-fold.

14 A It was the rumors going around the district, the  
15 feeling that they were just in chaos, the feeling that  
16 they were defying the law, the feeling that they were  
17 just not paying attention to any of the illegal  
18 activities. It was around all of the potential rumors of  
19 illegality going on. That was part.

20 And I thought that for the benefit of the  
21 community and for -- and people began to ask me, "What  
22 are you doing as county superintendent to supervise the  
23 illegal activities?"

24 And I said, "What do you mean, supervise illegal  
25 activities?" I mean, that was the kind of thing I was

1 State?

2 Q I'm talking about Superintendent Easton. That  
3 conversation.

4 A Right. We did. We had some discussion on where  
5 the authority -- who had the authority to do this, and  
6 Delaine Easton and I said, "Well, let's have the  
7 attorneys look at this."

8 And it was determined that it was in really --  
9 really the authority was with the county superintendent  
10 of schools to do this. And she certainly agreed and we,  
11 in turn, put this together.

12 Q And who prepared the report?

13 A I prepared the preface, and the report then was  
14 prepared by the FCMAT team.

15 Q We talked about how the project came to be or  
16 how the audit came to be. Was there a particular purpose  
17 for the report itself?

18 A I think the purpose was two, three, four-fold.  
19 I think the purpose was to take a look to see what was  
20 occurring in the district because of the multitude of  
21 rumors that were out there, the rumors that ranged from  
22 absolute, you know, illegal activities going in every  
23 corner of the place, to a review of their policies and  
24 practices.

25 And in my report I speak to the issue, that I

1 getting. So I felt we should go and step in and do this  
2 with FCMAT.

3 MR. MARQUEZ: It's about five minutes to five.

4 MS. WELCH: Yes.

5 MR. MARQUEZ: Would it make sense to break?

6 MS. WELCH: Why don't we go off the record?

7 (Discussion off the record.)

8 THE REPORTER: Counsel, would you like a copy of the  
9 transcript?

10 MR. MARQUEZ: Yeah.

11 THE REPORTER: Counsel, for you?

12 MS. WELCH: Yes.

13 MS. GIORGI: No, thank you.

14 MS. CARTER: Yes.

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I, FLOYD GONELLA, Ed.D., do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained Herein, as corrected, is true and correct.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_,  
2003, at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

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FLOYD GONELLA, Ed.D.

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

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

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

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
TRACY L. PERRY  
CSR No. 9577