

IN THE 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)
EASTIN, State Superintendent)
of Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
BOARD OF EDUCATION,)

Defendants.)
_____)

DEPOSITION OF FLOYD GONELLA
Menlo Park, California
Tuesday, July 22, 2003
Volume 3

Reported by:
KELLI COMBS
CSR No. 7705
Job No. 886209

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Defendants.)

Deposition of FLOYD GONELLA, Ed.D, Volume III,
taken on behalf of Defendants, at 990 Marsh Road, Menlo
Park, California, beginning at 9:32 a.m., and ending at
5:13 p.m. on Tuesday, July 22, 2003, before Kelli Combs,
CSR 7705.

INDEX

WITNESS EXAMINATION

FLOYD GONELLA, Ed.D.
BY MS. CARTER 375
BY MS. GIORGI 560
BY MS. WELCH 569
BY MR. MARQUEZ 579

EXHIBITS

DEFENDANTS'	PAGE
24 Academic Performance Index Report for Edison-McNair Academy downloaded from the Internet, reports from 2002, 2001, 2000 and 1999	406
25 Document titled "Addendum to the II/USP Action Plan," Bates labeled DTRA6003 through DTRA6018	417
26 Document titled "Financial Report, Internal Format 2, Cesar Chavez, II/USP Grant," dated 02/08/02, Bates labeled DTRA05816 to 05817	418
27 Document titled "Ravenswood City School District, County of San Mateo, East Palo Alto, California, single audit report year end June 30th, 2001", Bates labeled DTRA5383 through DTRA5451	458
28 Newspaper article from the San Jose Mercury News dated October 11, 2002, entitled "Repayment May Make Ravenswood Insolvent"	465

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INDEX TO EXHIBITS CONTINUED

DEFENDANTS'	PAGE
29 Newspaper article downloaded from an electronic database from the San Jose Mercury News, dated May 11, 2002, entitled "Teachers Keep up Heat at Ravenswood Board Meeting"	495
30 Newspaper article downloaded from an electronic database from the San Jose Mercury News, dated March 29th, 2002, entitled "Knight Pressured To Resign."	498

1 Menlo Park, California, Tuesday, July 22, 2003

2 9:32 a.m. - 5:13 p.m.

3 FLOYD GONELLA, Ed.D.,

4 having been previously duly sworn, testified as follows:

6
7 EXAMINATION

8 BY MS. CARTER:

9 Q Good morning, Doctor.

10 A Good morning. How are you?

11 Q Nice to see you again.

12 My name again is Margaret Carter, and I'm an
13 attorney representing the State in this litigation.

14 We went over the ground rules with you on the
15 first and second days of your deposition, so there is
16 just a couple that I want to remind you of.

17 I want to remind you that as the court
18 reporter just swore you in, that you're under oath today
19 as you were during the first two days of your
20 deposition, and that your testimony will have the same
21 force and effect as if you were giving it in a court of
22 law.

23 Do you understand that?

24 A Yes.

25 Q Also just wanted to remind you to try to give

1 asked a question and it's pending, that you please

2 answer it before we take a break.

3 Is that okay?

4 A Yes.

5 Q And if at any point you remember something in
6 the deposition today that we have talked about either
7 today or one of the earlier days that you want to add to
8 your previous answer, please let us know. Otherwise
9 we'll assume that you have answered the questions fully
10 and completely.

11 A Yes.

12 Q Do you have any questions?

13 A Yes. What kind of time line? I have been
14 doing this for two days now, and I am getting pushed for
15 time on the job especially during this time of the year
16 because of the budgets and everything. What do we
17 calculate will be today's time?

18 MS. CARTER: Can we go off the record for just
19 a minute?

20 (Discussion held off record.)

21 BY MS. CARTER:

22 Q We just had a discussion about timing off the
23 record.

24 Dr. Gonella, is there any reason why you might
25 be unable to testify or to give your best testimony

1 verbal answers so that the court reporter can take them
2 down. I also wanted to remind you that we should try to
3 speak one at a time, again, so the court reporter can
4 get it down.

5 Is that okay?

6 A Yes, that is.

7 Q Again, as I think we have discussed before,
8 it's important that you understand the question that I'm
9 asking. So if after you have listened to my question
10 there is something about it that you don't understand,
11 please let me know, and if I can, I'll try to rephrase
12 it.

13 If you answer a question without asking for
14 more clarification, I'll assume that you understood it
15 as I asked it.

16 Is that okay?

17 A Yes.

18 Q You're required to answer my questions to the
19 best of your ability. If you don't know the answer, we
20 don't want you to guess, but if you can estimate, we are
21 entitled to your best estimate.

22 Do you understand that?

23 A Yes.

24 Q If you need a break for any reason, just let
25 us know. The only thing that I would ask is if I have

1 today?

2 A No, there is no reason.

3 Q On the second day of your deposition, you
4 testified that you knew Linda Darling-Hammond.

5 Do you recall that?

6 A Yes.

7 Q Have you ever spoken to her about this case,
8 the Williams versus California case?

9 A No, I have not. I know Linda Darling-Hammond
10 because of her reputation. I know -- I have been to
11 presentations she had made and, in fact, she and I have
12 exchanged voice mails in the past three months to try to
13 get together. I haven't the slightest idea what she
14 wanted to talk to me about. So we have never actually
15 personally spoken.

16 Q Okay.

17 On the first day -- let me -- this might make
18 it easier. I'd like to refer you to the first day of
19 your deposition --

20 A Uh-huh.

21 Q -- page 12 of the transcript. Beginning at
22 line 18 and going through page 14 of the transcript.

23 A Page -- it's not this page. It's over here.

24 Okay. It's four on each page.

25 Q So it's page 3 of the booklet.

1 A Page 12, line what?

2 Q I'd like you to review beginning at line 18 of
3 page 12, and then going to line 14 of page 14. And just
4 let me know when you have finished with it.

5 A Yes.

6 Q Okay.

7 Are there any areas in which Ravenswood is not
8 providing the basics as you discuss them on -- in that
9 part of your deposition?

10 A Not that I am aware of.

11 MS. WELCH: Question is vague as to time, too.

12 BY MS. CARTER:

13 Q I'll ask it again.

14 Are there any areas in which Ravenswood is
15 currently not providing the basics as you discuss them
16 in that part of your deposition?

17 A Not to my awareness.

18 Q I'd also like to refer you to page 197 of your
19 transcript. It's on page 50 of the booklet.

20 A Yes.

21 Q At lines 5 through 8 of that page, you spoke a
22 bit about what a substandard facility meant to you. Are
23 there any schools in Ravenswood that currently have
24 substandard facilities as you discussed that?

25 A As I discussed it here, no.

1 Q Sorry to be jumping around, but I'm going to
2 ask you to go back to the transcript at page 51. At the
3 very end of that page, lines 24 and 25, carrying over
4 onto page 52 of the transcript, you said that -- you
5 described a visit to Costano where you observed the
6 Costano site to be clean and safe.

7 Do you recall when that visit occurred?

8 A I would speculate that in my six-and-a-half
9 months there, I have been to Costano 25 times, so I'm
10 not sure about when I referred to a specific visit, I
11 can't connect. It might have been the first visit, but
12 I can't connect to a specific visit.

13 Q I believe, Dr. Gonella, that you're -- that
14 you were referring at the time to a visit that you made
15 while you were a county superintendent. Perhaps if
16 you -- that may be incorrect, though. Would you mind
17 just reviewing that and letting me know if that's
18 correct?

19 A Thank you.

20 I did not read far enough because line 12 said
21 when I was -- yes, I did. When I was county
22 superintendent -- thank you for bringing that to my
23 attention.

24 When I was county superintendent, I did visit
25 as many schools at I could in the county. I remember

1 visiting Costano specifically, and I remember the site,
2 how clean the site was, how well manicured it was. And
3 the connection I made that -- I'm sort of a history
4 buff, and the Hetchy Hetchy waterline runs through the
5 Costano property, and I remember reconnecting that to
6 how well the entire site was.

7 Q And when was that visit, do you recall?

8 A I was county superintendent for 12 years. My
9 best speculation, I would say it was in the latter part
10 of my term, which would be somewhere within the past, if
11 you take from when I ended my term in January 7th, I
12 would say if you go back five years, somewhere in there.

13 Q When you visited --

14 You mentioned visits that you made to Costano
15 since you have become superintendent of Ravenswood.

16 A Yes.

17 Q Was the site clean and safe at the time of
18 those visits?

19 A Absolutely.

20 Q Now I'd like to refer you to a discussion that
21 we had on day two of your deposition. And I'd like to
22 refer you to page 271.

23 MR. MARQUEZ: Do you happen to have an extra
24 copy?

25 MS. CARTER: Yes.

1 BY MS. CARTER:

2 Q At lines 13 through 16, you mentioned a
3 combination of components necessary for a child to
4 succeed in school.

5 Do you recall that?

6 A Yes.

7 Q Would that combination of components look the
8 same at every school?

9 A I looked at those components. The components
10 you talk about here, teachers, facilities, materials and
11 support services, are basic ingredients for any
12 educational setting. There could be other components,
13 subcomponents, depending on what the situation is, but
14 those components that I listed would be basic for any
15 educational setting.

16 Q Would the core of teachers necessary for a
17 child to succeed in school look the same for every
18 school?

19 A No.

20 Q Would it be the same for every child?

21 A No.

22 Q What about the facilities? Would the
23 facilities necessary for a child to succeed in school
24 look the same for every school?

25 A Not necessarily.

1 Q What about the materials that you referred to?
2 Would the materials necessary for a child to succeed in
3 school look the same for every school?

4 A No.

5 Q And what about the support services? Would
6 the support services necessary for a child to succeed
7 look the same in every school?

8 A No.

9 MS. WELCH: All of these questions are really
10 vague, so I'll just make that standing objection.

11 BY MS. CARTER:

12 Q I'm going to refer you back to page -- day one
13 of your deposition.

14 A So which page would that be?

15 Q 76 of April 25th.

16 A Which page?

17 Q Page 76.

18 I'd like you to review the end of that page
19 beginning at line 15 and ending at line 24. And just
20 let me know when you're finished.

21 A I have a problem. I go from 72 to 77.

22 Q You must have a page missing.

23 MR. MARQUEZ: Looks like you have a page
24 missing. Why don't you take a look at mine.

25 THE WITNESS: Okay. Page 72?

1 school year.

2 A Okay.

3 Q Was turnover a difficulty for Ravenswood that
4 year?

5 A There was turnover, but it was not a
6 difficulty.

7 Q And why is that?

8 A We went through a program to hire as many
9 fully credentialed teachers as possible, so therefore,
10 we gave notices during the 2002-2003 school year to
11 almost 80 teachers, many of whom had emergency
12 credentials. So therefore, if one looked at the names
13 on the list, they would say that's a high turnover. But
14 if one would look at the reason behind the turnover, it
15 was specific program and planned.

16 Q Do you think it would be unreasonable to
17 criticize Ravenswood for having a high turnover rate
18 during that school year, given the reason that you just
19 outlined?

20 A I do not -- if you look at the turnover during
21 that specific year, 2002-2003 -- now, I should qualify
22 that because the turnover would reflect into the
23 2003-2004 school year. During the 2002-2003 we did not
24 have a great deal of turnover during the year itself.
25 But when you go from one year to the next year, that's

1 BY MS. CARTER:

2 Q I'm sorry, page 76.

3 A 76, okay. And which part?

4 Q Lines 15 through 24.

5 A Yes.

6 Q In that section --

7 A Did you say line 15 to 24?

8 Q That's right.

9 A Yes.

10 Q In that section you discussed a difficulty
11 hiring credentialed teachers. Does Ravenswood currently
12 have that difficulty?

13 A Not as of this time.

14 Q On page 77, beginning at line 1 and ending at
15 line 10, you discussed difficulties with teacher
16 turnover. Is there currently a difficulty with teacher
17 turnover at Ravenswood?

18 A Since we haven't started the new year yet --
19 we had difficulty in turnover in the last couple of
20 years, not to a high degree, but there was some
21 difficulty in turnover. Since we haven't started the
22 new year, it's difficult for me to say what the turnover
23 will be for the next year. So are you talking about the
24 past or the future?

25 Q Well, let's talk about the 2002-2003 year,

1 where you determine the turnover. So if somebody would
2 have compared 2002-2003 to 2003-2004, they would say,
3 yeah, there was quite a bit of turnover. That was the
4 plan.

5 Q When you say "that was the plan", meaning that
6 was the plan of the school district? Is that what you
7 mean?

8 A It was the plan of the school district to
9 bring in as many credentialed teachers as possible, so
10 therefore, if one just looked at turnover, they would
11 say a lot of people left and a lot of people came in.
12 It was planned.

13 Q Okay.

14 I just want to refer you to the transcript at
15 page 161.

16 A Yes.

17 Q In the --

18 At the first two lines of that -- that page,
19 you had referred to previous problems recruiting and
20 retaining teachers. I take it from the answers that you
21 just gave that recruiting and retaining teachers are not
22 currently problems at Ravenswood; is that correct?

23 A The recruitment and retention of teachers
24 currently, meaning right now, is not a problem.

25 Q I'd like to refer you to page 271 of your

1 transcript. And that's on the second day, the June 18th
 2 transcript. I'm sorry, it's the second day.
 3 A I'm back to the same thing again, doing the
 4 271. Got it. Yes.
 5 Q Beginning at line 17 and carrying over to the
 6 next page, 272, up until line 9, there was a discussion
 7 of oversight mechanisms that you employ in Ravenswood.
 8 Could you just review that and let me know when you're
 9 finished? Again, that's 271, line 17 through 272, line
 10 9.
 11 A Yes.
 12 Q How would you describe the success of these
 13 oversight mechanisms?
 14 A The success of the oversight committee -- of
 15 the oversight mechanism?
 16 Q That you discussed in that portion of your
 17 deposition.
 18 A I would say that according to the structure we
 19 have, that the oversight component of schools from the
 20 district office and from principal down works very well.
 21 We have a structure that is established that is adhered
 22 to. We have documentation, we have the meetings and we
 23 have reports at the various levels all the way to the
 24 board of trustees. So I would say that oversight is
 25 conducted in a very prudent, professional and successful

1 way.
 2 Q And were these mechanisms established by you?
 3 A No. They were slightly modified, perhaps, by
 4 me, but for the most part much of the oversight
 5 mechanism was in place.
 6 Q What modifications did you make?
 7 A The modifications I made were in relationship
 8 to more frequent meetings with me, the establishment of
 9 frequent cabinet meetings where people report directly
 10 to me, my meeting with principals, my reporting to the
 11 board, and my discussions with a variety of
 12 administrators at every level, both classified and
 13 certificated staff.
 14 My greater personal involvement than what I
 15 would normally have done is what I put into effect, but
 16 I am not comparing it against anything that may have
 17 happened with the previous superintendent or previous
 18 year. I do not know that mechanism. So when I talk
 19 about I modified it, I modified my own functions, not
 20 modified what was there before.
 21 Q Have the modifications that you made improved
 22 the oversight mechanisms?
 23 A I think it has. In my estimation, it has.
 24 Q And why do you say that?
 25 A I think there is a -- I find myself -- and

1 again, this is not a comparison to previous
 2 administrations. I find myself being much more involved
 3 in the entire operation of the school district at every
 4 level in every department in every way. My
 5 modification -- my modification is the acceleration of
 6 my being involved at every level in the operation of the
 7 school district.
 8 Q Now, you said just a moment ago that the
 9 oversight structure was adhered to. Is that correct?
 10 A Could you repeat that?
 11 Q I believe that you said a moment ago that the
 12 oversight structure was established and was adhered to.
 13 A The general oversight structure, when I came
 14 in as superintendent, was -- was -- it was present and
 15 it was adhered to, yes.
 16 Q How do you know?
 17 A By -- after being a superintendent for 28
 18 years and having a great deal of hands-on experience
 19 with the operation of a school district, it did not take
 20 me long, within a matter of just a few weeks, to realize
 21 the degree of reporting and level of reporting and that
 22 the structure was there. So it was my professional
 23 experience that allowed me to make this analysis.
 24 Q Was the oversight -- were the oversight
 25 mechanisms in place at Ravenswood when you got there but

1 before you made your modifications, were those effective
 2 before you got there?
 3 A I'm not able to -- I'm not able to evaluate
 4 the effectiveness of the kinds of oversight procedures
 5 that were in place before I got there. When I got
 6 there, they were in place, the school was functioning.
 7 My modification came in result to my level of activity
 8 rather than modification of the existing process.
 9 Q Now, you do have some basis for evaluating the
 10 existing oversight process because wasn't that one of
 11 the things, for example, that was at issue in the audit
 12 that you conducted, which we have discussed earlier in
 13 your deposition?
 14 MR. MARQUEZ: To clarify, you said "existing".
 15 Do you mean the existing structure before he became
 16 superintendent?
 17 MS. CARTER: That's right. Before and at the
 18 time he became superintendent.
 19 THE WITNESS: Would you repeat the question?
 20 MS. CARTER: Certainly.
 21 BY MS. CARTER:
 22 Q Wouldn't your -- I'll rephrase it slightly.
 23 Wouldn't your experience as county
 24 superintendent, and particularly in your role overseeing
 25 the audit of Ravenswood School District, give you some

1 basis for evaluating the oversight mechanism that was in
2 place before you became superintendent?

3 A Yes, it did in a -- in a -- in an evaluative
4 way, not in a direct way. When I received the report,
5 there were certain areas of the report that dealt with a
6 variety of items. There were literally scores of
7 recommendations. So I had some ability at that time to
8 make a determination that some of the areas of oversight
9 perhaps were not as complete, but I did not have any
10 personal experience. These were only words that came as
11 a recommendation from teams of people who observed, and
12 I did not have the opportunity right after the FCMAT
13 report or at any time after the FCMAT report until I
14 became superintendent to experience those procedures
15 firsthand or to try to evaluate them. By then there was
16 a whole new set of players in relationship to the board
17 and the superintendent. So I was able to see them on
18 paper, but I was not able to experience them firsthand.

19 Q Did you agree at the time that the FCMAT
20 report was conducted that some areas of oversight may
21 not have been complete?

22 A Yes.

23 Q And have you done things since you have
24 arrived to make them more complete?

25 A Since I have arrived, I have -- I have put --

1 I guess because of my involvement I think I have placed
2 into -- placed into -- placed into being a recall -- a
3 closer supervision system, particularly at the district
4 office level and of the individuals who are the heads of
5 different divisions, and it was my relationship -- not
6 my relationship, but my constant involvement with them
7 that I think improved the communication system and the
8 supervision system, especially at the district office
9 level and with principals.

10 Q And how do you measure that improvement?

11 A I measure that improvement by the results of
12 what the individuals are doing in relationship to
13 specific programs.

14 Q And what -- to what individuals are you
15 referring?

16 A I'm referring to the supervision, direct
17 supervision and involvement in the area of finance with
18 Mr. Mac McLindon, the chief business official; in the
19 area of instruction and curriculum with the assistant
20 superintendent for structure and curriculum, Maria De La
21 vega; the direct supervision and involvement in the
22 entire area of special education with the assistant
23 superintendent, Dr. Pamela Downing-Hostin; the overall
24 building and grounds under the supervision of Jose
25 Alcaez; the transportation system under the supervision

1 of Shahal Mandra.

2 I guess I have involved myself in every phase.

3 I can go on and give you the director of technology, the
4 director of this and director of that if you so desire.

5 But I have involved myself at every level.

6 Q And do you believe that the modifications that
7 you have made has made your supervision -- I'm sorry,
8 strike that. I'll ask a different question.

9 Do the individuals that you just mentioned
10 also have supervisory and oversight roles?

11 A Yes, they do.

12 Q Have the modifications that you have made --
13 I'm sorry, let me ask it again.

14 Have the modifications that have been made
15 since you have become superintendent at Ravenswood
16 improved their ability to exercise oversight and
17 supervisory functions?

18 A I believe that it has modified their method of
19 supervision. The intensity of mine over them has
20 created their intensity of theirs over the people they
21 supervise, and it was my intent to create this intensity
22 right down the line.

23 Q Uh-huh.

24 And you believe that these reforms have been
25 effective in doing that?

1 A I believe they have been effective because
2 they place people in a greater hands-on administration
3 of the school district.

4 Q Do you think it would be helpful to add more
5 oversight by the State of California beyond what the
6 State already provides?

7 A No.

8 Q And why is that?

9 A I believe that education is a local
10 responsibility, and that the character of a school
11 district, the goals, standards of a school district are
12 established by a local community. Local community is
13 responsible for electing a board of trustees and there,
14 in turn, the board of trustees then takes the direction
15 by law what the state says, by what standards are set,
16 and implements locally.

17 There are over a thousand school districts in
18 California. Each is unique, each is local, and the
19 strength of our system in California is because we have
20 a local system.

21 I think the state does very well in its areas
22 of responsibility, and we certainly do need the state
23 and their help, but I do not believe that the state
24 should increase their supervision, authority or whatever
25 other word you may want to call it over a local school

1 district.

2 Q Do you think that there is still more room for
3 improvement in the area of oversight at Ravenswood
4 School District?

5 MR. MARQUEZ: Can you clarify, when you say
6 "oversight," from the district office to the principals
7 or within the department of technology or just specify
8 what you mean.

9 MS. CARTER: I'm referring to the kinds of
10 oversight that we have just been discussing.

11 MS. WELCH: I don't think that helps clarify.

12 BY MS. CARTER:

13 Q I'll try again.

14 You mentioned that it was your goal to instill
15 more intense oversight down the line. Do you think that
16 there is still more room -- there is room for more
17 improvement in that regard at Ravenswood?

18 A Over my career as a superintendent for 28
19 years, whenever anyone has ever asked me that question
20 on anything in education, I have always said there is
21 always room for improvement.

22 Q Are there specific things that you are --
23 steps that you are taking to try to improve further in
24 this area?

25 A Yes.

1 Q And what are those steps?

2 A Trying to talk with people about -- the
3 biggest enemy of what I am trying to do is time. Trying
4 to talk with people, work with people in how we manage
5 our time to be able to be involved in every part of a
6 child's life, from the principal to a teacher to a
7 custodian to assistant superintendent. And we talk
8 about how that is to be done and that we are not
9 stepping on each others' toes and we are not reinventing
10 the wheel and we are not having a form go through six
11 hands instead of maybe going through two hands.

12 So it's a combination of time, efficiency and
13 planning that probably we talk about in order to
14 accomplish the kinds of things that I think are
15 critically important to a school district, and that is
16 total involvement.

17 Q On day two of your deposition, you -- in a
18 discussion about AB1200, you mentioned that it was
19 problematic because it was one size should fit all.

20 A Yes.

21 Q Do you recall that?

22 Why do you think --

23 Why do you think it's problematic that it's
24 one size should fit all?

25 A AB1200 was a very critical and very important

1 legislation, just no doubt about that. It placed the
2 state -- school districts in the state on a different
3 path, but yet in California we have over a thousand
4 school districts, and what could be applied to one might
5 not be applied to all. We have examples right now
6 what's happening in several school districts.

7 So AB1200 is not necessarily a panacea for all
8 school districts. For some it is critical to be there,
9 to be used, but not for all.

10 So I think that school districts -- AB1200,
11 important as it may be, doesn't fit all of the
12 situations that affect us in California. Education is a
13 human endeavor. AB1200 is an assistance in a fiscal
14 endeavor, and it doesn't fit every occasion.

15 Q Do you think that in general, it's problematic
16 to apply one-size-fits-all solutions to all school
17 districts in the state?

18 A Are you saying do you think it's a problem
19 that we should -- repeat that. I'm not sure I heard
20 that question correctly.

21 Q Certainly.

22 Do you think that it is in general problematic
23 to apply one-size-fits-all solutions to all school
24 districts in the state?

25 A Yes.

1 Q And why is that?

2 A Because we are so unique and so different.
3 When you take the state, our state, with the amount of
4 school districts and students, our economic diversity,
5 our ethnic diversity, our geographic diversity, we have
6 one of the greatest diversities in the world right in
7 California, and the application of one size fits all is
8 absolutely detrimental to the education of children.

9 Q I just want to refer you again back to your
10 deposition at page 100 of the first day.

11 A Yes.

12 Q At lines 8 through 10 you mention --

13 A Line what?

14 Q I'm sorry, lines 8 through 10.

15 -- you mention that it was critical for
16 Ravenswood to control its own destiny; is that correct?

17 A Yes.

18 Q Why do you say that?

19 A I believe that a local community, in order for
20 them to be involved in education, have to control their
21 own destiny in that school district. They have to be
22 able to take the responsibility to make the kinds of
23 difficult decisions to maintain an educational program.
24 They have to be the ones involved.

25 Where a community is totally involved, you'll

1 find successful school districts. Where communities
2 abandon school districts, then in turn I think you'll
3 find a school district with problems.

4 I believe that outside agencies, whether it be
5 federal or state or even the county, for that matter,
6 should be of assistance, should be support, should
7 provide those kinds of services, but the function and
8 operation and the support of a school district should be
9 at a local community level.

10 Q Now, you mentioned, though, that AB1200, which
11 would require a state takeover, might be appropriate for
12 some schools?

13 A Yes.

14 Q What makes Ravenswood different?

15 A What makes Ravenswood different was that
16 Ravenswood was not insolvent. There is a question of
17 solvency, and that's where AB1200 comes into effect.

18 When I became superintendent, I think it was
19 we were ready to do the first or second interim report,
20 and we never went below the budget for that year. The
21 budget we always had, albeit very little, but there was
22 a little bit of reserve. I think at one time it dropped
23 as low as .29 percent of the total amount. But we were
24 able to pay our bills, and we had, fortunately, knock on
25 wood, we did not have a major catastrophe that could

1 unless a district cannot survive fiscally.

2 May I add to that, if I may?

3 Q Yes, please.

4 A We forgot an important level here in your
5 questions. It's the county office of education. That
6 is really a critical part, because I was involved with a
7 school district in San Mateo County when I was county
8 superintendent of schools. They became insolvent, but
9 the state -- we went through the process, and the state
10 didn't come in and take over.

11 As county superintendent of schools, I came
12 into the picture and had stay and rescind powers over
13 the local board, and with the local board and local
14 administration, we were able to work things out fiscally
15 that allowed the district to survive for the rest of
16 that year. So the state did take over. It was an
17 automatic takeover by the state.

18 So I think it's important to note that there
19 is a county level of involvement in AB1200 also. So it
20 isn't just you're dollar insolvent, the state takes
21 over. There is that county level that comes in that
22 acts as sort of a -- I acted as an advisor, a
23 supervisor, whatever that may be, and the state sat back
24 from afar, and I had close contact with the state, but
25 the state didn't take over right away. Now, the

1 have taken the remaining few thousand dollars we had.

2 If we were not able to pay teachers' salaries
3 or bills before the end of the fiscal year, we would
4 have gone into insolvency, and we would need -- we would
5 have needed some kind of assistance. But that did not
6 occur. We have always been above the line.

7 Q And why is that an important distinction?

8 A It's an important distinction that I think
9 that -- well, maybe it's very obvious to me. Being
10 above the line is the ability to conduct your program,
11 pay your bills, and not -- and not going insolvent. In
12 other words, trying to stay within your established
13 budget.

14 I think it's critical that a school district
15 be able to operate -- if a school district can't pay its
16 bills, then that becomes a question of the fiscal
17 viability of that district, and I think it's critically
18 important that a district be able to pay its own bills.
19 If it can't pay its own bills, then I think we have to
20 look at the problem, which could not always be money, it
21 could be management, it could be a variety of things.

22 Q And so is it your opinion, then, that as long
23 as the district is solvent, it can pay its bills, that a
24 state takeover is inappropriate?

25 A I think a state takeover is inappropriate

1 district was insolvent, but the state didn't take over.

2 The county superintendent.

3 Now if I was not successful, then there could
4 have been a state takeover, but the state takeover would
5 have probably accompanied some kind of a loan. In other
6 words, if a loan is given to a school district, then a
7 state is compelled to establish a monitor, such as going
8 on in Oakland right now.

9 But in the situation I was in, we never asked
10 for a loan, and that's another ingredient that we didn't
11 talk about. We never asked for a loan. And so if a
12 district doesn't ask for a loan -- this district did not
13 ask for a loan. I went in and we were able to work it
14 out within existing finances.

15 Q Now, would it be appropriate for Ravenswood to
16 have the County Office of Education assume state and
17 rescind powers of the type you were just discussing?

18 A No.

19 Q Why is that?

20 A It never occurred with Ravenswood because they
21 were never insolvent. Never insolvent.

22 MS. CARTER: Can we take just a short break?

23 MR. MARQUEZ: Sure.

24 (Recess taken at 10:21 a.m.)
25 resumed at 10:28 a.m.)

1 BY MS. CARTER:

2 Q I want to go back to our discussion about the
3 oversight mechanism for just a moment.

4 Now, you mentioned that the situation when you
5 became superintendent was slightly different than the
6 situation when the FCMAT report was performed.

7 A Yes.

8 Q Had the new board put in new oversight
9 mechanisms?

10 A I came -- I was officially the superintendent
11 of Ravenswood at about 12:15 on January 7th. It's
12 important to note that the new school board was sworn in
13 and took official status on December 9th, the evening of
14 December 9th.

15 They had asked me if I -- if the district --
16 if the county office could help them in -- for a few
17 weeks until they got themselves settled with the
18 superintendent.

19 So it's important to note that when they were
20 sworn in on December 9th, until January 7th, I was still
21 county superintendent of schools, but I was helping them
22 as county superintendent of schools. So I actually,
23 when they were sworn in on December 9th, I actually came
24 and sat alongside with them that same night, and then I
25 became officially -- when my term of office was over, I

1 you mean not met their API growth targets? Is that what
2 you're referring to?

3 A Yes.

4 Q And how has your assistant superintendent been
5 working with the schools?

6 A Been working closely with meeting with the
7 principals, and also bringing aboard specific
8 consultants, doing training with the staff, and
9 specifically analyzing the -- all of the test scores
10 using diagnostic consultants to review the assessment,
11 hiring assessment consultants to -- specifically looking
12 at what areas and what is needed for that particular
13 site.

14 Q Do you know who -- or do you know what the
15 source of the funds are for those consultants?

16 A Yes. There have been some source of funded --
17 there are probably two or three different sources. One
18 of the sources is our -- the -- our categorical program
19 Title VII, and, of course, the other source is the money
20 that the state gives you as an underperforming school.
21 The certain amount that's given on an ADA basis for the
22 district to help them perform and raise their test
23 scores, and probably some general fund money, also.

24 Q And is that state money through the II/USP
25 program?

1 became superintendent.

2 So I guess in trying to answer your question
3 is that I came at the same time the board came, so we
4 both -- the board and I both traveled this road together
5 from the same time.

6 Q I see. And that's from December 9th?

7 A December 9th is when they actually were
8 seated, yes.

9 Q Okay.

10 On day two of your deposition, we talked a
11 little bit about API scores.

12 A Uh-huh.

13 Q Do you have --

14 Do you have a sense of whether API scores for
15 schools in Ravenswood have been growing in the past
16 couple of years?

17 A I know that we have had some schools that have
18 shown growth and other schools that have not shown
19 growth, and I know we have some -- a couple of schools
20 that will -- have not met their API scores that will
21 need special assistance. And there are the low
22 performing schools. And we have a -- my assistant
23 superintendent for curriculum instruction has been
24 monitoring this and working with it.

25 Q When you say "not met their API scores," do

1 A Yes.

2 Q Is that awarded to --

3 Are those II/USP monies awarded to the
4 district or to schools?

5 A They are awarded to the district for use in
6 the local performing schools.

7 Q Do you have a sense of whether those efforts
8 that you have just described are helping?

9 A We do not have the results back for this year.
10 I have high hopes, but I cannot tell you at this time.

11 Q Do you know whether any schools in Ravenswood
12 have been eligible for awards because they have met
13 their growth targets?

14 A I believe that in the past there have been a
15 couple of schools who were eligible for awards, one I
16 know in particular and I cannot -- I believe Flood
17 School was eligible for an award.

18 MS. CARTER: I'm going to mark an exhibit.
19 I'd like to mark this exhibit as Exhibit 24.

20 (Defendants' Exhibit No. 24
21 marked for identification.)

22 BY MS. CARTER:

23 Q I'll represent for the record that Exhibit 24
24 is the Academic Performance Index Report for
25 Edison-McNair Academy, which I downloaded from the

1 Internet. And there are reports here from 2002, 2001
2 and 2000 and '99.

3 Dr. Gonella, I'd like to refer you to the
4 first page in the packet, about three quarters of the
5 way down the page, there is a line that says, "2002 base
6 API 516." And I'd like you to keep that number in mind
7 while I refer you to the third page in the packet, the
8 same place on the page where it says, "2001 base API
9 450."

10 Would you say that an improvement from 450 to
11 516 in one year is a good improvement?

12 A Without analyzing any of the -- I would say
13 that's an improvement.

14 Q I'll also refer you to the fifth page in the
15 packet where -- the same place on the page where it
16 says, "2000 base API 436," and then the seventh page
17 where it says, "1999 base API 384."

18 Would you say that an improvement over three
19 years, from 384 in 1999 to 516 in 2002, would you say
20 that that was a significant improvement for a school?

21 A From 3 -- yeah, from 3 -- let's see, from 384
22 to 516. I would say that's an improvement. The word
23 "significant" is a matter of mind. I would look at it
24 and I would say it is a significant issue.

25 Q A significant improvement for three years?

1 A When we were involved in the renewal, we
2 looked at all of the issues, including the issue of test
3 scores, including the issue of facilities, including the
4 issue of the -- the type of charter it was. If it's a
5 for profit charter. And we looked at all of those
6 elements before making a determination.

7 And you have to realize that I came into the
8 district on January 7th, and by the time I was able
9 to -- because of all of our court cases and all of the
10 things relating to the budget, it was several months
11 before -- two or three months before looking --
12 beginning to involve myself with the charters. And
13 making a decision of uprooting a complete school system
14 that's been there for a while in May, June or July was
15 also an ingredient in the overall assessment of renewing
16 the charter.

17 Q Did you consider growth in Edison-McNair's API
18 scores when you made a decision to renew the charter?

19 MR. MARQUEZ: If I can just object, because it
20 assumes facts not in evidence to the extent it's the
21 governing board that renews a charter based upon the
22 recommendation from staff and the superintendent. So
23 rather than the superintendent renewing a charter, it's
24 simply a recommendation he may or may not make to the
25 board, just to be clear.

1 A Uh-huh.

2 Q And why would you say that?

3 A Because of the scores continually went up.

4 Q Would you use scores like these when you were
5 making decisions about charter schools in the district?

6 A I guess I have to ask the question of there is
7 not many decisions that have to be made about charter
8 schools. At the beginning of a year you -- or when they
9 apply for the charter, there is a decision made of
10 granting the charter, and then there is conditions on
11 facilities, conditions on the -- on the grounds of what
12 they are going to -- what they are going to do. But
13 basically the academic program, the hiring of staff, the
14 conduct of curriculum instruction is the responsibility
15 of the charter. So there is very little decisions that
16 are made regarding the test scores of a charter school.

17 Q Well, let me ask you this: Before you looked
18 at this document here today, were you independently
19 familiar, even in a general way, with the API scores for
20 Edison-McNair?

21 A Generally. Not specific, but generally, yes.

22 Q And would you -- how did -- or did you
23 consider those scores -- those scores when you were
24 making the decision whether to renew the charter for
25 Edison-McNair?

1 MS. WELCH: Also asked and answered.

2 BY MS. CARTER:

3 Q Well, let me rephrase that then.

4 Did you consider growth in Edison-McNair's
5 scores when you were making decisions or when you --
6 I'll rephrase it again.

7 Did you consider growth in Edison-McNair's API
8 scores when you were making your recommendations
9 regarding whether to renew the school's charter?

10 A As one of the many ingredients.

11 Q And what impact did it have on your
12 decision -- on your recommendation?

13 A Again, it's one of the many ingredients.

14 Q Do students in Ravenswood take any additional
15 district-based standardized tests?

16 A We have the tests that go along with the
17 curriculum. We have the, of course, the state tests,
18 and then we do have some tests that some of the areas
19 take, for example, in the area of reading, there is some
20 basic tests, and I believe in science and math. I
21 cannot list those specific tests.

22 Q Do you know whether a test -- a district test
23 called the Abacus Test is currently given in Ravenswood?

24 A I do not know.

25 Q You testified previously that you were

1 familiar with II/USP and that some schools in Ravenswood
2 are II/USP schools; is that correct?

3 A Yes.

4 Q How did these schools become II/USP schools?
5 Did they apply themselves?

6 A The application was made through the district
7 for a school.

8 Q Does the district encourage eligible schools
9 to apply for II/USP?

10 A Yes.

11 Q How?

12 A Basically the application is made through the
13 district in consultation with the principal, and there
14 is a general feeling, and the question is asked, would
15 these funds be of assistance to become this school,
16 would it be of assistance. And for the most part, to my
17 knowledge, the answer has been in the affirmative side.
18 So that's why there has been applications.

19 Q What is the scope of your involvement with the
20 II/USP process?

21 A My scope and involvement is basically through
22 the reporting to me from the events and the functions
23 and the progress. The assistant superintendent for
24 instructional services reports to me. This is an area
25 that she handles and is given wide latitude and

1 Q What areas are those?

2 A Those are areas that -- of the core curriculum
3 of the school, being in the area of -- particularly in
4 reading and writing.

5 Q Have these additional items and services
6 improved student performance at the II/USP schools?

7 A We hope so.

8 Q You stated that -- well, let me just refer you
9 very briefly to your transcript at page 192.

10 A Yes.

11 Q In a discussion at lines 3 through 6, you
12 mention that the II/USP -- the II/USP has assisted. How
13 so?

14 A 3 through 6.

15 Q And I believe that the full discussion begins
16 at line 18 on page 191 and ends at line 6 on page 192,
17 if it would be helpful for you to read the entire thing
18 to get the context.

19 A Okay. What was your question again?

20 Q My question is: How has the II/USP assisted?

21 A It has assisted by having program enhancement,
22 by having the consultants, by specific services to
23 students. They have specific services to training a
24 staff.

25 Q Has II/USP resulted in -- in very many

1 authority to work in that area.

2 Q What type of feedback have you received, if
3 any, from either principals or students or parents or
4 teachers at II/USP schools about the program?

5 A I think the feedback that I have received in a
6 variety of way, more from the administration than the
7 people, is that it is functioning, it certainly serves
8 its purpose, it is of assistance and support, and we'll
9 then have some -- some ability to make a greater
10 determination when we look at future test scores.

11 Q Have you received any negative feedback about
12 the II/USP program?

13 A Not to my recollection.

14 Q How do the II/USP schools spend their funds
15 that they -- I'm sorry. I'll restate that to make it a
16 little clearer.

17 How do the II/USP schools in the district
18 spend the funds that they have received from the II/USP
19 program?

20 A The funds are spent in several ways. For a
21 coordination of activities, the greater amount of funds
22 is spent for bringing in support services, consultants,
23 extra services to students such as tutoring, and
24 consultants for -- the consultants also for the training
25 of teachers in the specific areas.

1 positive changes at Cesar Chavez?

2 A I think that the -- I think there is a
3 greater -- I think there is a more positive feeling by
4 staff and parents that things are getting better in
5 relationship to the services provided. We won't know
6 for sure until we see the concrete elements of testing
7 for the next couple of years, particularly this next
8 year.

9 Q And has any teacher turnover at Chavez
10 prevented II/USP from having positive changes or from
11 resulting in positive changes?

12 A I can only talk about the past six months, and
13 for the past six months, we did not have any teacher
14 change -- turnover at Chavez. Now, if you're talking
15 into next year, we will definitely have teacher
16 changeover, but I can't assess what the new teachers
17 will say.

18 Q Do you know whether Cesar Chavez hired a
19 counselor as part of its participation in the II/USP
20 program?

21 A I know there was some counseling time that was
22 hired, and I can't specifically say where it was hired.

23 Q So there is some counseling time currently in
24 the budget at Chavez?

25 A I can't specifically say where it is.

1 Q What do you mean by that? You can't say
2 whether there is any or whether -- or which program
3 funds it?

4 A Where it exactly is. Ravenswood, by the
5 nature of its programs, has a variety of different
6 sources of funds, both categorical, especially
7 categorical, and there is assistance and counseling,
8 social services, a variety of programs, and these were
9 all used to help students. And I know that we have had
10 some counseling time, but I can't specifically say where
11 that is.

12 Q And is there counseling time available to
13 Chavez students?

14 A There is some counseling time available to
15 some Chavez students. We do not generally have
16 counselors throughout the school district.

17 Q Which students at Chavez can make use of
18 counseling services?

19 A Some of the students that are so referred to
20 by the faculty and the administration.

21 Q So it depends on a faculty or administrative
22 referral; is that correct?

23 A Yes.

24 Q Do you know whether -- whether Chavez received
25 II/USP funds to pay for peer coaching time?

1 A Not specifically.

2 Q Do you know whether Chavez received II/USP
3 funds to pay for conflict management training?

4 A Yes.

5 Q Do you recall how much money?

6 A No, I do not.

7 MS. WELCH: What year are we talking about?

8 MS. CARTER: That's a good question.

9 BY MS. CARTER:

10 Q What year did Chavez receive conflict
11 management training money from II/USP?

12 A I know that from reports back that they did
13 receive some training money. I cannot say whether it
14 was this year or last year.

15 Q Do you know whether Chavez received II/USP
16 funds to distribute take-home books for students in
17 English and Spanish?

18 A ISP funds for them to buy books to take home.

19 Q If I said "ISP", then I misspoke. II/USP
20 funds.

21 A In order to purchase -- could you repeat that
22 question again?

23 Q Certainly.

24 Do you know whether Chavez received II/USP
25 funds to purchase -- I'm sorry. I'll restate it again.

1 Do you know whether -- whether Chavez received
2 II/USP funds to distribute take-home books for the
3 students to take home in English and Spanish?

4 A I specifically do not know that.

5 MS. WELCH: Again, what year are you talking
6 about? The record is going to be really unclear. It's
7 been in the program for a number of years.

8 MS. CARTER: I'll mark another document. I'd
9 like to mark this document as Exhibit Number 25.

10 (Defendants' Exhibit No. 25
11 marked for identification.)

12 BY MS. CARTER:

13 Q This document is titled "Addendum to the
14 II/USP Action Plan," and it's Bates labeled DTRA6003
15 through DTRA6018.

16 Dr. Gonella, have you ever seen this document
17 before?

18 A No.

19 Q Dr. Gonella, could you please turn to
20 DTRA6007?

21 A Yes.

22 Q This page at number four mentions two
23 permanent roving teachers. Do you know whether two
24 permanent roving teachers were hired at Chavez?

25 A I know that the -- on page 2 it says, "These

1 statistics are based in '98 and '99 school year."

2 I have only been there six months. I have no
3 knowledge of the results of these recommendations.

4 Q So do you have any independent knowledge of
5 whether in the past, let's say the past two years,
6 whether two permanent roving teachers were hired at
7 Chavez to provide relief time to teachers?

8 A I do not have that knowledge.

9 MS. CARTER: I'm going to mark another
10 document as Exhibit 26.

11 (Defendants' Exhibit No. 26
12 marked for identification.)

13 BY MS. CARTER:

14 Q This document is titled "Financial Report,
15 Internal Format 2, Cesar Chavez, II/USP Grant," and it's
16 dated 02/08/02, and it's labeled DTRA05816 to 05817.

17 Dr. Gonella, have you ever seen Exhibit 26?

18 A Specifically not these two pages. In general
19 I probably scanned them, but I have not seen these.
20 Although I have seen page 2.

21 Q So you have seen DTRA5817 with those markings
22 on the bottom?

23 A Yes, when generally looking at documents.

24 Q Can you tell me why, then --

25 Well, let me ask you this: Does this -- is it

1 correct that, as it's reflected in this document, that
2 only \$90,686 of Cesar Chavez's II/USP grant was expended
3 in 2000-2001? Do you know whether that's correct?

4 A I was not with the district during that time.

5 Q Do you have any basis for knowing whether
6 that's correct based on your subsequent review of the
7 finances in the district?

8 A Not specifically.

9 Q Are you aware --

10 Were you previously aware independently that
11 Cesar Chavez had not expended all of its II/USP funds
12 in --

13 A No, I was not.

14 Q -- in this year?

15 MS. WELCH: That assumes facts.

16 BY MS. CARTER:

17 Q In what context had you previously seen this
18 page?

19 A Thumbing through budgets and looking at things
20 in general. I have seen pages. I testified that I saw
21 this specific page. As I look at it more carefully, it
22 could have been something very similar, so now I would
23 say that I have seen many of these, not necessarily this
24 specific page.

25 Q Have any of the people --

1 2000-2001.

2 Q Were you advised of a situation like the one
3 that I just described where a school or whether -- where
4 a school in the district lost II/USP funds because it
5 didn't spend them in any year?

6 A I was not advised of the losses of prior
7 years' funding. And to my knowledge this past year, the
8 one I was involved with the closure, I am not aware of
9 any funds that were lost in this past year, to my
10 knowledge.

11 Q And you're speaking about II/USP funds?

12 A I'm talking about funds in general.

13 Q I want to refer you to your -- the deposition
14 transcript, day two --

15 MS. CARTER: Let me just take a short break.

16 (Recess taken at 11:08 a.m.)

17 resumed at 11:10 a.m.)

18 BY MS. CARTER:

19 Q I want to refer you to the second day of your
20 transcript, page 232, page 6 of the booklet, line 25,
21 carrying over to page 233, line 3, that carryover
22 sentence.

23 A Okay.

24 Q If you would like, feel free to read the
25 entire paragraph beginning on 232, line 19, and ending

1 Has it ever been brought to your attention in
2 any way that -- that not all of the funds for -- that
3 not all of the II/USP funds that were awarded to Cesar
4 Chavez were expended in any year that Cesar Chavez
5 participated in the program?

6 A I do not -- I have been told at times, in
7 general, not necessarily Cesar Chavez, that when the
8 funds are not expended, then there is a consideration of
9 carryover that expends to the following year.

10 So I was advised in a general budgetary way,
11 not of the specifics of the past years. My dealing --
12 this is 2000-2001, and again, I came in in 2003, so I do
13 not have specific knowledge of this.

14 Q Were you ever advised that -- that schools in
15 the district lost II/USP funds because the amount
16 expended plus the amount of actual carryover -- I'm
17 sorry. Let me ask that again.

18 Were you ever advised that schools in the
19 district or that the Ravenswood district itself lost
20 II/USP funds because the amount of funds expended in a
21 year plus the allowable carryover for that year were
22 less than the total grant amount?

23 A As I indicated, that I have been there for six
24 months, and in pulling together the budget, I was not
25 specifically advised of the events occurring in

1 on 233, line 11, to get the context, and then just let
2 me know when you're finished.

3 A Yes.

4 Q In the carryover sentence at page 232, line
5 25, to page 233, line 3, you mention that some -- for
6 some specific programs the money was not fully spent
7 last year.

8 What were you referring to?

9 A I was referring to all general categories of
10 the budget, meaning from -- if I just -- what I have
11 read, from custodial overtime to substitute teacher
12 time, I was referring to almost all of the categories
13 which could have had some money left over.

14 Q And which ones did have money left over? Let
15 me ask a different question.

16 Were there any --

17 Were there any state programs where there was
18 money left over that you had to then return to the state
19 because it was unexpended?

20 A I do not specifically remember any category
21 that was -- that I was informed about that we had to
22 return money to the state specifically. I do not
23 remember anybody telling me of any specific category.

24 Q Do you take any steps to make sure that
25 Ravenswood won't lose funds because funds have not been

1 fully expended?

2 A I think that when we have budget discussions,
3 that's always on the table. The idea of carryover, I
4 know that I ask the question all the time on every
5 category, can we carry that over?

6 In the general fund that's not a problem
7 because we can switch from side to side, depending on
8 the program, but in the categorical I ask the question
9 all the time, can we carry that over? Can we carry that
10 over?

11 So I specifically ask that question. I'm
12 aware of that concern and I ask that question.

13 Q And are there specific programs, state
14 programs with regard to which you have asked that --
15 with regard to which there has not been a full
16 expenditure, and you have asked whether funds could be
17 carried over?

18 A When I have asked the question of -- and
19 voiced my concern about carryover and have voiced my
20 expression that I don't want to lose any funds, it is my
21 assumption that those directions given to the people who
22 work with the funds are carried out.

23 Q Is there anyone at the district who is
24 responsible for checking to make sure that those
25 directions were carried out?

1 A Yes. We have -- it would be the individuals
2 not only in the -- supervising the categorical program
3 but also the business office, combination of those two.

4 Q When was the last coordinated compliance
5 review process for your district, CCR?

6 A I believe the last one -- I believe the last
7 one was in the area of English language. We had a -- I
8 remember the state coming down with the final reports.

9 My first couple of months there, the state
10 gave -- they came back with the reports, and I remember
11 sitting in on some of the reports in relationship to the
12 English language program we have. I remember sitting in
13 on the state person giving the report.

14 Q And were you involved in any other way?

15 A No.

16 Q Were you involved with coordinated compliance
17 reviews for Ravenswood when you were county
18 superintendent?

19 A No.

20 Q You testified on day two of your deposition
21 that there has been tremendous improvement towards
22 compliance; is that correct?

23 A Can you point out the context?

24 Q Certainly. Page 282 of your deposition. The
25 discussion begins at line 3 of page 282 and it ends at

1 line 10.

2 Was the state helpful in the process of
3 achieving that tremendous improvement?

4 A Yes. This is what I just testifying about,
5 this is exactly what I'm talking about here, and the
6 state was helpful. The state consultants who came down
7 who conducted the program were very helpful to the
8 district.

9 Q You refer in the same discussion to two, maybe
10 one area of correction that remained. What are those
11 areas or area, if you know?

12 A I know that we had something like 16 areas of
13 correction, and we were down to two.

14 MS. WELCH: Did you say "years" or "areas"?

15 THE WITNESS: Areas. We were down to two.

16 BY MS. CARTER:

17 Q Do you recall what those are?

18 A I believe -- I believe one was the -- I
19 believe one was the -- I'm going to say the files, to
20 make sure the files were up -- were kept up to date,
21 everything was included within the files, all the
22 documentation and everything I believe. I cannot be
23 totally certain of that.

24 Q And when you say "files," do you mean student
25 files?

1 A The student files. I sat in on a
2 conversation, but I do not totally recollect those two
3 areas that were specifically discussed.

4 Q Do you know what steps, if any, the district
5 is taking to come into compliance on those two areas?

6 A Yes. The department under the assistant
7 superintendent, and also the director, and the names I
8 mentioned in my last deposition, are specifically
9 working to comply with every one of the -- of the areas.
10 I know that we may now even be down to one, but I cannot
11 specifically say. There was a heavy concentration on
12 finalizing, getting all of them into compliance.

13 Q On the first day of your deposition, we looked
14 at a document that was marked as Exhibit 12. I'll get
15 you that. Do you have a copy?

16 MR. MARQUEZ: I have a copy.

17 THE WITNESS: What are we talking about?

18 MR. MARQUEZ: This.

19 THE WITNESS: I have a copy.

20 BY MS. CARTER:

21 Q And that exhibit is the report by FCMAT that
22 you oversaw when you were county superintendent, right?

23 A Right.

24 Q Do you know whether anyone who was at
25 Ravenswood School District at the time of the audit in

1 any way obstructed the audit process?

2 A Not to my knowledge.

3 Q On page 249 of your deposition at line 6
4 through 12, there was a discussion about the audit in
5 which you said that it was your assumption that
6 Dr. Knight, the then superintendent at Ravenswood,
7 wanted the county office to do it because they were the
8 best ones to do it.

9 Is that an accurate summary of what -- of
10 your --

11 A In my discussions with her, she indicated that
12 she felt the county was in the best position to do it.

13 Q And do you have an understanding of why she
14 felt that you were the best ones to do it? You, meaning
15 the county at the time. Sorry.

16 A I felt -- in my listening to her, I felt
17 that -- listening to her and a couple of board members,
18 she felt that we, the county office, had more
19 specifically -- had more specific direct contact with
20 the district, were knowledgeable of the district, and as
21 an aside, she also indicated that there would be no cost
22 if the county did it or something about costs or
23 something.

24 But I basically believe that the main reason
25 was that we at the county office were more directly

1 she mentioned cost?

2 A Independent, no. I understand your question
3 now.

4 When I discussed it with her and the board, I
5 did not -- we did not talk about, or I did not hear her
6 say, "I don't have to pay for it." It was because we
7 were in the best position to do it. About her paying
8 for it is when -- that came up later on, like you said,
9 you showed me something or something. I had no
10 recollection of that exact statement.

11 Q Okay.

12 Do you believe the FCMAT review process, and
13 by that I mean the process that you oversaw and that was
14 memorialized in a report in Exhibit 12, do you believe
15 that that process was helpful to Ravenswood?

16 A I believe that it was helpful to Ravenswood.
17 I also believed -- believe -- I believed it was helpful.
18 I also believe it could have been more helpful.

19 Q And why do you believe it could have been more
20 helpful?

21 A I believe that the report was -- the report
22 had many recommendations, suggestions, and I believe if
23 there was an attempt to mobilize the district into a
24 method of addressing -- a process of addressing the
25 recommendations, it would have been helpful to the

1 involved and knowledgeable of the district than the
2 state.

3 Q Okay.

4 Now, I'd like to refer you to, again, back to
5 this same discussion, and I'd like to refer you
6 specifically to your statement at 8 and 9, lines 8 and 9
7 of 249, page 249, that "I did not remember that -- I did
8 not remember that was the reason." I believe that the
9 rest of the context on that page, beginning at -- well,
10 actually, beginning up at page 248, line 3, and ending
11 at 249, line 25, is that you said that you did not
12 remember that cost was a reason.

13 Are you saying that now you do remember
14 that -- her mentioning cost?

15 A No, because as you pointed out, my -- as you
16 pointed out in the deposition, as I'm reading it, I just
17 read here, "Knight added, I have enough bills, so I
18 didn't have to pay for it."

19 I read it out of here.

20 Q Okay.

21 And that reference was to an exhibit that you
22 were shown, Exhibit 15, on the second day of your
23 deposition?

24 A Uh-huh.

25 Q Do you have any independent recollection that

1 district.

2 Q Do you think that it would have been better in
3 regard to what you just testified to with regard to the
4 district mobilizing to implement the report if the state
5 had performed the audit?

6 A No.

7 Q And why is that?

8 A A matter of consequences. This was a report
9 that was done as recommendations. There were no
10 consequences. I believe if the state would have done
11 the report, and I'm only speculating, there was no
12 consequences. So without consequences, I don't think
13 the state would have been in any different position than
14 the county in relationship to mobilizing the district to
15 follow or to do the report.

16 Q What consequences would have made a
17 difference?

18 A If we, as the county, had authority in some
19 fiscal way, some sanction, whatever that may be. We did
20 not have that authority because this was a
21 recommendation on our part.

22 There was no process, there was no event
23 established where Ravenswood needed this report that
24 would have had consequence. It wasn't within the AB1200
25 or it wasn't within any other standardized program that

1 if you don't do this, this happens. It was a report
2 that was made to assist the district.

3 Q Now, you mention a sanction in some fiscal
4 way. Do you mean cutting funding to Ravenswood?

5 A If there was a process that was official
6 through the state or the county that said, this is a
7 report, and if you don't follow the report, you would
8 have funds withheld, or there would be a sanction of the
9 district or something, that would have perhaps mobilized
10 a greater effort on their part to follow the report.
11 But this was not in any official process of sanction or
12 funds withheld or whatever.

13 Q Do you think that it would have been
14 desirable -- I'm sorry. Let me restate it.

15 Do you think it would have been desirable to
16 motivate the district to follow the report if one of the
17 consequences had been state takeover?

18 A No, because that wasn't the intent of the
19 report.

20 Q What do you mean by that?

21 A The intent of the report to assist the
22 district, not necessarily threaten the district in
23 relation to a state takeover. There are no -- there are
24 no -- to my knowledge, there is no legal process of a
25 state taking over a district unless there is some -- in

1 Do you think it would have helped the children
2 of Ravenswood if, when the district did not implement
3 the report, the state took the district over?

4 A Absolutely not.

5 Q And why is that?

6 A The district was not insolvent. There were
7 problems with perhaps management, perhaps decisions of
8 the board were made. And this was a local issue. This
9 was a local issue. It wasn't a state or federal issue.
10 And to have the state take over because there is an
11 occurrence of management problems or board decisions and
12 community issues is not appropriate.

13 Q Now, you said the report eventually did have a
14 bearing on the district. What did you mean by that?

15 A I said that I believe that the report in some
16 way, and I cannot tell you to what degree, I thought it
17 was an excellent report, and maybe nobody read it
18 outside the school district.

19 MS. WELCH: I read it.

20 THE WITNESS: Thank you.

21 I really truly believe that in some small way,
22 it affected the election. I think my preface I think
23 was, in my opinion, well written and significant, and I
24 think the few words on there I think I heard people
25 mention, and I think in some way it might have helped --

1 a fiscal way. I'm talking fiscally. There might be
2 something in the legal thing, but fiscally there is no
3 process for the state to take over the district unless
4 they are insolvent.

5 And the idea to tell a district -- to hold a
6 hammer over a district, and if you don't do this, this
7 occurs, I don't think is the best way to work a report
8 of this type.

9 This was a recommendation to help the children
10 of Ravenswood. It was an attempt to let the community
11 see that something had to be done. I do not believe
12 that holding a hammer over the district because some of
13 these things were not done would have been in the best
14 way to help the district.

15 Eventually the report I believe did have some
16 bearing on the district. It wasn't a hammer, but I
17 believe that this report in small part perhaps helped a
18 majority -- a new majority of the board coming in.

19 (Deponent's cell phone ringing.)

20 MS. CARTER: Take a break.

21 (Recess taken at 11:33 a.m.)

22 resumed at 11:34 a.m.)

23 BY MS. CARTER:

24 Q Do you think that it would have helped the
25 children --

1 not might have helped, it might have influenced, I would
2 say, the outcome of the election for the new board
3 members. And I have absolutely no scientific fact to
4 back that up.

5 BY MS. CARTER:

6 Q Now, what do you base it on?

7 A I base it on what I said and the results of
8 the election.

9 Q And you also mentioned that you had heard
10 people say -- echoing your thoughts, is that correct,
11 or --

12 A Yes, it's correct. I have heard a few people
13 in the community mention -- since I have been there, I
14 have heard a few, very few people in the community said
15 that they remembered the report where I indicated that
16 the performance of the senior management, and I'm
17 looking here with everything, was unacceptable, and I
18 remember a couple of people telling me that.

19 Q Okay.

20 Do you think that the district's compliance
21 with the report before the new board was elected would
22 have been better if there were more restrictions on how
23 to comply with the report's recommendations?

24 A When you get to restrictions, you begin to
25 hamper a district. Restrictions constrict a district.

1 Restrictions constrict -- restrictions -- let me repeat
2 that again.

3 A restriction sort of restricts us in what we
4 want to do. A report of this type has to be taken at
5 the heart. The people have to have -- the individuals
6 involved have to have the willingness and the desire to
7 do something.

8 This is where this report would have been
9 important. If it would have been -- if the officials or
10 people at Ravenswood School District had the desire to
11 do something, I think that without restriction they
12 could have accomplished something. So I don't think
13 additional restrictions would have helped this report.

14 Q Do you think that the compliance of the
15 district before the new board was elected would have
16 been better if there were additional reporting
17 requirements to the state?

18 A No. I really believe we have very sufficient
19 reporting requirements to the state, if not too many.

20 Q I'd like to direct your attention to page 255
21 of the transcript. Beginning at line 21 and carrying
22 over to page 256 until line 15, there is a discussion
23 about help that the state offered to implement the
24 audit.

25 Would you let me know when you have finished

1 reviewing that?

2 A Sure. Yes.

3 Q Do you think that the help that you described
4 in this part of your deposition was sufficient -- I'm
5 sorry. Let me restate that.

6 Do you think more help should have been
7 offered by the state besides what you described in your
8 deposition in the discussion beginning at line 21 of
9 page 255 and ending at line 15 of page 256?

10 A Superintendent Eastin offered any help I
11 needed. I think there was no more that she could do to
12 open up the whole State Department Of Education and said
13 you -- you -- you -- you can have what you need. The
14 department heads consultancy, whatever that may be, any
15 help I can give you right from my office, I will give
16 you. I'm not sure how she could have offered more.

17 Q And did you make use of that help that she had
18 offered?

19 A We did not ask for specific help. We assessed
20 the situation. I believe that the first level of help
21 would have come from the County Office of Education, and
22 we provided that first level of help. But we also felt
23 that the report was not being addressed to its fullest
24 extent, so therefore, I did not go to the superintendent
25 of public instruction for additional help.

1 Q And when you said that the county provided a
2 first level of help, what did that entail?

3 A The president of the school board -- the then
4 president of the school board, Mr. Ruben Abrica,
5 indicated that he wanted to establish committees to look
6 at the report. We met with the administrative staff and
7 I believe two board members with myself, the people from
8 FCMAT, to discuss the preliminary report. I then
9 offered any help we could give.

10 Mr. Abrica asked if somebody from the county
11 office could come and facilitate a school board meeting
12 in this area. We provided a staff member, and I believe
13 he went to two school board meetings to help the board
14 facilitate -- help facilitate discussion -- help
15 facilitate a discussion of the board about how they
16 would approach the document.

17 Q Did that facilitator go to that meeting?

18 A Yes. In fact, I believe it was more than one
19 meeting.

20 Q Now, I'd like to get into the report itself
21 just a little bit more. Do you have a copy in front of
22 you?

23 A Uh-huh.

24 Can I take a break to go to the restroom?

25 MS. CARTER: Absolutely. Let's take a short

1 break.

2 (Recess taken at 11:43 a.m.
3 resumed at 11:53 a.m.)

4 BY MS. CARTER:

5 Q I'd like to refer you to page -- the page
6 marked ETRA81112 in the FCMAT report.

7 A I have my copy. Can you give me the page?
8 Page 19. Okay.

9 Q Page 19.

10 A Okay. Yes.

11 Q And I want to refer you to -- to the last --
12 I'm sorry, to the second bullet in the bulleted list at
13 the bottom of the page.

14 A Uh-huh.

15 Q Do you know whether district employees are
16 currently ignoring preventative and scheduled
17 maintenance that is so important to schools?

18 A District employees are not working on capital
19 projects.

20 Q Do you know whether the department is keeping
21 up with -- and by "the department," I mean the
22 maintenance department referred to in this -- on this
23 page, "may not keep up with the daily and routine work
24 orders submitted by the schools," is that statement
25 currently true about Ravenswood?

1 A I think we do a much better job. I think we
 2 are -- we are doing a much better job, yeah.
 3 Q And are you satisfied with the job that the
 4 maintenance department is doing keeping up with work
 5 orders?
 6 A Yes, I am.
 7 Q Again, referring to that second bullet, would
 8 the statement -- would it be -- is it true currently
 9 that district employees are ignoring preventative and
 10 scheduled maintenance?
 11 A They are not ignoring preventative and
 12 scheduled maintenance.
 13 Q I'd like to refer you to the first paragraph
 14 on the same page, which mentions a facilities planner.
 15 A Uh-huh.
 16 Q Was a facilities planner hired at Ravenswood?
 17 A No.
 18 Q Were consultants hired on a contract basis at
 19 Ravenswood?
 20 A For what area?
 21 Q I'm sorry, the second paragraph refers to a
 22 workable alternative of hiring consultants --
 23 A Uh-huh.
 24 Q -- for facilities planning. Was that done?
 25 A Depends on the area.

1 Q In the area of facilities planning.
 2 A Facilities planning.
 3 We are in the middle -- we are in the middle
 4 of a project at one of the schools that's being paid by
 5 bonds that the community elected, and that process
 6 started a couple of years ago, and there is a
 7 facilities -- we have an inspector that we have, and I
 8 think by law we must have that inspector, so we hire an
 9 inspector to inspect the work and represents us, and
 10 that is the only outside person that I know of now
 11 that's working in facilities.
 12 Q Is there anyone inside the district that's
 13 working on facilities planning?
 14 A In facilities planning? We all have a sort of
 15 piece of the action, depending on what we are talking
 16 about. All of us deal with some parts of the
 17 facilities, whether it's capital or maintenance, though,
 18 that's the difference.
 19 Q This page, the first paragraph refers to the
 20 recent passage of a 10 million-dollar bond fund.
 21 A Uh-huh.
 22 Q Is planning being done at the district for how
 23 to spend those bond funds?
 24 A Yes.
 25 Q And is that plan the same as a facilities

1 master plan which you had previously mentioned in your
 2 deposition?
 3 A Yes.
 4 Q I'd like you to turn to the next page,
 5 DTRA8113.
 6 A Yes.
 7 Q I'd like to refer you to the third
 8 recommendation and the numbered list at the bottom.
 9 Does the district --
 10 Did the district ever purchase a computerized
 11 work order system?
 12 A Not a computerized work order system as I
 13 think they are defining here, no.
 14 Q Does the district currently keep records
 15 regarding work orders?
 16 A Yes.
 17 Q And how is that done?
 18 A It's done on computers.
 19 Q The fifth paragraph from the top of this page,
 20 can I refer you to that?
 21 A Uh-huh. Yes.
 22 Q It mentions that deferred maintenance funds
 23 were being used for salaries.
 24 Do you know whether the district lost deferred
 25 maintenance funds because those funds were being used

1 for salaries?
 2 A Let me read this.
 3 Q Sure.
 4 A I know that we do not have any district
 5 employees working, drawing salaries out of the deferred
 6 maintenance budget currently. What went on during that
 7 time I cannot attest to, but this was a warning
 8 evidently that this might be at that time.
 9 Q But you don't know whether Ravenswood lost
 10 deferred maintenance funds because of this?
 11 A No, I do not.
 12 MR. MARQUEZ: If we can try to keep the
 13 questions with a little bit of space in between so the
 14 court reporter can write it down.
 15 MS. CARTER: Certainly.
 16 BY MS. CARTER:
 17 Q I'd like to turn you now to page 8117 of
 18 Exhibit 12.
 19 A Yes.
 20 Q The first line of that page states that the
 21 district's financial records are not maintained in an
 22 orderly manner.
 23 Is that true about Ravenswood currently?
 24 A No. It is improved a great deal.
 25 Q And what steps have you taken to improve the

1 maintenance of the financial records? And by you, I
2 mean you and your staff at Ravenswood.

3 A I think the supervision, the direct
4 supervision, the discussion, the utterances of disgust
5 on my part, I think, all came to play.

6 Q And how do you know that it's much improved,
7 the maintenance of the financial records?

8 A Periodically I check and ask for things, and I
9 believe that the system is much improved because there
10 is an expectation that I might come in and ask.

11 Q I'd like to turn you to page DTRA8123 of
12 Exhibit 12.

13 I'd like to direct you to the first sentence
14 of the paragraph that's headed "Internal" -- I'm sorry,
15 "Unclaimed paychecks, internal control standard."

16 Does the district currently have --

17 Has the district since you began working with
18 it, with the new board on December 9, has the district
19 put into place additional controls for the detection of
20 fictitious employees?

21 A We have not put in -- since I have been
22 involved, we have not put in additional personnel but
23 have discussed and have heightened the awareness of
24 these problems, and with my personal discussions with
25 the different payroll clerks and the people involved in

1 Q Okay.

2 I'd like to turn you to DTRA8126, the next
3 page. In the middle of the page there is a paragraph
4 headed "Finding Material Weakness," and I'd like to
5 direct you to the first sentence of that paragraph.

6 Do you know whether the district currently
7 maintains a log of travel advances?

8 A Yes, we do.

9 Q I'd like to turn you to page 8128, it's page
10 38 of the report, of Exhibit 12. And I'd like to again
11 direct you to the paragraph at the top of the page, it's
12 the second paragraph from the top after the bulleted
13 list that is titled "Finding Material Weakness." The
14 first line of that sentence I believe refers to a cash
15 clearing account. Is that correct?

16 I'm sorry, I'll withdraw the question.

17 Page 8127, which is page 37 of the report,
18 Exhibit 12, indicates that -- that paragraph on page
19 8128 refers to a cash clearing account. Are there
20 currently records maintained for Ravenswood's cash
21 clearing account?

22 A To my knowledge -- to my knowledge -- to my
23 knowledge, these accounts have been cleared out. We do
24 not -- to my knowledge, we do not have an account with a
25 local bank. Everything is done through the San Mateo

1 the payroll, I believe that this is not a problem at
2 this time.

3 Q Okay.

4 I'd like you to turn to the next page,
5 DTRA8124 of Exhibit 12.

6 I'm sorry, I'd like you to turn instead to
7 DTRA8125. It's page 35 of the report.

8 A Okay.

9 Q The paragraph headed "Finding Material
10 Weakness," at the top of the page.

11 A Yes.

12 Q Makes reference to inappropriately classifying
13 workers as independent contractors.

14 A Yes.

15 Q Do you know whether there have been steps
16 taken to address that issue at the district?

17 A Yes, we have taken steps to address that
18 issue, specifically in relationship to the individuals,
19 consultants hired that -- it's a combination tax issue,
20 it's a combination union issue, where consultants come
21 in to take someone's job. So we were very cognizant.

22 One of the things that I have done is to meet
23 with the classified union on a regular basis to bring to
24 us to any attention of any indiscretions of this type,
25 and I believe that that has been solved.

1 County treasury.

2 Q And who -- was the -- was this local bank
3 account cleared out at your direction?

4 A I can't specifically remember talking about
5 clearing these cash accounts. I remember discussing
6 with the issue -- I remember discussing the issue of any
7 separate bank accounts that we had outside of the county
8 treasury, and that I did not want independent bank
9 accounts out there. I wanted everything through the
10 county treasury. So I think that was the general
11 discussion that helped facilitate closing down
12 everything.

13 Q Okay.

14 I'd like to turn you -- well, actually, to
15 keep you on the same page. There is a discussion in the
16 middle in the bottom of the page about an employee loan
17 fund.

18 Does Ravenswood currently have an employee
19 loan fund?

20 A Yes.

21 Q And what are the --

22 Are there written procedures for the employee
23 loan fund?

24 A Yes.

25 Q And what are those procedures?

1 A The procedures -- there is two sets of written
2 procedures. One is the policy of the -- how the funds
3 would be -- how the funds would be accessed, who was
4 going to be on the committee to make a decision, how
5 they are appointed. There are three members of the
6 committee.

7 And the second set of written procedures is
8 something that we sent -- a packet that's given out to
9 any applicant who comes in desiring a loan, and there
10 are specific procedures in relationship to how you get
11 the loan. For example, you cannot get a loan more than
12 45 days prior to getting a check. So if you were to
13 request a loan in the middle of the summer, and you
14 started your school year in September, you could not get
15 a check until 15 days -- 45 days before, which would be
16 August -- the closest you could get the check would be
17 August 15th. So it was 45 days.

18 And there would be a meeting of the loan
19 committee to determine all of this. And so this loan
20 committee, as it is established right now, is very
21 tightly controlled.

22 Q The paragraph on this page titled "Findings
23 Reportable Condition" refers to a coordinator who took
24 four loans from the fund, and then the recommendations
25 paragraph at the bottom of the page suggests that the

1 the policy to determine whether it was the board's
2 intention to provide loans to some of the highly paid
3 employees?

4 A Yes. They reviewed the policy within the last
5 several months because there was a need for an
6 appointment to the committee, and during this request
7 for an appointment to the committee, the policy was
8 reviewed.

9 Q Okay.

10 And what was the outcome of that review?

11 A The outcome of the review was that the loans
12 were there, the policy was there, and the committee was
13 appointed. And I believe that the -- I believe that the
14 amount in the loan fund today is about \$28,000. Yeah,
15 that's the total amount of the loan. The total amount
16 of the fund. And there is no money being added to it.

17 Q I'd ask you to turn to the next page marked
18 DTRA8129, and that's again of Exhibit 12. At the top of
19 the page there is reference to a children's fund.

20 Does Ravenswood still have that fund?

21 A As a district we do not have the fund. Each
22 individual school has a fund that's donated in some way
23 by some outside agency, PTA -- not PTA. We only have
24 PTA in one school. But there have been donations taken,
25 and this is a very small fund for anybody who might be

1 district should determine if the coordinator has repaid
2 all four loans.

3 Do you know to which coordinator that refers?

4 A Yes.

5 Q And do you know whether the coordinator repaid
6 the loans?

7 A Yes.

8 Q Did the coordinator repay the loans?

9 A Yes.

10 Q Do you know whether the loan fund currently
11 provides loans to some of the highest paid employees in
12 the district?

13 A It is an employee loan. To my knowledge,
14 since I have been there, there has been no high level
15 employee who has asked for a loan. The -- it has
16 been -- in the six months there has only been two or
17 three loans, and there has been no high level employee
18 ask for the loan.

19 Q Are highly paid employees eligible for these
20 loans?

21 A I'm trying to visualize the list of criteria,
22 and I think it's employee loan, so therefore, an
23 employee would be eligible regardless of where they are
24 in the organization.

25 Q Do you know whether the board ever reviewed

1 in need.

2 Q So is the cash account referenced here, which
3 appears from the document to be a district account, was
4 that account closed?

5 A No. The district -- all accounts are district
6 accounts. It's just that the local school has that
7 account that is very small, and they receive
8 contributions or whatever to it. But they are all
9 district accounts.

10 Q I see.

11 And have any steps been taken to implement the
12 recommendation that is listed here in the third
13 paragraph?

14 A Yes.

15 Q Are blank checks currently signed in district
16 accounts?

17 A No.

18 Q I'd like to turn you to page DTRA8133. That's
19 page 43 of Exhibit 12. I'd like to refer you to the
20 first full paragraph on the page after the numbered
21 list. Would you let me know -- would you read that to
22 yourself and then let me know when you have finished?

23 A Okay. Yes.

24 Q Okay.

25 Now, that paragraph referred to \$2.2 million

1 in modernization funds that could -- that -- that the --
2 I'm sorry. Let me ask the question again.

3 That paragraph refers to things that the
4 district was to do to ensure that the -- that
5 \$2.2 million in modernization funds would not be
6 returned to the state.

7 Do you know whether the district -- the
8 district completed the forms that are mentioned in this
9 paragraph --

10 A Yes.

11 Q -- as recommended?

12 A Yes, that 80/20 match, and we have been up to
13 date on those things right down the line.

14 Q So this recommendation with regard to these
15 two -- this \$2.2 million, that was followed immediately?

16 A Yes. While I have been there, it has been
17 followed.

18 Q Do you know whether any of that \$2.2 million
19 was returned to the state?

20 A To my knowledge, none of it was returned to
21 the state.

22 Q I'd like to also refer you to the last
23 paragraph of the same page. Would you let me know when
24 you have finished reading that to yourself?

25 A Yes, I have finished.

1 A Not on that particular item.

2 Q Okay.

3 Can you say as a general matter, based on the
4 information that you had as county superintendent, and
5 based on your involvement with the report, that there
6 were certain instances in which Ravenswood -- can you
7 say whether there were certain instances in which
8 Ravenswood did have to repay state funds because of
9 mismanagement?

10 A I cannot think at this time of any specific
11 occasion.

12 Q But Ravenswood as reflected in this report at
13 the time this report was authored was in danger of
14 losing state funds because of mismanagement?

15 A Yes.

16 Q I'd like to turn you to 8135, page 45 of the
17 document. I'm sorry, I'll turn you to page 8136.

18 A Yes.

19 Q The third paragraph on this page discusses
20 life safety shortfalls?

21 A Uh-huh. Yes.

22 Q Do you know whether those shortfalls currently
23 exist at Ravenswood?

24 A To my knowledge, those areas have been
25 addressed as recently as just a few weeks ago. We came

1 Q Do you know to what --

2 Do you know what --

3 Do you know what the funds are that are
4 mentioned here in this paragraph?

5 A These are -- this is for past projects, for
6 prior projects in school reconstruction, school
7 building, and there is the reconciliation that has to
8 take place, and sometimes there are discussions between
9 the state and the school district with regard to
10 reconciliation of funds that were spent on -- with the
11 office public school instruction.

12 And we -- most of this reconciliation has been
13 done, but it's a -- we have new projects and we are
14 continuing to work with them. The items in this
15 particular paragraph, to my best knowledge, have been
16 complied with.

17 Q Now, do you know whether --

18 You spoke of a reconciliation that needed to
19 occur. Do you know whether the reconciliation and the
20 amount discussed in this paragraph was due to any
21 mismanagement or poor recordkeeping at Ravenswood?

22 A As I said, this whole thing took place before
23 I got there, so I cannot make that determination.

24 Q And you don't have a basis for answering based
25 on your involvement with this report?

1 across some fire extinguishers that were outdated, and
2 that was brought to our attention. So I believe that we
3 have taken care of most, if not all, of the items listed
4 here such as fire extinguishers, flammable materials,
5 emergency procedures.

6 In fact, we just went through this spring a
7 new complete document on emergency procedures, and that
8 was adopted by the board.

9 Fire escape plans in all buildings and all --

10 I would say the majority of that has been taken care of.

11 Q And that new emergency policy that was adopted
12 by the board, that's a written policy?

13 A Yes, uh-huh.

14 Q Do you know whether that's currently being
15 complied with?

16 A Yes, that's being complied with.

17 Q And how do you know?

18 A In my -- it was -- a committee was developed
19 and put together. It was reported to the principals,
20 and it was adopted by the board in the report, and in
21 turn, discussed with the principals, and the principals
22 are in power to enforce it.

23 Q And what is that policy?

24 A It's a general procedure of safety and
25 emergency procedures.

1 Q Does that --

2 Does that contain procedures to ensure that
3 things like fire extinguishers and proper storage of
4 flammable materials do not again become life safety
5 issues?

6 A No. That booklet was put together -- was a
7 procedure on emergency preparedness. Forgot the words.
8 Emergency preparedness.

9 The things you're talking about are something
10 that have to be done in a maintenance way, and I have
11 had many discussions with the director of our building
12 and grounds basically saying that anything in a safety
13 issue, anything to do with safety of children is as
14 number one priority regardless of budget or time or
15 people. We do it right away.

16 Q And is that policy written?

17 A There is a policy that we have. I'm sure
18 there is a policy somewhere that says that we should be
19 very attentive to the safety of kids. That is almost
20 like a model that's used every day. Kids' safety is
21 number one. And I'm sure there is a policy that says
22 specifically that the health and safety of children --
23 in fact, there is a state law. Health and safety of
24 children is what we have to be very cognizant of.

25 But in many meetings I have talked about the

1 health and safety of children in a variety of ways even
2 superseding the curriculum.

3 Q And do you know whether the maintenance
4 department does respond immediately to safety issues?

5 A Yes.

6 Q And how do you know?

7 A Well, for example, I remember not too long ago
8 there was a low-hanging wire. It happened to be a
9 computer wire. And some of the kids had wires across
10 the top of a door, and the kids had disconnected it, and
11 it was hanging down. And I told the individual about
12 that. It was fixed within an instant.

13 I also walked through a school the other
14 day -- not the other day, about a month ago, and there
15 were several cracked windows. And I immediately said,
16 "There's cracked windows," and within a day a heavy
17 plastic coating had been put on either side. The reason
18 why the heavy plastic coating is because the kids were
19 taking tests and they didn't want all of the windows
20 taken out and put back in.

21 So the person that is our director of building
22 and grounds knows very well that I'm a fanatic on school
23 safety.

24 Q Okay.

25 The first item in this numbered list refers to

1 the district's workers' compensation program. Do you
2 know whether the district monitors workers -- the
3 workers' compensation program to make --

4 A Yes.

5 Q Let me just finish.

6 Do you know had the district monitors the
7 workers' compensation program to make sure that claims
8 aren't excessive?

9 A Yes. We are self-insured, and we watch
10 everything very carefully, even to the point -- I know
11 that in our discussion with our -- in our discussion
12 just recently, in our discussion we were ready -- we
13 didn't do it but we were ready to hire an investigator
14 to film somebody, if necessary.

15 Q And what do you mean, "film somebody"?

16 A There was a indication that perhaps someone
17 who was on workman's comp. had a second job.

18 Q I see.

19 A Doing something that probably was 20 times
20 more difficult than his regular job, and we were ready,
21 if necessary, to go film him.

22 Q Okay.

23 MR. MARQUEZ: If you're done with the FCMAT
24 report, it might be a good time for a lunch break.

25 MS. CARTER: I am. That's a good idea. Let's

1 take a break.

2 (Lunch recess taken at 12:31
3 p.m. - resumed at 1:15 p.m.)

4 MS. CARTER: I'm handing out a report that's
5 titled "Ravenswood City School District, County of San
6 Mateo, East Palo Alto, California, single audit report
7 year end June 30th, 2001." At the bottom it says
8 "Vargas and Company, Certified Public Accountants," and
9 it's marked DTRA5383 through DTRA5451.

10 BY MS. CARTER:

11 Q Dr. Gonella, have you ever seen this document
12 before?

13 A I don't recollect. I think this document was
14 for the 2000-2001 school year, and that was
15 approximately almost what, a year and a half since I got
16 there.

17 Q Are you familiar with any -- with an audit
18 conducted by Vargas and Company?

19 A No, I am not.

20 Yeah, it was over a year and a half before I
21 got there.

22 MS. CARTER: I think I'm going to mark this
23 as -- I'd like to mark it as Exhibit 27.

24 (Defendants' Exhibit No. 27
25 marked for identification.)

1 BY MS. CARTER:

2 Q Dr. Gonella, could you please turn to page
3 DTRA5450. It's the second-to-last page of the document.

4 A Yes.

5 Q Could you read the text on the page and let me
6 know when you have finished? Just read it to yourself.

7 A Is this page 60?

8 Q That's right.

9 A Yes.

10 Q Are you familiar with the ITSDR program, the
11 Instructional Time and Staff Development Reform program?

12 A Not at this time.

13 Q So I take it you probably then are not aware
14 of any time at which Ravenswood has -- has not -- or has
15 failed to come -- I'm sorry, let me ask it again.

16 So then I take it that you are probably not
17 aware of any time at which Ravenswood did not complete
18 information for staff development buy-back days and did
19 not submit the required claim to the state?

20 A No, I am not.

21 Q I'd like to ask you a few questions about the
22 FCMAT audit that's currently ongoing that was commenced
23 at your initiative with a grant paid for by the Hewlett
24 Foundation.

25 Do you know which audit I'm talking about?

1 the viability of the district fiscally over the next
2 three years.

3 I think it's good to have an outside party
4 come in for a baseline figure, and you can ask questions
5 internally, but I think it's good for someone else from
6 the outside to look at it, a different set of eyes.

7 Q Do you think that there was any value in the
8 fact that it was you that wanted to have FCMAT do the
9 study as opposed to FCMAT coming in not at your behest?

10 A Absolutely.

11 Q And why is that?

12 A FCMAT, when they are asked -- when FCMAT comes
13 in, it's usually for the most part a dire circumstance.

14 A district having very difficult fiscal problems, a
15 district perhaps being close to being taken over under
16 AB1200, the district having some kind of problems of --
17 some legal problems, some personnel legality-problems.
18 We invited them in. That means they came there of our
19 invitation. It's just like someone having an invited
20 guest and an uninvited guest. They were invited guests.

21 Q And do you think --

22 Is FCMAT interviewing other district personnel
23 as part of this audit?

24 A FCMAT is the overall agency doing the report.
25 They have subcontracted a portion of their report in

1 A Yes.

2 Q Do you think that it was important that this
3 study was initiated by the district?

4 A The study was not initiated by the district.
5 The study was initiated by me. If I'm the district,
6 then -- I represent the district, so it would be the
7 district, yes.

8 Q Do you think that it was important that you
9 initiated the study as --

10 A Absolutely.

11 Q And why is that?

12 A Because I think there had to be a baseline
13 audit, personnel audit in relationship to staffing. How
14 many people we have in staff. To have an outside
15 party -- and the report -- I'm trying to put that in my
16 mouth.

17 The report -- the report is in two segments.
18 The first segment is a personnel audit looking at
19 different positions, configurations, for example, how
20 many people should we have in the personnel department,
21 how many people should we have in the finance
22 department, how many custodians we -- like districts,
23 how many electricians, how many carpenters, how many
24 custodians.

25 The second part is a fiscal study, looking at

1 personnel to a school -- to a company that does a lot of
2 school personnel work. They have already been in the
3 district and have interviewed close to 50 people.

4 Q Do you have any understanding of whether -- of
5 whether the district employees who are being interviewed
6 as part of the study are more responsive than they
7 otherwise would be?

8 I'm sorry. Let me withdraw that question.
9 I'll just move on.

10 So now this study had been --

11 You testified this study was paid -- is paid
12 for through a grant from the Hewlett Foundation?

13 A Yes.

14 Q Would you have preferred that the 2000 -- that
15 the \$200,000 that you received came from state funds?

16 A Absolutely not.

17 Q And why is that?

18 A Because I think that when you receive state
19 funds or federal funds, there is always some kind of
20 string attached, whether it's a big string or a small
21 string. There is some kind of string attached.

22 This was a completely local grant given to us
23 for transition purposes to assist the Ravenswood School
24 District, no strings attached, except we have to report
25 back to them in a very small way how -- the results of

1 the funding.

2 Q You said I believe the second day of your
3 deposition, but at some point earlier in your
4 deposition, that the preliminary results might be
5 available sometime this month?

6 A Yes.

7 Q Are they available now?

8 A Not yet.

9 Q We have talked a bit earlier today about
10 mismanagement that occurred at Ravenswood before the new
11 board was elected in December of 2002.

12 How did that mismanagement affect Ravenswood?

13 A I think I would ask you to probably, with all
14 due respect, give me an example of what you mean by
15 "mismanagement" and where it occurred and by whom before
16 I could answer that question.

17 Q Well, let's talk about the instances of
18 mismanagement that were identified in the FCMAT audit,
19 Exhibit 12 that we spent some time discussing.

20 How did those instances of mismanagement
21 affect Ravenswood?

22 A I think they affected Ravenswood, those
23 instances of mismanagement affected Ravenswood in
24 several ways: One, it placed them in possible jeopardy
25 of funds and future funds, it placed them in jeopardy of

1 being able to provide the best possible program for
2 kids, and thirdly but most -- probably as important, it
3 created an aura of distrust both from the staff and the
4 community when obvious elements of mismanagement came
5 about.

6 Q To what extent are the districts -- let me
7 start over.

8 To what extent are any of the deficiencies
9 that the district currently has, the deficiencies that
10 we have talked about earlier in this deposition, to what
11 extent are those the result of the instances of
12 mismanagement that were identified in the FCMAT report,
13 Exhibit 12?

14 A I can't think of -- the major issues we talked
15 about regarding the fiscal problems of Ravenswood are
16 not necessarily connected with a specific definable
17 mismanagement issue.

18 I think if you talked about -- if you talk
19 about decisions that perhaps were not in the best
20 interest of the district, judgment decisions that were
21 not in the best interest of the district, I could give
22 you examples of those.

23 Q And why don't you do that.

24 A Okay. I don't believe a public agency can
25 spend four-and-a-half years at approximately \$500 an

1 hour for attorneys and continue fighting. Attorneys
2 came in with researchers and assistants, and they came
3 into the district, and it was at least \$2,000 an hour
4 with the entourage that was brought in, and you just
5 can't continue -- any public agency can't continue a
6 long time. The district continued and went from -- in
7 fact, a year and a half, spent over 3 million -- close
8 to \$2 1/2 million on attorney's fees. At one time they
9 had a \$7 million reserve. When I came in, it was
10 100,000 left.

11 So I think that was bad judgment to fight and
12 fight and fight when things should have been solved. I
13 don't believe an extended litigation by any public
14 agency can win for anybody. The kids lost a lot of
15 money.

16 MS. CARTER: I'd like to mark this as Exhibit
17 28.

18 (Defendants' Exhibit No. 28
19 marked for identification.)

20 BY MS. CARTER:

21 Q I'll represent that this is a newspaper
22 article from the San Jose Mercury News dated October 11,
23 2002, entitled "Repayment May Make Ravenswood
24 Insolvent." And that was downloaded from an electronic
25 database.

1 Dr. Gonella, could you read this one-page
2 document to yourself?

3 A I'm aware of this, yeah.

4 Q Okay. Have you finished?

5 A Yes.

6 Q Okay. Great.

7 Dr. Gonella, have you ever seen this newspaper
8 article?

9 A Yes.

10 Q What is this article?

11 A This is an article by Sara Neufeld from the
12 San Jose Mercury News dealing about the controversy
13 between the Ravenswood School District and the State's
14 nutrition program, State Department Of Education, in
15 relationship to the funding for unpaid -- funding for
16 lunches for students who qualify for free and reduced
17 meals.

18 The District two years ago had this problem,
19 and the State indicated that it was going to withhold
20 approximately \$1.4 million because of improprieties in
21 the -- in the application of the procedures for free and
22 reduced lunches. This is -- this is still the case.
23 The State still is holding back the \$1.4 million.

24 We have established -- we have brought in --
25 during my tenure we have brought in a management company

1 to run the cafeterias, we have established procedures,
 2 we have put everything into place, and the State will
 3 come out in September when school opens to verify our
 4 procedures, verify our method of conducting the records
 5 or doing the records. I fully expect by October 1st to
 6 have the 1.4 million back.
 7 Q In your answer you referred to improprieties.
 8 A Yes.
 9 Q When did those improprieties occur?
 10 A The improprieties occurred during probably the
 11 2002-2001 school year and the 2001-2002 school year, two
 12 years before I got there.
 13 Q And what were the improprieties?
 14 A Well, an example of impropriety was as
 15 students were coming through the line, and a student did
 16 not have -- they were not -- for example, the student is
 17 supposed to have a card that said they have a free or
 18 reduced lunch, and they were not correctly counted, and
 19 sometimes there were estimates of 20 kids came to the
 20 line, 18 had cards.
 21 We have put into the system now an electronic
 22 card. In other words, a kid has to take the card out of
 23 a rack and punch it into a record, electronic device.
 24 And so we have an accurate count. Those are the kind of
 25 procedures we put in.

1 And we did hire a company called Sodexho that
 2 operates in about 70 or 80 school districts in
 3 California. We have put this whole procedure in place
 4 for us.
 5 Q Do you know how Edison -- I'm switching gears
 6 a little bit.
 7 Do you know how Edison schools recruit
 8 teachers?
 9 I'm sorry, let me reask the question.
 10 Do you know how the two Edison schools in
 11 Ravenswood recruit teachers?
 12 A There were teachers when the -- when the
 13 charter was granted four or five years ago, I believe
 14 that there were teachers --
 15 (Deponent's cell phone ringing.)
 16 MS. CARTER: Go off the record.
 17 (Discussion held off record.)
 18 BY MS. CARTER:
 19 Q Before the break we were talking about how
 20 Edison schools in Ravenswood recruit teachers.
 21 A It's my understanding that when they first
 22 received the charter, there were many teachers from the
 23 Ravenswood district who were in those schools who stayed
 24 in those schools. I know that they -- we do not have
 25 any authority over that staff or how the staff was

1 selected.
 2 I know that there is a lot of word of mouth,
 3 probably advertisements in newspapers. I do not have
 4 any direct knowledge on how they currently recruit
 5 staff.
 6 Q Does the Ravenswood School District get help
 7 from a program called Project Pipeline to recruit
 8 teachers?
 9 A Yes.
 10 Q And what help does the district get?
 11 A We get help from several different sources,
 12 and I believe that's the recruitment of personnel. You
 13 know, we have AmeriCorps. I'm not familiar with that
 14 program because during this past year we had over 300
 15 applications to the district, and we were not in need of
 16 any special program to help us recruit staff.
 17 Q Can I direct you to page 149 of your
 18 transcript? That's from the first day, April 25th.
 19 A Yes.
 20 Q I'd like to direct you to your answer at line
 21 5 through line 8. You may also want to read the
 22 question which begins at line 2 and goes to line 4, just
 23 for the context.
 24 My question regards the words that you used,
 25 "the way they emphasize the recruitment and retention

1 everywhere."
 2 What did you mean by that?
 3 A Which line?
 4 Q Line 6 and 7 after the clause beginning after
 5 the dash. "The way they emphasize the recruitment and
 6 retention everywhere."
 7 A There was a constant -- even before I got
 8 there, I knew that as county superintendent, there was a
 9 constant attempt to recruit teachers, and when I said in
 10 every way, they went to the Philippines, they went to
 11 Spain, they went to Mexico. There were recruitments
 12 from all over the world trying to get teachers. They
 13 had fairs. So they diligently tried to recruit
 14 teachers. And I guess their emphasis of the
 15 Philippines, Spain showed that they were willing to put
 16 money and effort to try to bring in teachers.
 17 Q When you say "they", are you referring to the
 18 previous administration of the district?
 19 A Yes. And board.
 20 Q Okay.
 21 Do you know why there are any -- do you know
 22 whether the -- whether Ravenswood has recently -- let me
 23 reask the question.
 24 Do you know whether in the last five years
 25 Ravenswood raised stipends for CLADs and BCLADs to

1 attract teacher candidates?

2 A I know the stipend is there now. I think it's
3 1500 for a CLAD and 2500 -- there is a difference
4 between the two, but I know the stipend is there this
5 last year. The completion of this last fiscal year, the
6 CLAD stipend was there. I don't know if it added to
7 each year for the last five years. All I know is it was
8 definitely here when I got here, but I don't know where
9 it started five years ago.

10 Q Okay.

11 Do you know whether the Ravenswood district
12 currently helps teachers negotiate special deals with
13 regard to housing as a --

14 A Not currently.

15 Q Do you know whether it did in the past?

16 A Only by articles in newspapers and by comments
17 that I have heard about the possibility of home loans
18 and whatever. I have no direct knowledge of it, and
19 it's not being done now in any way.

20 Q Does Ravenswood currently help teachers find
21 housing?

22 A No.

23 Q Does Ravenswood offer a transportation
24 reimbursement as an incentive to attract teacher
25 candidates?

1 A Transportation incentive in relationship to
2 transportation in the conduct of their business and
3 school, or transportation to get them here?

4 Q The transportation reimbursement I was
5 referring to would be to get teachers to school, would
6 address the problem of long commutes.

7 A No.

8 Q Do you know whether Ravenswood publicizes that
9 student loan relief is available for teachers who spend
10 more than five years at hard-to-staff schools?

11 A Would you repeat that question?

12 Q Do you know whether --

13 Well, first of all, let me ask: Are you aware
14 that student loan relief is available for teachers who
15 spend more than five years at a hard-to-staff school?

16 A At the Ravenswood district?

17 Q In general are you aware of that?

18 A In California?

19 Q Yes.

20 A I'm sorry. Would you repeat that question
21 again? Am I aware --

22 Q Are you aware that student loan relief is
23 available for teachers who spend more than five years at
24 hard-to-staff schools?

25 A Yes. I'm sorry, yes.

1 Q Is this publicized -- I'm sorry.

2 Does Ravenswood publicize this in its
3 recruiting?

4 A Not to my knowledge.

5 Q Why not?

6 A Heretofore we have had people in our teaching
7 core that probably for the most part did not have
8 student loans. This year might be different, though.
9 This year, with the recruitment of the new teachers, a
10 lot of beginning young teachers with full credentials,
11 that might be a point. And thank you for bringing that
12 to my attention.

13 Q I'd like to refer you to page 222 of your
14 deposition. It's the first day. I'm sorry. No, it
15 isn't. It's the beginning of the second day.

16 At the bottom of that page, you referred to
17 application by Internet?

18 A Uh-huh.

19 Q Do you know whether -- who set up -- who sets
20 up the application by Internet? Do you know what entity
21 makes that available?

22 A Monsterjobs.com. I mean, on and on and on.
23 There are all kinds of people who do it. We have some
24 professional organizations who do it, but there are also
25 a lot of private firms who do that also.

1 So I know that the California School Board
2 Association, the Association of California School
3 Administrators, but I believe EdSource is another.
4 EdSource is probably the biggest one that -- so there
5 are really a lot of private firms out there who do that,
6 and there might be some professional firms.

7 Q Does Ravenswood post job openings on all of
8 the boards that you just mentioned?

9 A No. We post mainly on EdSource and local --
10 and newspapers at times, and sometimes we could go to
11 the ACSA, which is the Association of School
12 Administrators -- Association of California School
13 Administrators.

14 Q Have you had any retired teachers return to
15 teach at Ravenswood?

16 A I can't think of one specifically, but I am
17 sure it has occurred for maybe filling in for a few days
18 or something of that sort, but not as a regular -- well,
19 first of all, a retired teacher is -- now can return to
20 teaching for a specific amount of time. They have
21 changed the laws. But I can't think of a full-time
22 position -- of a full-time position for the full year
23 that we had a retired teacher come back.

24 Q Does Ravenswood receive additional funds for
25 salaries from the Tinsley lawsuit settlement?

1 A No. It receives funds but not for salaries.
2 It just receives general funds. And that was
3 established back when -- the Tinsley suit was settled,
4 and then I think a year later or a year and a half later
5 the revenue limit was increased by a certain amount. So
6 that happens to be the revenue limit which is general
7 fund money, not specific to salary.

8 Q So the funds from the Tinsley lawsuit are
9 unrestricted?

10 A Yeah. It wasn't the funds from the Tinsley
11 lawsuit, it was the state after the Tinsley lawsuit
12 added to the revenue limit.

13 Q I see.

14 What programs are in place at Ravenswood
15 for -- to support inexperienced teachers?

16 A One is called BTSA, and that is a state-funded
17 program. It's very active in San Mateo County, probably
18 throughout the state. Beginning Teachers -- it's BT --
19 Beginning Teachers -- SA. Beginning Teachers --

20 Q Support and Assessment?

21 A Yeah.

22 They are very active, were very active in
23 our -- in Ravenswood district in helping new teachers.

24 We also have the -- BTSA and -- there is
25 also -- there is -- if a teacher is weak in certain

1 A There are not only -- there are -- last year
2 the district had some senior teachers who were
3 specifically trained in the area. They were released.
4 They were teachers in-service, and they were assisting
5 at the different schools.

6 This year, for example, we are starting out
7 the year with close to five to six days of full-time
8 institute work or a seminar in relation to special
9 education and reading. Almost every teacher will go to
10 Fremont at the headquarters of the Open Court Reading
11 and will go through seminars.

12 So there are extensive assistance to teachers,
13 not only new teachers, but throughout the whole spectrum
14 in those areas.

15 Q I'd like to refer you to page 105 of your
16 deposition. It's the first day. I believe at lines 4
17 through 6 on page 105 you were referring to grants that
18 you were trying to get in the area of science,
19 professional development?

20 A Yes.

21 Q From what sources are you trying to get those
22 grants?

23 A We have been looking at grant -- the latest
24 one we looked at was a science professor -- no, an M.D.
25 at Stanford, who has a family foundation, and their

1 areas during the evaluation, they can be referred to a
2 committee which in turn sets up mentors.

3 And I was just talking about it yesterday with
4 the union. We're setting up the category -- it's the --
5 I can't think of the name. But it's a funding that's
6 given to the district to set up an in-house support for
7 district.

8 There is a regular board, a panel, and the
9 panel is made up of teachers and administrators, and
10 they, in turn, could be referred and they would refer to
11 people who might become mentors. And it's an in-house
12 system, but it's funded by the state.

13 Q Does Ravenswood receive assistance from a
14 program called Peer Assistance and Review or PAR?

15 A That's the one.

16 Q Okay.

17 That's the mentor teacher program you were
18 just describing?

19 A Yeah, that's the peer review, the PAR program,
20 that's the -- exactly the one I just talked about.

21 Q Is there standards-based reading and math
22 professional development resources available in the
23 district?

24 A Yes.

25 Q What are those?

1 emphasis is science. And we are trying to put together
2 some kind of science program where they would be able to
3 fund it, and we are doing that now.

4 Also, Stanford has been very active in their
5 science department in trying to help local schools.
6 Just yesterday there was a meeting between our
7 curriculum department and four representatives from
8 Stanford where a cadre of Stanford professors will be
9 working with a core of seventh and eighth grade students
10 in establishing a science club and establishing programs
11 and also coming to the school and mentoring with
12 teachers of science.

13 Q Now, are these professors volunteering their
14 time to instruct --

15 A Yes.

16 Q Does Ravenswood provide professional support
17 for principals?

18 A Yes.

19 Q What does it provide? What's available to
20 principals?

21 A We have the -- we bring in at times
22 consultants to work with principals and administrators,
23 and it might not just be the principals alone, it would
24 be administrators, and then we do have seminars where
25 they can attend.

1 Since I have been there, this has been reduced
 2 a little bit because I eliminated all conferences
 3 because of our funding, I have eliminated all
 4 conferences. But administrators have a tremendous --
 5 can avail themselves of a tremendous array of
 6 professional services through the California School
 7 Board Association or the Association of California
 8 School Administrators, and there are seminars and
 9 trainings on a continual basis, and we have tried to
 10 offer some of that in-house because of our financial
 11 problems. Hopefully this year will be a little better
 12 in being able to send some of the principals to
 13 training.

14 Q And how is the professional development for
 15 principals funded?

16 A It would be funded -- during the past six
 17 months some of it has been funded out of categorical
 18 funds, not necessarily out of general funds.

19 Again, I eliminated all conferences and
 20 travel, so therefore, we did not send principals out,
 21 but we did try to bring a few people in -- instead of
 22 principals going out to seminars and conferences, we
 23 brought a few people in to talk to the principals
 24 in-house. And then I personally have provided some of
 25 that in-service training to the principals.

1 Q Do you know whether topics covered in the
 2 training for principals include training in the state
 3 standards?

4 A The state standards?

5 Q (Nods head.)

6 A Yes.

7 Q Do you know whether the training includes
 8 training in assessments?

9 A Yes, because we have had some training with
 10 the principals and with the administrators before this
 11 latest round of state testing.

12 Q And how was that funded?

13 A That was funded through categorical funds.

14 Q Do the topics covered in the training
 15 available to principals include finance and management?

16 A Not since I have been there. You can divide
 17 the two, not necessarily in finance, but there have been
 18 some in management.

19 Q Does the district have any efforts in place to
 20 retain principals?

21 A I'm sorry, say that again.

22 Q Does the district have any efforts in place to
 23 retain principals?

24 A Not a specific program. Our retention efforts
 25 deal with making principals feel like they are really

1 wanted and how important they are.

2 To me the principal -- to me the principal is
 3 the key person in a school district. I tell them that,
 4 and I believe that -- I believe that we are getting
 5 across how important they are to kids. And I think it's
 6 that kind of thing rather than any other specific -- and
 7 the other one we can't do, because the most important
 8 thing in retention is a good salary scale, that's the
 9 bottom line, and a combination of making them feel they
 10 are wanted and a good salary scale is the best two
 11 retention things you can get.

12 So we are -- really let them know how much we
 13 want them, but there doesn't seem to be a salary pay
 14 hike on the horizon, and they haven't had one for two
 15 years.

16 Q Do you know whether there is any -- I'm sorry.

17 Do you know of any specific principal who has
 18 left because of a low salary?

19 A In my time here, that's the only thing I can
 20 do, two principals have been reassigned to the
 21 classroom. They did not leave the district. They have
 22 been reassigned.

23 Q Would that --

24 A Three.

25 Q Three reassigned.

1 A I'm sorry, four. Four. Yeah. I forgot one.

2 Q Now, are those four principals the only ones
 3 who have not -- let me start over.

4 Since the time you became superintendent, are
 5 those four principals the only ones that have not
 6 continued in their position as principals to today?

7 A Yes.

8 Q Were those reassignments to the classroom by
 9 choice of the principals or were those at the
 10 district's -- were those the district decisions to
 11 reassign?

12 A It was my recommendation because of a
 13 reorganization.

14 Q Do you think principal turnover is a big
 15 problem in Ravenswood currently?

16 A Right now, no.

17 Q What steps does the district take, if any, to
 18 make sure that teachers have teaching assignments for
 19 which they have the appropriate credentials?

20 A We analyze very carefully the credentialing of
 21 a teacher, place them in the area, and also have them
 22 make a report, I believe, to the county in relationship
 23 to the assignment of teachers. It's called teacher
 24 assignment or something else.

25 So there is a law that says we have to make a

1 report to the county on how our teachers are assigned
2 and what kinds of credentials they hold.

3 Q What efforts are made by the district to hire
4 substitute teachers?

5 A We -- we have generally a cadre of teachers
6 who would rather be subs than working full-time, and
7 what's occurring -- what's occurring in the last couple
8 of years, as we begin leading up to a overage of
9 teachers, highly qualified teachers put their name on
10 sub lists of districts because that's the way that they
11 can show what they can do when they are substitute
12 teachers in order to try to get hired the following
13 year. And when a teacher recruitment is a bad year, we
14 have very few subs. There is a direct correlation on
15 that.

16 So I think we'll have a lot of subs available,
17 fully credentialed subs.

18 Q How does --

19 What criteria does a district use to determine
20 if substitutes are qualified?

21 A Credentialed, and then after being hired on
22 the credential, there is an assessment of what that
23 sub -- the performance of that sub.

24 Q And on what is that assessment based?

25 A The assessment is based on the principal's

1 feedback to the personnel office on the particular
2 substitute, a record is kept.

3 Q And what happens if the substitute receives
4 negative feedback from the principal?

5 A Then an evaluation is made of why. It's
6 possible for a sub to receive a bad evaluation in one
7 situation and be fine in others. So you look at the
8 situation, you look at why, who gave the negative
9 evaluation, and then perhaps try to adjust.

10 If the sub has been a pretty loyal sub, you
11 try to adjust to see maybe a different school, a
12 different situation, different teacher. But if there is
13 a consistency on low -- of performance, then we no
14 longer telephone.

15 Q Now, is that a written policy in the district?

16 A Yes.

17 Q How do schools within the district get access
18 to substitute teachers?

19 A We have a sub caller. There is a message left
20 on the -- principal will leave a message that there is a
21 need for subs, and in turn the sub caller will call for
22 the subs.

23 Q Is there currently a shortage of substitutes
24 in the district?

25 A Currently a what?

1 Q A shortage of substitutes in Ravenswood?

2 A No one brought to my attention during my six
3 months that there was a shortage of subs. And that was
4 because -- one of the factors I have to mention was
5 because I eliminated all conferences and travel and
6 everything, so nobody went anywhere, so you don't need
7 any subs. So those things work hand in hand.

8 Q Were you ever aware of a situation in which
9 there was no substitute to cover a class within the
10 district?

11 A I am not aware of a situation such as that,
12 but it possibly could have happened.

13 Q What would the district do in that situation?

14 A An administrator or some credentialed person
15 would take over that class.

16 Q Can charter schools get access to substitute
17 teachers through the sub line, sub caller system that
18 you described?

19 A No. They are on their own in relationship to
20 their staff to teachers and their substitutes. It is
21 possible, now, that a substitute teacher could be on ten
22 different lists for ten different schools.

23 Q Has the district taken any steps to improve
24 the supply of substitute teachers in the district?

25 A Yes, by raising salary. When the salary came

1 up about a couple of years ago. They did raise the
2 salary. And also trying to -- trying to keep the same
3 group of people working as much as possible so they knew
4 there was a source, that they didn't have to go hunt
5 every morning.

6 Q Do you know when that salary raise occurred?

7 A I would say it went into effect -- almost all
8 salaries in the districts were raised in -- I think it
9 was 2000-2001. Yeah. And I'm assuming that the raise
10 also affected substitute salaries.

11 Q Has the district hired a roving substitute?
12 In other words, a substitute that's a full-time or
13 part-time employee of the district who is always on call
14 to be a sub?

15 A To my knowledge -- to my knowledge, I do not
16 believe we have full-time substitutes. I think they are
17 all on a day-to-day call, but I could be corrected on
18 that one, because there could be a couple of occasions
19 where a person was kept as a substitute, they were hired
20 and perhaps there were not enough students for a class
21 or something, they were already under contract. But for
22 the most part, I would answer that question by saying to
23 my knowledge, we do not have a cadre of substitutes
24 available on a day-to-day basis.

25 Q Do you know if there during the '02-'03 school

1 year were any substitutes in the district that had not
2 taken the CBEST; in other words, substitutes for whom
3 you have to apply for a waiver?

4 A To my knowledge, that did not come before me
5 as a problem.

6 Q Is that something that would have come before
7 you if it was a problem?

8 A Yeah, because it would have been brought to me
9 about the problem with substitutes. I'm always
10 concerned about substitutes because I'm concerned about
11 the quality of instruction given when the regular
12 instructor is away. So that was not brought to me as an
13 issue.

14 Q Are teachers in Ravenswood required to leave
15 lesson plans for substitutes if they know --

16 A Yes.

17 Q How does Ravenswood ensure that this
18 requirement is followed?

19 A By the principal and the substitute -- there
20 is a sort of a questionnaire that's given to a
21 substitute at the end of the day, were lesson plans
22 available and blah, blah, blah.

23 Q Is there a process or a forum through which
24 teachers or students can complain about substitutes?

25 A We do not have a student evaluation form of

1 another great quality. So I think those two qualities
2 are great as long as they have the credentials. One by
3 itself is not good enough.

4 Q And why do you think that they are good
5 qualities?

6 A I think -- first of all let's take quality.
7 We'll take enthusiasm and quality separately. Quality.
8 I have great confidence in the State of California and
9 its credentialing system, if a teacher gets a credential
10 in the State of California, teacher credential, today,
11 they have been through the hoops, and I believe that
12 they are prepared. Prepared.

13 Q No, my question was why are youth and
14 enthusiasm good qualities.

15 A Okay. Okay. Why are youth and enthusiasm
16 good qualities. Let me divide those into two.

17 I think that enthusiasm is a great quality no
18 matter if you're young or old. I think enthusiasm is
19 really a very important ingredient.

20 Youth -- I'm relating youth not necessarily to
21 age but to recent preparation. And I think that some of
22 the new, young, recently prepared teachers are really
23 dynamic. I think in today's world a person who goes
24 into teaching and comes out of teaching at 24, 25, 26,
25 when the opportunities in our world today are very, very

1 substitutes. I do not plan to put one in. I don't
2 believe that students are in a position to evaluate a
3 substitute teacher. That's my philosophy.

4 Q And why is that?

5 A I believe it's difficult to get a first grader
6 to evaluate a substitute teacher. Maybe a fourth
7 grader.

8 Substitute teachers come in in a very
9 difficult situation at times. There is always a test
10 between a teacher and student. I think maybe you could
11 do such a process in some of the advanced classes of
12 high school, but even in the freshman year in high
13 school, I can guarantee you that substitutes sometimes
14 face an adversarial situation, regardless of the class,
15 and I don't think they are in the best position to
16 evaluate a substitute.

17 Q I'd like to refer you to page 67 of your
18 deposition, it's the first day.

19 At lines 11 through 13 you said that you were
20 struck by the youth of and enthusiasm of the teachers
21 at -- in Ravenswood. By the youth and the enthusiasm of
22 the teachers.

23 Do you think that youth and enthusiasm are
24 good qualities in a teacher?

25 A Youth is always a good quality. Enthusiasm is

1 broad in relationship to finances, I think those people
2 are really dedicated.

3 So when I see 22, 23, 24 year old teachers
4 come out in today's world, when they could be in Silicon
5 Valley making more, I think they are dedicated to kids,
6 and that's why I equate youth to today's world in
7 preparation.

8 I have seen some 60-year-old teachers who have
9 been incredibly enthusiastic and incredibly energetic,
10 so I think I'm -- when I say youth, I should have
11 qualified that to in connection to preparation.
12 Wonderfully prepared young teachers.

13 Q Can I refer you to page 108 of your
14 deposition?

15 A Yes.

16 Q On lines 1 through 3 you stated that you have
17 got to be careful about the teachers that have been
18 teaching for 20 years one year at a time.

19 What did you mean by that?

20 A What I mean by that is that I have run into
21 teachers occasionally who have been teaching 20 years
22 one year at a time; in other words, they have been
23 teaching one year 20 times versus really looking into
24 teaching what is supposed to be taught over 20 years.
25 The same tests, the same words. You could step into a

1 teacher's classroom at year one or year five or year six
2 on August 24th or September 15th, and they would be
3 saying the same words. Everything is rote. Everything
4 is -- I think these hurt kids. College teachers are
5 notorious for that, notorious for that.

6 So I just think that you can't do -- kids are
7 all different. Every year there is something different
8 about a kid, and you can't have the same thing going on
9 all the time. They got to change, they got to keep up
10 with it. So I think I was talking about the teacher who
11 teaches one year 20 times. It's not a good teacher.

12 Q Can I refer you to page 79 of your deposition?
13 Never mind. I'm just going to move on from
14 that question.

15 In your experience since you have become the
16 superintendent at Ravenswood, how have the Ravenswood
17 teachers without full credentials performed?

18 A Some of them have performed very well. Others
19 probably are lacking. We have not had, since I have
20 been there, a termination notice given by a principal in
21 the middle of the year because of performance, but we
22 have had some nonrelects, meaning that a teacher would
23 not be asked to come back -- asked to come back. When
24 we went through and gave March 15th notices to 89-some
25 teachers, one of the criteria we established is that

1 will tell you in a social conversation are probably the
2 people who like their teachers. The person who doesn't
3 like their teacher doesn't start that kind of
4 conversation with you.

5 Q Do you recall which charter schools the person
6 was referring to?

7 A No.

8 Q Did you send --

9 You spoke about the letters that you sent out
10 to about 89-some teachers.

11 A Right.

12 Q Were those letters sent only to teachers that
13 had emergency credentials?

14 A We sent letters out to all teachers who did
15 not have a teaching credential. Then we looked at a
16 certain criteria of the 79 -- I think it was close to
17 80 -- then we looked at a criteria and said, teachers
18 who had intern credentials who could qualify for a full
19 credential at a certain time were hired back. That was
20 maybe 35 of the 80, and then the rest of them were all
21 new teachers.

22 Q Were there any fully credentialed teachers
23 that were also given letters?

24 A Not to my knowledge.

25 MR. MARQUEZ: Do you think it would be

1 teachers with emergency credentials, I think that's what
2 you're referring to, emergency credentials, would not be
3 hired back, although I have to tell you that I wish
4 there was some way that some of those emergency teachers
5 could have a credential because they did a great job.
6 Generally you need a fully credentialed teacher. That's
7 the best way to go.

8 Q Are there different credential requirements
9 for charter school teachers than for other teachers?

10 A Yes.

11 Q How are the requirements different?

12 A A charter school does not need any
13 credentials. They may hire at will. I don't -- there
14 are very few regulations. That's the purpose of a
15 charter school, completely free selection on how you
16 want to run and handle the school.

17 Q Have you gotten any feedback from students or
18 parents or district employees regarding how teachers
19 without full credentials at charter schools, and by that
20 I mean both emergency credentialed teachers and also
21 entrance and pre-entrance, on how they are performing?

22 A I have not had any official feedback. Just
23 basically some social conversation where they really
24 liked their teachers.

25 But it's important to note that people who

1 possible to take a five-minute break to catch up on
2 phone calls?

3 MS. CARTER: Okay.

4 (Recess taken at 2:24 p.m.

5 resumed at 2:37 p.m.)

6 BY MS. CARTER:

7 Q Are you aware of any teachers in Ravenswood
8 who were fired for standing up to the children?

9 A I'm not quite sure of that question. Standing
10 up to the children?

11 Q Yes.

12 A My answer is no, I am not aware of anyone who
13 was fired standing up to children.

14 MS. WELCH: Do you know what that means?

15 THE WITNESS: No, I don't.

16 MS. WELCH: Okay.

17 THE WITNESS: Standing up to children, that
18 would mean they were arguing with them, standing up to
19 them, or maybe that's a different definition. Should I
20 ask for the definition?

21 MR. MARQUEZ: Yeah, can you clarify?

22 BY MS. CARTER:

23 Q I'll just move on.

24 Are you aware of an instance in which the
25 Ravenswood board required all teachers at Green Oaks and

1 Cesar Chavez to reapply for their jobs?
 2 A Yes.
 3 Q Why was this done?
 4 A I know it was done because I was told it was
 5 done. I do -- there was an attempt to reconstitute the
 6 campus. There are three individual schools in that
 7 campus, there is the children's center, which is day
 8 care and up to preschool, there is Green Oaks, which was
 9 K-3, and Chavez, which was 4-7. So they wanted to make
 10 that into a complex.
 11 They then had teachers reapply for their jobs,
 12 and they put in a principal at each location with a
 13 director for the three campuses. So it was a Cesar
 14 Chavez complex. That's how it was done. And the
 15 specifics of why it was done, I have no knowledge.
 16 Q Do you know how this affected teacher
 17 retention in the district?
 18 A No, I do not.
 19 MS. CARTER: I'd like to mark Exhibit 29.
 20 (Defendants' Exhibit No. 29
 21 marked for identification.)
 22 BY MS. CARTER:
 23 Q This is --
 24 I'll represent this is a newspaper article
 25 downloaded from an electronic database from the San Jose

1 Mercury News, dated May 11, 2002, entitled "Teachers
 2 Keep up Heat at Ravenswood Board Meeting."
 3 Dr. Gonella, have you ever seen this article?
 4 A No. I read all of this -- this -- I read
 5 almost all the stuff out of the Mercury News on
 6 Ravenswood, so I don't remember it, but I'm sure I saw
 7 it.
 8 Q Okay.
 9 A I'm sorry, this is good reading.
 10 Q Do you know whether requiring all teachers at
 11 Green Oaks and Cesar Chavez to reapply for their jobs
 12 hurt morale in the district?
 13 A Absolutely.
 14 Q And how do you know that?
 15 A By reading this article. I have no direct
 16 knowledge of morale in the district at that time.
 17 Rumor, professional rumors, and an article such as this
 18 probably was my best -- and a resident that I happen to
 19 know who lived there talked about this -- the board --
 20 protest against the board, the things that occurred
 21 during board meetings. So I have no direct knowledge,
 22 but it's from these three sources.
 23 Q And that's independent knowledge of this
 24 article before you saw it here today or --
 25 A Independent knowledge of the article. The

1 article reinforced it for me today, but it was
 2 independent.
 3 Q Is there anything that's currently being done
 4 to improve relationships with teachers that were
 5 affected?
 6 A Yes. We have had continuing meetings with the
 7 Ravenswood Teachers Association, have settled the
 8 majority of the outstanding issues.
 9 As a superintendent, it is always my belief
 10 that a superintendent should not go and negotiate with
 11 the union. The superintendent should be in the
 12 background. There should be other negotiators, in-house
 13 negotiators if possible, not attorneys.
 14 In this -- for the first time in 28 years or
 15 29 years now I broke this, and I went to the table and
 16 am meeting with the teacher's union. We are solving
 17 problems. We are -- we have invited the teacher union
 18 to be involved in all of our panels for personnel,
 19 applications for principals, whatever that may be.
 20 We had a -- we had a -- last spring we had a
 21 Teacher Appreciation Day that the year before I think no
 22 more than 20 teachers came. We had over 200. I think
 23 there is a resurgence.
 24 I visit classrooms a lot. I walk down the
 25 hallways. I spend hours talking with teachers.

1 And so I think those things we are doing, and
 2 it's not purposeful, there is no plan in this, it's just
 3 it's good for kids to have teachers that are satisfied
 4 with their jobs.
 5 Q I'd like to mark another newspaper article --
 6 well, before I do that, let me just ask you: Had you
 7 heard that in the time before you became -- or before
 8 you started working with the new board in December of
 9 2002 that lack of respect and lack of district
 10 leadership were reasons that teachers left the district?
 11 A Through professional rumors.
 12 Q And do you --
 13 Okay. I am going to mark this document.
 14 Document Number 30.
 15 (Defendants' Exhibit No. 30
 16 marked for identification.)
 17 BY MS. CARTER:
 18 Q This document is a newspaper document
 19 downloaded from an electronic database from the San Jose
 20 Mercury News, dated March 29th, 2002, entitled "Knight
 21 Pressured To Resign."
 22 Just let me know when you have finished
 23 reading it to yourself.
 24 A Yes.
 25 Q I'd like to call your attention to the third

1 full paragraph in the second column. Were you aware
2 before reading this here today that at a union meeting,
3 teachers cited a lack of district leadership and a lack
4 of respect for teachers as the primary reasons teachers
5 leave?

6 A Again, professional rumors, I heard this, but
7 I had no -- I did not read -- I did not read this. I
8 knew that it was an issue, but again, by hearsay, but I
9 did not read it like I am today.

10 Q Did you -- had you --

11 Were you aware of any teachers making comments
12 like the one that I just read at public meetings, either
13 board meetings or union meetings or other meetings?

14 A Teachers?

15 Q Yes.

16 A I knew that there were teachers that -- there
17 was a lack -- there was a lack of confidence vote that
18 was taken and -- but I don't remember any specific
19 presentations that were made by any individual teacher.

20 Q Do you think that lack of confidence in the
21 leadership was a primary reason that teachers left
22 before you began working with the new board in December?

23 A In part.

24 Q Do you think a lack of respect for teachers
25 was a primary reason that teachers left before you began

1 Q How does a teacher -- I'm sorry. Let me ask
2 it over again.

3 How does the district determine whether at the
4 end of the school year, a teaching position will become
5 vacant?

6 A Teacher position will become vacant. Well,
7 there is very few ways. At the end of the year, if a
8 teacher resigns, is nonreelected -- if a teacher is no
9 longer in that position, that position is vacant.

10 Now, there is definitions of vacancy. If a
11 teacher resigns, that's a vacant position. A teacher
12 can be on leave, that's not a vacant position, and you
13 put somebody in there for a year only, a year contract.

14 So there are different definitions of a
15 vacancy. The cleanest -- not the cleanest but the one
16 that is most common is a teacher resigns, there is an
17 empty position. But if you have a teacher on sabbatical
18 or a teacher goes away for a leave of absence or
19 pregnancy leave or whenever, then in turn, that teacher
20 has a right to return to that job, and we would put a
21 temporary in there, a teacher. Temporary meaning the
22 teacher would be there for the year, and at the end of
23 the year that teacher would not automatically have the
24 job.

25 Q Do you do surveys of teachers to determine

1 working with the board, the new board in December?

2 A In part.

3 Q Do you know how many of the new hires for next
4 year have CLADs or BCLADs?

5 A I don't know the number, but I do know -- I
6 can't attest to this, but I do know that there are
7 requirements that most of the people coming out of
8 colleges today have CLADs or BCLADs, and so --
9 especially CLADs. So I do not know the specific number
10 that we have. I know that in the interview panel, that
11 was a high criteria. A well-prepared teacher had CLAD
12 and BCLAD.

13 Q Is there staff development in place in
14 Ravenswood to encourage EL teachers to obtain CLADs or
15 BCLADs?

16 A Well, some of the people who have BCLADs and
17 CLADs, last year there was some stipends given to them
18 for having this extra education.

19 Q Next year, by that I mean 2003-2004, do you
20 expect to start the school year with any teacher
21 vacancies?

22 A No.

23 Q How does the district determine whether there
24 will be a teacher vacancy at the end of the school year?

25 A At the end or the beginning?

1 whether any plan to leave at the end of the year?

2 A No, not really. We do not make -- we do not
3 make a survey of that. You know, teachers who are going
4 to retire usually start pretty early on in the middle of
5 the spring because it takes so much time to get things
6 involved with STRS, and teachers who are going to
7 transfer to another job do not want to be considered
8 lame ducks, and therefore, do not say anything.

9 So we don't ask a teacher -- in fact, I think
10 it's sort of rude to ask a teacher or survey saying, are
11 you going to be with us next year? There might be some
12 value in it, but I won't do it now because there is
13 enough teachers out there to hire.

14 If I were in a situation where there were very
15 few teachers to hire and the market was very tight, I
16 may want to do something, and I have done it in the
17 past. But my survey was something that referred, like,
18 in order to help us plan for the next year, you know,
19 some kind of nice language that doesn't say, are you
20 coming back or not?

21 Q Did you have any vacancies midyear since you
22 became superintendent?

23 A Yes, we did have some vacancies in midyear,
24 and -- but they're very, very few, none that would be --
25 stand out in my mind.

1 Q What did you do --

2 What does the district do to fill vacancies
3 that occur midyear?

4 A We would hire a regular teacher for the rest
5 of the year, or we would go to our -- remember I
6 indicated that when you have a good substitute pool, you
7 go get your best substitute and put them in there for
8 the six months.

9 Q And what did you do -- or what did the
10 district do to maintain continuity for students where
11 there were vacancies midyear?

12 A Best continuity, you're not going to get --
13 once the regular teacher leaves, you're never going to
14 have continuity. The best -- the closest you can reach
15 to continuity is to get the best person in there
16 possible right away, and that's what we did.

17 Q Are classrooms of students ever split up
18 amongst -- and put into other different classrooms
19 because there were not enough substitute teachers?

20 A That could have happened. There could have
21 been an occasion when we had -- again, during this
22 spring when I eliminated conferences and travel, we
23 didn't have many teachers out. But generally if you
24 had -- let's say during wintertime, and you had a big
25 run on the flu, and you were -- completely went through

1 all your substitute list and for a safety factor it is
2 possible then, and the administrator was not able to go
3 in and see the class, it could have been possible that
4 you could have split some -- up two or three students
5 with each class, but this was really rare. I don't
6 remember it happening during the time I was there.

7 Q Now, would that be a last resort after calling
8 the sub pool and after seeing whether an administrator
9 or other credential --

10 A Or a district office person going. We have
11 sent district office people to the school to substitute.
12 So that would be truly a last resort.

13 Q Will there be any principal --

14 Do you expect there to be any principal
15 vacancies at the start of the school year?

16 A Not at the start of the school year.

17 Q Can I refer you to page 179 of your
18 deposition? That's the first day.

19 A Yes.

20 Q On page -- I'm sorry, lines 17 -- sorry. Line
21 7 through 13, you describe that there is -- you
22 describe -- or you mentioned that there might be some
23 barriers to people who have credentials in other states
24 who try to come to California.

25 A Uh-huh.

1 Q Has --

2 Do you think that that barrier has been eased
3 with the easing of restrictions on reciprocity for
4 teachers in other states? Fully credentialed teachers
5 in other states?

6 A I'm not sure. And if it is, I don't know.
7 I'm not sure that reciprocity, that word, I'm not sure
8 has been eased between states because the teacher --
9 because all the teachers we have. So I don't think it's
10 been eased, reciprocity.

11 Q So are you aware that there is reciprocity for
12 nationally board certified teachers?

13 A Yes.

14 Q And --

15 A I don't think that's been eased, though.

16 Q Has that helped ease the barrier?

17 A Yes. Yes. Yes. I see what you mean. Yes.

18 Q And has -- this is --

19 Is this currently a barrier for Ravenswood to
20 hire fully credentialed teachers?

21 A No.

22 Q Does Ravenswood currently allow teachers to
23 receive multiple stipends?

24 A Yes. Yes. Yes. When you say Ravenswood
25 allows, it's Ravenswood district in conjunction with the

1 teacher union.

2 Q Okay.

3 A Because the teacher union has to approve
4 anything that is given over the contract. Has to be
5 negotiated.

6 Q Did the district and the union recently
7 negotiate an increase in the maximum experience credit
8 for teachers?

9 A No. Not during my time.

10 Q Do you know whether something called
11 Ravenswood Exchange, or RX, a transportation exchange,
12 exists currently in the district?

13 A I have no knowledge of that.

14 Q I'd like to just briefly refer you to Exhibits
15 6, 7, 8 and 9 from the first day.

16 Do the numbers in these declarations refer to
17 Ravenswood with the charter schools in the district or
18 without?

19 A I'm assuming without.

20 Q Do you know for sure?

21 A These are the declarations of fully qualified
22 teachers for the Ravenswood School District. Since the
23 charter schools -- since we do not have any authority
24 or -- over the charter school faculties, I will say that
25 these are declarations for the Ravenswood School

1 District minus the charter schools.

2 Q Can I refer you to Exhibit 9? The second page
3 of that document labeled DTRA05 -- I'm sorry -- yeah,
4 05492.

5 A Uh-huh.

6 Q It appears to me, just adding the numbers in
7 the column, that they exceed 200 waivers. And I'm
8 wondering whether Ravenswood would have required more
9 than 200 waivers only for those schools that were not
10 charter schools, given that you sent letters to no more
11 than 90 teachers?

12 A But we have a total staff -- our total staff
13 is about 160, 165. If you're saying there is 200, that
14 would be 40 more. This was 19 -- this was '01 this was
15 done.

16 I -- I cannot answer your question. Maybe you
17 should ask it again. I'll try to answer it.

18 Q Sure.

19 My question is whether it's possible that
20 these numbers which add up to over 200 could include the
21 charter schools, especially considering that letters
22 were sent out to less than 90 teachers who were not
23 fully credentialed in the district.

24 A Right. We have a total staff of 100 --
25 approximately 165, and since we do not have anything to

1 about textbooks. I'd like to refer you to page 263 of
2 your deposition, it's the second day.

3 A 263?

4 Q Yeah. I want to refer you to lines 16 through
5 17.

6 A Let me find 263. Must be the other one. Line
7 what?

8 Q Line 16 through 17.

9 A Right.

10 Q You stated that: "I know that students are
11 assigned the textbooks to take home."

12 A Uh-huh.

13 Q How do you know that?

14 A Because I asked that specific question of the
15 principals and the assistant superintendent around the
16 whole area of textbooks.

17 Q In the district, to your knowledge, was there
18 ever a problem with ordering textbooks late so that the
19 students did not have them at the beginning of the
20 school year?

21 A I do not know that as a problem because I have
22 not been involved in that time. I will know this next
23 year because I am going to be here at the beginning of
24 the year. But when I came in at mid term, everybody had
25 textbooks and everything. So I'm assuming -- I can't

1 do with charter school faculty, I'm going to say that
2 these do not include charter school teachers, but I
3 cannot give you the reason why there are 200 names --
4 200 requests.

5 Q Were there 200 teachers in the district at
6 this time?

7 A I do not believe so. The latest year is 2001,
8 and the district has not had that gain -- that much
9 growth. It's been about 48-, 49-, 5,000 over the years.
10 So I do not see that kind -- 2001-2002. I'm trying to
11 see what they have listed here.

12 No, I cannot answer that question.

13 MS. WELCH: The number of teachers is on one
14 of the other exhibits.

15 BY MS. CARTER:

16 Q Is it possible that although --

17 Well, let me ask you this: Do you know that
18 even if -- that even though you don't have
19 responsibility for teacher hiring at the charter
20 schools, that you could nevertheless have responsibility
21 for reporting statistics about the charter school to the
22 state?

23 A No.

24 Q Okay.

25 I'm going to move on and ask some questions

1 speculate what happened then. I did not hear any rumors
2 or anything.

3 Q Okay.

4 Is there a policy or practice in place in the
5 district requiring that students be provided with
6 updated textbooks, instructional materials?

7 A Well, we have a regular series adoption of
8 books, one just recently, and these were all updated
9 books that we adopted from -- that we purchased,
10 adoptions from the state. So all the books that I have
11 seen and observed have all been recent and up to date as
12 we go through adoption. We have spent literally
13 millions of dollars on textbooks.

14 Q And do you know whether there is a written
15 policy in place that --

16 A With regard -- I'm sorry.

17 Q I'm sorry too.

18 Do you know whether there is a written policy
19 in place in the district regarding when textbooks should
20 be adopted?

21 A Yes, there is a written policy in alignment
22 with the State Department Of Education.

23 Q So in alignment with the State adoption cycle?

24 A Yes, uh-huh.

25 Q Are there standards or practices in place for

1 the district requiring that students be provided with
2 textbooks or materials that are in good condition?

3 A I can't remember the exact wording of the
4 policy, but it would be -- it would be my assumption
5 that textbooks that are given to students and taken home
6 are in fair to good condition. I have not heard
7 parents -- since I haven't been there, I have not heard
8 parents complain about unseemly or unsightly material
9 going home.

10 Q Okay.

11 Who determines how many books are needed at
12 each school?

13 A We -- up to this year, we had a district
14 librarian assessment coordinator who made the
15 determination of what series were needed at each grade
16 level and made the purchases and adoption.

17 That position has been eliminated. That will
18 fall to the assistant superintendent for instruction to
19 make those determinations in regard -- when the series
20 comes up for adoption.

21 Q And is that same person responsible for
22 filling orders from schools for textbooks?

23 A That person will coordinate all of that, yes.

24 Q Are there --

25 Are there enough funds to purchase all of the

1 responsible person and accountable for the textbooks and
2 distribution of textbooks, then there would be aids, the
3 office manager, and then it goes down to classroom
4 teachers, who would be the final -- final distribution
5 point would be the classroom teachers.

6 Q Are there any procedures or practices in place
7 at the district level for distributing books to the
8 various schools?

9 A Yes, there is.

10 Q And what are those?

11 A The district has a warehouse, all orders come
12 to the warehouse, and the warehouse then counts, tags,
13 marks, and then in turn redistributes out to schools.

14 There will be a difference next year. We have
15 eliminated the warehouse. All books will be ordered by
16 the district, and then they will be delivered
17 appropriately to each school. So we have decentralized
18 our receiving system.

19 Q And why did you do that?

20 A Dollars and cents. And it's more efficient, I
21 think, to in this day and age, instead of having the
22 materials come to the central office, unloaded, counted,
23 loaded back in the truck, a truck driver drives to the
24 school, unloads them. They go right to the schools.

25 Q Now, I believe that earlier in your deposition

1 textbooks that that person determined were needed?

2 A There is enough funds to purchase the required
3 textbooks. We have budgeted enough funds to purchase
4 the required textbooks. And in the last year there has
5 been sufficient money spent on that.

6 Q Is there a procedure for emergency orders for
7 textbooks such as when enrollment is unexpectedly high
8 or there is missing or damaged books?

9 A There is usually additional books purchased to
10 take care of that situation. I have not heard any
11 complaint of anybody not having enough textbooks.

12 Q Do you know how long it takes to purchase or
13 distribute books when there is an emergency order like
14 that?

15 A I'm not sure if you have an emergency order
16 how long it takes to get the books. The distribution is
17 very quick. Once it hits the district, the distribution
18 is instant. I just do not have any knowledge if you
19 needed some additional books of what that time would be.

20 Q Who is responsible for distributing textbooks
21 to schools?

22 A Secure textbooks?

23 Q I'm sorry. Distributing textbooks.

24 A Textbooks distribution would be at the
25 individual school. The principal would be the overall

1 you stated that Ravenswood had a practice of conducting
2 textbook inventories?

3 A Yes.

4 Q Who is responsible for conducting inventories?

5 A The inventories of textbooks were conducted --
6 the district responsibility was with the librarian
7 assessment, and in turn through the principals, through
8 the teachers. So the overall responsibility was at the
9 district office, and the assessments were done by
10 teachers at the end of the year how many books they had
11 left in certain areas or what they may be.

12 Q And will the process be the same next year?

13 A Yes.

14 Q And --

15 A With the exception that the person doing the
16 overall district responsibility -- the person with the
17 district responsibility might be different because we
18 don't have that position anymore.

19 Q Okay.

20 And do you know who will have that
21 responsibility?

22 A Right now the responsibility is assigned to
23 Maria De La Vega, who is our assistant superintendent in
24 charge of curriculum and instruction.

25 Q Would it make any difference in how Ravenswood

1 operates with regard to textbooks if there were state
 2 standards and policies to the same effect in the
 3 district?
 4 A I'm not sure I understand that question.
 5 Q Well, let me ask it again.
 6 Would it make any difference to how Ravenswood
 7 conducts itself with regard to textbooks if there were
 8 state standards on policies in effect in the same areas
 9 where Ravenswood has its own policy and practices?
 10 A Let me ask that question this way: If there
 11 were state policies regarding of how we distributed and
 12 handled textbooks, we would follow state policy. I am
 13 not aware of any state policy that tells us how we are
 14 to distribute. We know that in third grade a certain
 15 reader must be there and so forth. That's a state
 16 standard. But I don't know of any standard of how the
 17 distribution and retention and storage and, you know, of
 18 textbooks, I don't know of any state policy that tells
 19 us that.
 20 Q I'd like to refer you to page 266 of your
 21 deposition.
 22 A Yes.
 23 Q I'd like to refer you -- I'm sorry. I'd like
 24 to refer you to the question beginning at line 22 and
 25 then carrying over to line 3 of page 267, and then your

1 response on line 4.
 2 A The question begins on 266?
 3 Q Yeah, at line 24.
 4 A I see.
 5 Q And then it carries over.
 6 A Yes.
 7 Q There you indicated that you were not aware of
 8 any classes in the district in which there were not
 9 sufficient textbooks or instructional materials to give
 10 every student his own copy to use in class.
 11 How would you know if there was such a
 12 situation?
 13 A I think there is several possibilities. We
 14 have very interested and engaged parents. If there was
 15 a continuing problem with textbooks, I'd hear it from
 16 parents, I'd hear it from -- the new school board that
 17 was elected had a great community support. They would
 18 hear it from parents and, in turn, I would hear it. I
 19 think it would come that way. I think if kids did not
 20 have textbooks, it's like kids not having lunch. We
 21 would hear about it.
 22 Q Are you aware of any school at the district --
 23 in the district that has a policy that students are not
 24 allowed to take home textbooks, a policy or a practice?
 25 A I am not aware of any such policy.

1 Q Go ahead.
 2 A You used the word "practice" also. I'm not
 3 aware of a practice that does not allow kids to take
 4 home books.
 5 Q Do you know whether the same would be true at
 6 the charter schools?
 7 A No, I do not know that.
 8 Q When was the last district adoption in math?
 9 A I can't give you an exact date on that.
 10 Q Do you know whether students are currently
 11 using math books from the current adoption?
 12 A I know that all our adoptions are up to date.
 13 Q And that's true for math, science, language
 14 arts and social studies?
 15 A Yes.
 16 Q I'd like to refer you to page 269 of your
 17 deposition, and I'd just like to ask you to read -- I'm
 18 sorry, I'd like to ask you to read beginning at page
 19 268, line 22, through page 269, line 18. If you could
 20 just read that to yourself and let me know when you're
 21 finished.
 22 A Yes.
 23 Q Okay.
 24 And then I'd also like to refer you to page 87
 25 of your deposition.

1 A 87?
 2 Q Yeah, that's in day one.
 3 A Yes.
 4 Q And I'd like to refer you to your answer at
 5 line 15 through line 24.
 6 A Okay.
 7 Q On page 87 of your deposition, you referred to
 8 a report that was made to the board regarding textbooks.
 9 Do you know whether that was the Section 60119 hearing?
 10 A I know what the two things are, and I can't
 11 remember if that was -- I know the report was made, and
 12 as I look at the deposition, when we talked about new
 13 adoptions and everything, I'm going to have to assume
 14 that that was part of that 60119 Ed Code presentation to
 15 the board.
 16 Q Do you recall whether at that -- and I'm
 17 sorry, that presentation to the board took place on
 18 April 24th; is that correct?
 19 And I ask because you had said on April 25th
 20 that it was the night before, so I'm just confirming
 21 whether it was April 24th.
 22 A Yeah. It was Thursday night, whatever that
 23 date was, was a Thursday night. That's when our board
 24 meetings were held.
 25 Q Okay.

1 A So I know that we have had extensive
 2 discussion of textbooks. So to precipitate -- to start
 3 that kind of discussion, it is my assumption that that
 4 was a discussion under that category.
 5 Q Okay.
 6 And do you recall whether you reported at that
 7 board hearing that Ravenswood had sufficient textbooks?
 8 A Yes.
 9 Q And --
 10 A We did have sufficient --
 11 Q You did?
 12 A Yes.
 13 Q So just taking you back to the discussion
 14 about 60119 on page 268 and 269 --
 15 A Yes.
 16 Q -- you think that it could be that that the
 17 meeting on April 24th was the 60119 hearing?
 18 A To my recollection, yes.
 19 Q Okay.
 20 What did you do before that meeting to
 21 determine whether Ravenswood had sufficient textbooks?
 22 A Reports from the principals to the library
 23 director, who prepared the report at that time through
 24 the assistant superintendent of instruction.
 25 Q Do you know whether there are enough textbooks

1 at charter schools in the district?
 2 A No, I have no knowledge of the textbook
 3 availability at charter schools.
 4 Q Are you aware of any situation at any school
 5 in the district in which students were told that they
 6 had to buy specific school supplies?
 7 A None. I do not have any knowledge of any
 8 incident where children -- did you say textbooks or
 9 school supplies?
 10 Q School supplies.
 11 A I do not know of any -- you know, I'm trying
 12 to think if there was a situation in an art class where
 13 the students were required to buy a certain paint brush
 14 or something. None of that has come to my attention.
 15 And I think it's illegal for any child to purchase a --
 16 school supplies. We have to provide them. But I know
 17 that there are situations sometimes in some school
 18 districts where certain things are required in certain
 19 classes. But in Ravenswood this has not come to my
 20 attention.
 21 Q Are parents required to buy school uniforms?
 22 A That's a good question. When I got there,
 23 there seems to be a lot of kids in similar dress, and
 24 I'm assuming that there was a requirement. I guess
 25 there was a -- not quite a requirement. There was a

1 suggestion that kids be in uniform.
 2 I'm seeing more of kids not being in uniform
 3 as I stroll on the campus, but depends on the school. I
 4 was surprised when walking on the campus for the first
 5 time the amount of kids who wore the white shirts and
 6 the sort of dark pants. That surprised me. And I know
 7 in the past I had heard rumors about -- no, I had heard
 8 about the uniforms, but I can't tell you the
 9 requirement -- I don't think they -- they cannot require
 10 the kids -- public school cannot require uniforms, but
 11 there is sometimes strong suggestions and even sometimes
 12 pressure placed on parents to sort of purchase uniforms
 13 or have a similar style of clothing and -- but I have no
 14 knowledge of what was discussed with the parents. It
 15 has not -- the issue of school uniforms has not been
 16 something that I have talked about or discussed or has
 17 been brought to me during six months.
 18 Q Okay.
 19 Could you describe the access that students
 20 have to computers and other technology in Ravenswood?
 21 A They have extensive access. We have some of
 22 the finest labs, being close to Silicon Valley, and
 23 being close to some of the areas -- I mean some of the
 24 funding sources. I know that one school, for example,
 25 Belle Haven is connected with Hewlett-Packard, and some

1 of the other schools.
 2 I think in general in my visits throughout the
 3 campus, campuses, that the Ravenswood has the -- the
 4 students have good access to computers.
 5 Q You testified in the first day of your
 6 deposition that there is currently a library at Cesar
 7 Chavez; is that right?
 8 A Yes, there is.
 9 Q And could you describe the library?
 10 A Yes. It's a room, I would say maybe a little
 11 bigger than the average classroom, and it has textbooks
 12 and -- not textbooks. It has reference materials and
 13 books. It is smaller than what one would assume would
 14 be a normal library in a school. But my experience has
 15 been in secondary schools where they have pretty big
 16 libraries, so this is an elementary school, and so --
 17 but there is a library with an aid and reference
 18 materials.
 19 Q And is that library open and accessible to
 20 students during the school hours?
 21 A Yes. I cannot attest to the hours. I know
 22 that it's open, that people bring kids in there, but I
 23 can't tell you if it's open like 8:00 to 12:00 or
 24 8:00 to 3:00. I know it's accessible.
 25 Q Can students check books out at Chavez?

1 A Yes.

2 Q Do you know whether there are computers for
3 research in that library?

4 A In that library I think there are two to three
5 computers right by the door that are -- that one could
6 use. Then there is a reference -- there is -- at Chavez
7 there is sort of a reference center or sort of a study
8 center that also has computers in it at the other end of
9 the school.

10 Q Was there ever a time where the library at
11 Chavez was closed and inaccessible to students?

12 A I do not have any recollection of that.

13 MR. MARQUEZ: Can we take a quick break?

14 MS. CARTER: Yes, I have to take a break.

15 (Recess taken at 3:31 p.m.

16 resumed at 3:42 p.m.)

17 BY MS. CARTER:

18 Q I'd like to refer you to a page in your
19 deposition, page 195. I'd ask you to read lines 9
20 through 23.

21 A Yes.

22 Q In this portion of your deposition, you
23 mentioned several things with regard to facilities. Do
24 you think that it would improve student learning in
25 Ravenswood if there were -- if there were state monitors

1 A I think that we have enough reporting
2 mechanisms right now. I think that we -- the safety
3 factor is paramount in people's minds at all times, and
4 I'm not sure additional reports to the state would --
5 would -- would -- would -- would be conducive to
6 additional learning.

7 Q Would additional state standards in this area
8 that you described on lines 9 through 23 on page 195,
9 would that improve student learning?

10 A I think we have sufficient standards.

11 Q I'd like to refer you to page 197, lines 5
12 through 8.

13 A Okay.

14 Q Do you think that it would help Ravenswood to
15 prevent the conditions that you talked about in lines 5
16 through 8 if there were additional state standards?

17 A Okay. What I said line through one eight
18 [sic] I do not attach them to Ravenswood. Ravenswood is
19 not in that condition, so it would not help Ravenswood
20 because we don't have those conditions at Ravenswood.

21 Q So it wouldn't make any practical difference
22 to what you're already doing in the district?

23 A Yes. It would not make any practical
24 difference with what we are already doing. These
25 conditions do not exist at the Ravenswood School

1 who monitored the facility issues that you discussed in
2 lines 9 through 23?

3 A No.

4 Q Why is that?

5 A I think that the state has developed the --
6 the State Department of Education and the state and
7 local codes have developed criteria, have developed
8 standards, have developed laws in relationship to
9 certain areas such as earthquakes, and I think it's
10 incumbent upon the local school district to monitor and
11 to be cognizant of the laws and fulfill their obligation
12 towards safety in schools.

13 We also have a person in every local
14 community, and I didn't mention them last time that I
15 should have mentioned, that really monitors a lot of
16 stuff, and that's local fire marshals. Local fire
17 marshals come out and inspect all the time.

18 So I think it's up to the local school to do
19 it and not monitored by the state.

20 Q Do you think additional requirements for the
21 district to report to the state regarding the facilities
22 issues that you discussed at lines 9 through 23 on page
23 195, would that help improve student learning?

24 A No.

25 Q And why is that?

1 District, as I listed there on that page.

2 Q And are the mechanisms that you have in place
3 in the district to monitor for those conditions
4 sufficient?

5 A Yes, very sufficient.

6 Q Okay.

7 Are there any policies and procedures relating
8 to the numbers of students allowed to enroll in each
9 school in Ravenswood?

10 A We have an open enrollment system, and to
11 date, the only limitation we have is capacity of a
12 school, and we do not have a -- when the capacity of a
13 school -- if a school became too -- became full and its
14 capacity -- its student capacity was exceeded and we
15 feel we have a problem with student safety, then we
16 would close that. That's not been a problem thus far.
17 Our open enrollment system has students going all over
18 the district, and they do not -- we do not have -- we
19 have room at our schools.

20 Q Okay.

21 Does anyone at Ravenswood make projections on
22 the number of students that will enroll in each school?

23 A Yes, we do.

24 Q And who makes those projections?

25 A The projection is made in two ways. The

1 projection is made by the finance office in relation to
2 budget, and also the personnel office with regard to
3 teachers.

4 Last year before I got there, they had a
5 demographer make an overall five-year projection of the
6 school district and how -- what areas the homes being
7 built and how many students that Ravenswood would have.
8 So in the last year, year and a half, there has been a
9 fairly sophisticated way of providing student count for
10 Ravenswood.

11 Q You testified on day two of your deposition
12 that there was a class size cap at 29 to 1 for the upper
13 grades?

14 A Yes.

15 Q And 20 to 1 for the grades K through 3?

16 A Yes.

17 Q How do you enforce those class size caps?

18 A That's what the students are assigned. The
19 principal -- it's really a two-way enforcement because
20 that's a union contract, and the principal assigns X
21 amount of students to a class, and that's enforced by
22 the principal, but it's also enforced by the teacher
23 reps. If a teacher had over the class contract, the
24 teacher would normally go to the union rep, and that
25 would be changed.

1 So the class ratio pursuant to a contract is
2 something nobody thinks about because it's automatic.
3 That's what it's going to be and no more than that.
4 Unless there is a clause in a contract which allows a
5 teacher to sign off on a few extra students. That
6 sometimes happens in physical education, band, some of
7 the larger classes.

8 Q Does it happen in any of the core classes?
9 And by that I mean math, language arts, science, social
10 science?

11 A No.

12 Q Does the 29 to 1 cap in the upper grades apply
13 to charter schools?

14 A I have no knowledge. Ours does not apply. I
15 do have knowledge. No, our contract does not apply to
16 the charter school.

17 Q Okay.

18 Do you know whether Ravenswood students sit at
19 desks or group tables or both in their classrooms?

20 A All in different ways.

21 Q Do you think it makes any substantial
22 difference to student education whether that student has
23 a space at a desk or a space at a table?

24 A It all depends on the program that the teacher
25 has. There is absolutely no physical difference in

1 relationship to a student sitting at a desk or a table.
2 A good teacher will have programs for both, but a good
3 teacher might say that this one student for two hours a
4 day should not be at a table with a group, should be
5 working independently by themselves. So it's up to the
6 teacher assessment. Physically there is no difference,
7 but it's up to the program the teacher has. That would
8 be the main criteria.

9 Q Who decides whether to use desks or tables or
10 a combination of the two? Is it the principal or the
11 teacher?

12 A The teacher.

13 Q So it's teacher preference whether to use
14 desks or tables?

15 A Well, I would say it's teacher preference in
16 relationship to what the objectives of their course are
17 going to be or how she sets up her room or how he sets
18 up a room.

19 Q Are you aware of any situation in Ravenswood
20 in which there have not been enough desks or space at
21 tables for every student to have a desk or a space of
22 his or her own?

23 A I have no knowledge of that.

24 Q Would you know if there was a situation like
25 that?

1 A I would be sure that I would know about it,
2 yes.

3 Q And how would you know?

4 A I would know about it by reports through
5 the -- the teacher union. The teachers would tell the
6 principals, parents would tell me, the parents will tell
7 the board members that my kid has no place to sit in the
8 classroom, and I would get that pretty fast.

9 Q Are you aware of any situation in which there
10 have not been enough chairs for every student to have
11 his or her own?

12 A I have no knowledge of that.

13 Q And would you know if there was a situation?

14 A Yes, I would.

15 Q How would you know?

16 A I would not see the hundreds of chairs we have
17 in -- stacked in storage. Those chairs would be in
18 classrooms.

19 Q So currently Ravenswood has chairs in storage?

20 A Yes.

21 Q Are you aware of any situation in Ravenswood
22 in which classes were held in nonclassroom spaces?

23 A It depends what you define by nonclassroom
24 space. A classroom can be an outside area. I'm not
25 sure what you mean by classroom space. Do you mean --

1 sometimes there would be a class held in a nonclassroom
2 space, but there would be a classroom for those
3 students. Every student has a classroom. They may have
4 various locations during the day, but there would be a
5 classroom for all students, yes.

6 Q Have you ever heard of a situation where a
7 class was temporarily held in a locker room?

8 A The only locker rooms I believe we have are at
9 Chavez, and those locker rooms, while I have been there
10 for the past six months, are all full of junk, storage.
11 So I am -- I have never seen, and I walk through there,
12 and I have never seen a class in any of those areas or
13 heard of a class in the area. No, I would say no. For
14 the time I'm there, I have been there.

15 Q Have you heard about a class being held in
16 there prior to the time that you arrived?

17 A No, I did not.

18 Q Have you heard of classes being held in
19 nonclassroom spaces at charter schools?

20 A No.

21 Q Are charter schools exempted from collective
22 bargaining requirements --

23 Are charter schools exempted from collective
24 bargaining agreements regarding class size to give them
25 more flexibility in designing their school program?

1 A Yes.

2 Q Do you know whether students at Chavez eat
3 lunch in shifts?

4 A There is -- at Chavez, I believe -- I think
5 there are two shifts. Let's see, we use the same room.
6 There's two big, large multipurpose rooms on each side
7 of the kitchen, so the Green Oaks kids come over. I
8 think there is two shifts for both schools. I think at
9 Chavez there is two shifts, and then there is the CEC,
10 so there are probably two -- instead of saying shift,
11 there are two lunch periods.

12 Q Are there any complaints that the cafeteria --
13 or have you heard any complaints that the cafeteria at
14 Chavez is overcrowded?

15 A Overcrowded? No.

16 Q In your opinion, is the cafeteria at Chavez
17 overcrowded?

18 A In my opinion, the cafeteria at Chavez is not
19 overcrowded.

20 Q And why do you say that?

21 A Because we have gone to a couple of shifts,
22 and I have watched the students, I have watched the
23 lines, and I believe there is ample room for the
24 students in -- of both sides for both schools. And we
25 also have retained, as I indicated before, a management

1 company who was carefully assessing every part of our
2 cafeteria program, every part.

3 Q And that's Sodexo?

4 A Yes.

5 Q Have any new schools been built at Ravenswood
6 in the last two years?

7 A No.

8 Q You stated that there were plans for the
9 \$10 million bond that has been passed in Ravenswood for
10 school modernization and construction.

11 What are the plans for that?

12 A The current -- there are two plans right now.
13 One is the construction of a gymnasium, kitchen,
14 computer lab at Costano. That's about 30 percent
15 complete.

16 Then there is a modernization that will go on
17 at Brentwood -- no, at McNair, at the EPA high school
18 and at the charter school, the East Palo Alto charter
19 school.

20 So there is a site improvement -- and we have
21 to go 80/20; the state is 80 percent, we are 20 percent.
22 We are going to probably take about 8 percent from the
23 bonds because we don't have -- the money we put away is
24 not enough to match our 20 percent -- our needed
25 20 percent. We are at about 22 1/2 percent. We'll

1 probably take 7 1/2 from the general fund.

2 So those are the three areas that we are
3 doing. And that's a different -- one is school
4 construction, new school construction, 100 percent out
5 of bonds, the other one is renewal and renovation, and
6 it comes out of deferred maintenance, 80/20.

7 Q 80 percent being from the state?

8 A State, that's right.

9 Q And the three projects that you described, the
10 new facility -- sorry. The new building at Costano --

11 A That's a bond fund. It's 100 percent bond
12 fund. That's all one building, by the way. A
13 gymnasium, computer, some classrooms and a kitchen.

14 Q Okay.

15 Are there other --

16 Is there other new school construction planned
17 for the bond fund?

18 A No new school construction.

19 Q And is that because it's not necessary?

20 A Not necessary. We have enough seating
21 capacity for all the students in the school district.

22 Q Do you know whether Cesar Chavez received new
23 portables in the past three years?

24 A Three years. I know that Chavez has a series
25 of portables, but I cannot tell you if it's in the last

1 three years.
 2 Q Do you know the condition of those portables?
 3 A Yes, I do.
 4 Q And what is it?
 5 A Good.
 6 Q Do you know whether Chavez recently got a new
 7 field and playground?
 8 A Yes.
 9 Q And when was that?
 10 A That was -- it was last year because when I
 11 got there last January, the field wasn't able to be used
 12 yet. It's a large soccer field with a running track on
 13 the outside, a hard surface running track.
 14 Q So when you say "last year," you mean '02-'03?
 15 A Yeah, '02-'03.
 16 Q And what was the source of funds for that
 17 project?
 18 A Source of funds was a combination of school
 19 and city. No, forget city. I believe it was all
 20 school.
 21 Q So all school side, all Chavez funds?
 22 A Right, all bond funds.
 23 Q Okay.
 24 I'd like to refer you to your deposition
 25 transcript at page 203, that's the first day of your

1 deposition, beginning at line 22, and then carrying over
 2 to page 204, line 14, if you could read that portion and
 3 let me know when you're finished.
 4 A Line 22 to where?
 5 Q To line 14 on page 204 of the next page.
 6 A Okay.
 7 Q In that portion you discussed whether your
 8 approach for ensuring that the facilities are well
 9 maintained would be workable in a larger district.
 10 My question is: Do you think that the state
 11 should mandate an approach to ensuring the maintenance
 12 of facilities that all districts should follow whether
 13 they are large or small?
 14 A No.
 15 Q And why is that?
 16 A Because I feel that the schools all differ,
 17 depending on the location, the weather, where they are,
 18 the wind, whatever that may be. They are so different
 19 that each local community has to take care of their own
 20 facilities. What might happen in Modoc County might be
 21 completely different than what might happen in San
 22 Diego.
 23 Q Are there policies or practices in place in
 24 Ravenswood regarding the frequency of cleanings for
 25 school buildings and grounds?

1 A Yes.
 2 Q And are those -- what are those?
 3 A Basically we have a custodian assigned to so
 4 many square feet. A formula is put together by the
 5 California state business officials, and that formula
 6 also takes into account the number of students and the
 7 type of flooring, and that is cleaned on a regular
 8 basis. And so the rooms are cleaned to a specific set
 9 of formula, and that formula is listed in our policies.
 10 Q So that -- the policies specify not only how
 11 many custodians but also how frequent the cleaning
 12 should be?
 13 A A classroom is cleaned every night.
 14 Q Okay. Are these policies followed --
 15 A Yes.
 16 Q -- in Ravenswood? How do you know?
 17 A I know because I do not have any -- the
 18 principals would be the -- the teachers through
 19 principals would be the first ones to complain if the
 20 classroom wasn't properly taken care of and cleaned.
 21 And I visit the classrooms, I see the classrooms, I poke
 22 my head into the bathrooms, I look at the bathrooms, and
 23 I feel they are maintained well.
 24 Q Are there policies regarding the cleanings of
 25 bathrooms in the district?

1 A It falls into the same category on how to
 2 clean the bathrooms.
 3 Q How frequently does the policy require that
 4 bathrooms should be cleaned?
 5 A Every day.
 6 Q And is that sufficient?
 7 A That is sufficient. In fact, in some cases,
 8 the custodian will check it twice a day, one in the
 9 morning, one in the afternoon, to look at toilet paper,
 10 things being cleaned up, paper. You know, sometimes
 11 when you have a group of little kids in a bathroom,
 12 you're going to have all kinds of problems. And so we
 13 have frequent visitations by the custodian there.
 14 I -- my experience as a secondary high school
 15 principal came in handy here because I was always
 16 looking at high school bathrooms seeing who was smoking
 17 in the bathrooms, and now I'm looking in there to see
 18 who -- how clean it, especially for little kids, and I
 19 have not had a complaint. I have not complained.
 20 Q And how clean has it been when you have
 21 observed the bathrooms?
 22 A They have been clean, or else I would make
 23 noise.
 24 Q Have they been adequately stocked with
 25 supplies?

1 A When I have been there, yes.

2 Q And have you heard any complaints since you
3 have been in your position as superintendent of the
4 district that the bathrooms lacked supplies?

5 A I can remember one time at one of the schools,
6 can't remember where, that somebody said that the
7 bathrooms didn't have any toilet paper in them, and I
8 called the principal, and I never heard about it again.

9 Q Is there a need for more bathrooms at schools
10 in the district?

11 A No. The bathrooms were built according to the
12 formula of the school, how many kids at the school, the
13 capacity of that school, all by formula. And there is
14 not enough need -- there is no need for additional
15 bathrooms.

16 Q Do you know whether there are bathrooms that
17 are locked during the day so that students can't use
18 them?

19 A Not to my knowledge.

20 Q Would you know if that was the situation?

21 A Yes, I'd know pretty fast.

22 Q How would you know?

23 A I would know it by parents and by teachers.
24 When you are dealing with little kids, you're going to
25 know.

1 Q I want to direct your attention to page 342 of
2 your deposition, lines 9 through 17. And if you could
3 just read that to yourself and let me know when you're
4 finished, that would be great.

5 A Yes.

6 Q At lines 15 through 16, you said, "We have to
7 keep them -- we have to keep them up at a certain
8 level", in reference to the facilities at charter
9 schools. What did you mean by that?

10 A I meant that those are our buildings, they are
11 not the charter school's buildings, and that we have to
12 maintain our facilities. We also have an agreement with
13 the charter schools that we will maintain the facilities
14 to a certain level, and the level is that they are able
15 to hold schools, it's clean, it's safe, and they are
16 able to hold classes.

17 Q So what oversight does the district do to make
18 sure that the facilities at the charter schools are at
19 that standard?

20 A Our oversight is mainly through our supervisor
21 of maintenance, who is in contact with the individual
22 school charter principals.

23 Q Is it your understanding that the facilities
24 at the charter schools in the six months since you have
25 been superintendent, that they are clean and safe?

1 A The feedback that I receive from the
2 principals -- when we meet with the principals, the
3 charter school principals are present, and that feedback
4 would come to me.

5 Q Okay.

6 Would that feedback also come to you through
7 your director of maintenance?

8 A Yes.

9 Q How do you set priorities with regard to
10 capital improvements like the ones we have been
11 discussing with the bond funds and the modernization
12 funds?

13 A I think we look at capital improvements, we
14 look at sites, we look at overall plans, and there was
15 also a review of what schools needed in relation to
16 maintenance.

17 For example, at East Palo Alto Charter School,
18 they did not have a cafeteria or a kitchen or -- the
19 kids had to eat outside, and we felt it was important to
20 have a covered area for kids to eat.

21 So we look at the school. Once the school is
22 built, we look at the school to see if there is anything
23 needed, and it's usually some of the older schools that
24 you might need to enhance in some way.

25 Now, at Costano there was always a plan to put

1 together a gymnasium, they didn't have gymnasium, so we
2 put that together out there.

3 Q Based on your observations of the school since
4 you have been superintendent, and based on the other
5 information that's available to you as superintendent,
6 is Cesar Chavez dirty and dingy, the campus?

7 A No, it's not.

8 Q And how do you know?

9 A My observation.

10 Q Is there trash around the campus?

11 A No, there is not.

12 Q And how do you know that?

13 A My observation.

14 Q Are there sufficient bathrooms at the Edison
15 charter schools in Ravenswood?

16 A Yes, there is.

17 Q And how do you know that?

18 A Because it was built according to the formula
19 of the school, square footage.

20 Q And has enrollment increased at those schools
21 such that there would now not be enough --

22 A No, because there is a capacity. There only
23 can be so many students in a classroom, and therefore,
24 it fits within the formula allotted for restrooms.

25 Q Is there air conditioning in the schools in

1 Ravenswood?

2 A No. I think at Belle Haven they built a new
3 library complex. That might have air conditioning.

4 Oh, the portables, portables usually have air
5 conditioning. They have self-contained heating and air
6 conditioning units. So if you have a school with
7 portables, they will have air conditioning, but the
8 regular classrooms do not.

9 Q Does the lack of air conditioning in some
10 buildings in Ravenswood affect student learning?

11 A On unusually hot days, it could be difficult
12 that day. I don't think it affects the way we -- the
13 kind of weather we have here, we have a wide spectrum
14 over the year. When you take a year's worth of
15 learning, it does not affect learning. But on certain
16 days it could be difficult if you have a 103, 104
17 temperature. That doesn't happen that often here.

18 Q Have you had complaints about the heat
19 since -- in classrooms since you have been
20 superintendent at Ravenswood?

21 A Complaints about the heat in classrooms.

22 Q I'm sorry. Let me reask that question.

23 Have you had complaints about classrooms being
24 too hot since you have been superintendent at
25 Ravenswood?

1 A I have not had any -- I have had comments but
2 not complaints. People say, you know, it's really hot
3 today, but not a complaint.

4 We did have a situation where one of the
5 charter schools asked us how to turn the air conditioner
6 on, and we informed them that there is no air
7 conditioner. So I would assume they felt it was pretty
8 hot that day.

9 Q And that was just the one time?

10 A Yeah, one time.

11 Q And when was that?

12 A I would say it was about a week and a half
13 ago, two weeks ago, a building and grounds person came
14 up and said -- with a smile and said, "They asked us how
15 to turn the air conditioner on." And I said, "Did you?"
16 And he said, "We don't have one."

17 Q Do you know which charter school.

18 A Yeah. EPA High School.

19 Q Have you had any complaints since the time you
20 have been a superintendent about the temperature in
21 classrooms being too cold?

22 A Probably. I indicated -- I answered your
23 question on the heat as being more of a comment than
24 complaint, and I think sometimes regarding the cold --
25 no, because I got there in January, and we were having a

1 lot of rain, so we didn't get that real severe cold
2 weather. So during my time I have not had a complaint
3 of cold weather, but it's probably coming up.

4 Q If -- to your knowledge, does the heating
5 system function adequately in Ravenswood schools?

6 A Yes, it does.

7 Q How would the district handle it if there was
8 a complaint regarding --

9 A If there was a complaint of small kids being
10 cold in a classroom, that complaint would be dealt with
11 pretty fast because that's a matter of health. That's a
12 health -- that's a health and safety. And if little
13 kids do not have heat in a classroom, that would
14 probably be jumped on much faster than if they are a
15 little warm in the afternoon.

16 Q And at what point in your -- do you think that
17 it would -- never mind. I'll keep going.

18 What do you mean when you say it's a matter of
19 health?

20 A I think that if you have cold, consistently
21 cold classrooms, children who are cold cannot learn.
22 They are so concerned about being cold. And physically
23 one can get sick from being cold much more than being
24 hot. And so I think that when you have a cold classroom
25 for little kids, we pay attention to that very quickly.

1 Q And at what temperature, in your opinion,
2 would the cold become a health concern?

3 A I think that's a very good question. For
4 little kids, this is purely speculation on my point, but
5 if it got below 64, 65, it's cold.

6 Q And if --

7 And your concern would be if it was
8 consistently cold?

9 A Yeah, consistently cold every morning, that
10 would be terrible.

11 Q Okay.

12 Have you heard any complaints about the water
13 fountains being dirty or in disrepair in Ravenswood?

14 A I have not had complaints about being dirty or
15 in disrepair. I have had complaints about there not
16 being enough. In fact, the other night at the board
17 meeting, one of the board members, when we were going
18 over the warrant list -- the warrant list is the monthly
19 list that we go over what is being paid -- they wanted
20 to know why we had so many Alhambra water containers
21 around the school, and there were some areas that there
22 were not enough water fountains in the portable area.
23 So we had Alhambra water, and we were looking at putting
24 the water fountains in. But we have not complaints
25 about disrepair or dirty, just not enough.

1 Q What did you do in response to those
2 complaints that there weren't enough?
3 A We told the board exactly what I said, and
4 that we're looking at the possibility of putting more
5 water fountains in, especially at one school, a couple
6 of water fountains out by the portables would really --
7 are really needed.
8 Q So in the meantime, schools have put Alhambra
9 water in?
10 A That's right.
11 Q Are there standards in Ravenswood for how long
12 the maintenance staff should take to respond to work
13 orders?
14 A It depends. There is not a set standard. It
15 depends what our work order backlog is. We would hope
16 that we would meet work order requests in a prudent way.
17 Q What do you mean by "prudent"?
18 A "Prudent" would mean, depending on a
19 situation, if it was an emergency, a health safety
20 reason, it would be immediately. If it was to move the
21 teacher's desk from one side of the room to the other
22 side, it might take a week.
23 Q And do you know whether that's the current
24 situation at Ravenswood, that health and safety matters
25 are taken care of immediately?

1 A Yes.
2 Q And for the other things, like the example you
3 gave of moving a teacher's desk, those could take
4 longer?
5 A Yes.
6 Q Are there any problems with rodents or other
7 pests at Ravenswood, to your knowledge?
8 A I have not had -- since I have been there, I
9 have not had any complaints about rodents or pests or
10 bees or flies. I'm sure bees are out there, but not in
11 a classroom. I don't think I had any complaints about
12 the category you're talking about, rodents or mice or
13 things of that sort.
14 Q Okay.
15 Is Chavez the only school in the district with
16 bilingual classes currently?
17 A No.
18 Q Could you describe the programs in the
19 district for English language learners?
20 A We have English immersion, and that has been
21 at Willow and at Green Oaks, it's transferred to Green
22 Oaks, and then we have classes, classes in dual language
23 at almost all of our schools. And we have made it a
24 point to have bilingual teachers at every grade level.
25 By K through 3 we have a bilingual teacher so in case

1 there is a need for bilingual assistance, we have it
2 there.
3 Q That's at every level at every school?
4 A At every level at every school, yes.
5 Q How --
6 What is the process for classifying students
7 as English language learners?
8 A The process? There are regular -- there
9 are -- some are obvious, and then, of course, there is
10 some tests that are given when they register.
11 Q How are students reclassified?
12 A How are they classified?
13 Q How are they reclassified?
14 A The same way, by observation and by test.
15 Q How often are they reclassified?
16 A I can't give you the specifics on that, but I
17 know that there are some very specific laws. This is
18 where I talked about our compliance in the English
19 language and the state. And we had 16 problems. We are
20 down to two. That was all part of that process.
21 Q Okay.
22 Do you know what the current redesignation
23 rate is for redesignating limited English proficient
24 students to full English proficient --
25 A No, I do not.

1 Q Do you know whether Ravenswood makes all
2 teachers who do not have a CLAD or BCLAD sign a
3 memorandum of understanding, an MOU, with the district
4 stating that they will get a CLAD or BCLAD?
5 A I am not aware of that.
6 Q You described a placeholder budget that the
7 district had come up with during the last day of your
8 deposition. Since that last day, has Ravenswood
9 finalized any of the cuts in that budget?
10 A We finalized all of the cuts in the budget.
11 We have a budget that was presented by law on
12 January 28th, and I have always referred to -- when
13 state legislature takes so much time to do their thing,
14 I always refer to a budget as a placeholder because we
15 never know what's going to happen. So this is a
16 placeholder budget pursuant to requirement of law.
17 Q You said January 28th?
18 A I'm sorry. June 28th.
19 Q Okay.
20 How did you decide what to cut? How did the
21 district decide? Could you describe the process?
22 A Sure. I had recommendations from the
23 principal and then recommendations from district office
24 staff, met with the chief business official, and we went
25 down the line.

1 He first of all cut things that I felt that
2 could be easily cut, like overtime, extra expenses on
3 things, and then I went through and cut down some of the
4 empty positions. Like we had four laborers. We cut
5 down -- there were two empty -- we cut those out. We
6 cut out some district office administrators, and we also
7 did some major cutbacks, almost 40 percent of the
8 cafeteria staff will be cut.

9 Q And how did you --

10 How did you make these decisions? What were
11 your priorities in making the decisions?

12 A My priorities was to make the cuts furthest
13 from the classroom as possible. So I tried to make cuts
14 that would not touch upon the instruction of children,
15 and that's where I went. I did district-wide, central
16 district-wide. I decentralized, for example, the
17 warehouse. I did that. Decentralized the student
18 attendance and welfare at the district office. Schools
19 will be dealing with that. So I tried to make cuts that
20 were not involved directly with classroom instruction.

21 Q And did that decision to focus on those
22 concerns that were on those items that were furthest
23 from the classroom, did that reflect the district's best
24 judgment on what would least detract from the quality of
25 education for students?

1 expenditures have to be made according to the program,
2 according to the personnel, according to the needs of
3 the students. What might go on in Modoc County might
4 not be the same as San Diego.

5 Q Does the flexibility that you do have in
6 deciding which programs or positions to cut affect the
7 quality of education that you can provide in the
8 district?

9 A Sure.

10 Q And how is that?

11 A Because if you have the ability of
12 flexibility, you can provide for the best for the
13 children you have. If you have children that perhaps --
14 you might have a group of children who are very limited
15 in technology, and that allows you the flexibility to
16 bring in technology. You might have a group of children
17 who are limited in English-speaking skills, you might do
18 that. It could go right down the board.

19 So I think the flexibility is paramount.
20 Local flexibility is paramount in the education of
21 children.

22 Q What types of funding does the district apply
23 for from the state?

24 A There is a variety of applications. Homeless,
25 there was a grant for homeless. There was a grant for

1 A Yes.

2 Q Was community input reflected in the process
3 of deciding what to cut in the budget in?

4 A No. Community input -- after I made a
5 presentation to the board, community input was taken
6 then by the board before they made their decision. The
7 board has to have a public hearing. I can do all the
8 recommendations I want, but then the board has to have a
9 public hearing, and that's when you get community input.

10 Q As the district deals with budget cuts and
11 prioritizing its needs and resources, would having state
12 standards in categories of spending, such as teacher
13 hiring, instructional materials, et cetera, would those
14 state standards be beneficial?

15 A Would you repeat that question.

16 Q Sure.

17 As you deal with budget cuts and prioritizing
18 the district's needs and resources, would having state
19 standards regarding spending on various categories such
20 as teacher hiring, instructional materials, et cetera,
21 be beneficial?

22 A No.

23 Q And why is that?

24 A Because I think that we have a thousand school
25 districts in California. Each is unique. And that

1 school safety. There was a grant for -- I can go on and
2 on. There is all kinds of little grants and large
3 grants that we can apply for through the state.

4 Q And is there someone in the district who is
5 responsible for applying for various state funds?

6 A It depends on what the category, what the
7 thing is. If it's in finances for application, for
8 funding, for matching funds, for modernization, it would
9 be for the school business official. I mean school
10 businessperson. If it was for curriculum, it would be
11 the curriculum person. If it was categorical, special
12 education, it would be special education.

13 Q Is there someone in the district who is
14 responsible for applying for private grant monies?

15 A Private grant money?

16 Q (Nods head.)

17 A Not a particular department. They can all do
18 it.

19 Q What steps does the district take, if any, to
20 ensure that it is applying for all of the funding
21 sources for which it's eligible?

22 A That can never happen. There is never enough
23 people, time or places to apply for all of the grants
24 that exist. You do the best you can and try the best
25 you can. There is so many things out there, so many

1 things.

2 Q What steps is the district taking to make sure
3 that it's doing the best it can?

4 A By having the knowledge. The computer has
5 been a marvel on this. All you got to do is type in a
6 few words, and you have got more grants than you can
7 apply for in a lifetime.

8 And so we look at the grants that would be --
9 we look at the grants that we have a chance of getting.
10 Now, if they are going to give five grants for the
11 United States, then we are not going to apply, but if
12 there is some grants locally, some grants that might
13 affect directly the kinds of kids we have, we'll do it.

14 Q Do you receive any help from the state in
15 applying for grants?

16 A No -- yeah, we do.

17 Q What help is that?

18 A We might have -- yeah.

19 In fact, when we apply for a grant, let's say
20 we are applying for a homeless grant, we call up and
21 say, "Madam," whoever is head of that division, and say,
22 "We are going apply for a grant. What do you think?
23 What are the criteria?"

24 The state's great in that kind of stuff.

25 Q If the amount -- if the amount of money in

1 Q Do you know whether Ravenswood receives
2 library funds?

3 A We receive library funds, and they are
4 general.

5 Q Now, you had mentioned your philosophical
6 answer would be to have only discretionary funds. Why
7 is that?

8 A Because then I can apply the fund as I see.
9 As the community and district feel appropriate.

10 Q And if you had only discretionary funds, how
11 would you reallocate the fund within your budget if you
12 would at all?

13 A I think -- I think the way we have set up the
14 budget this year would be a blueprint of how I would do
15 it.

16 Q How so?

17 A The way we set up our budget. Teachers'
18 salary being about 60, 70 percent, classroom
19 instruction, building, maintenance. I can go down the
20 percentages of a budget. That's the way I would do it.

21 Q Did your district --

22 THE WITNESS: Can we take a break? I've got
23 to make a phone call.

24 MS. CARTER: Sure, let's take a quick break.

25 (Recess taken at 4:35 p.m.)

1 your budget remained the same, would you prefer to have
2 categorical restrictions on various funds removed, and
3 thus have just general funds that were not restricted?

4 A My philosophical position would be that I
5 would want completely unrestricted funds. That's my
6 philosophical position.

7 Practical position is that you begin then
8 getting a division of your community and your staff
9 lobbying you for certain funds, special education,
10 industrial arts, home economics, football, baseball,
11 basketball. So practically it would be best that you
12 have allocated funds to some of the larger areas. Let's
13 take special education. There should be categorical
14 funds. People should not be fighting over the education
15 of kids with special needs.

16 Q Are there other areas where you feel that
17 there should be categorical funds?

18 A I think language learning should be. I think
19 in libraries there should be. I think in special
20 education, language, food service, cafeterias. Probably
21 several others.

22 Q Now, with regard to --

23 Does Ravenswood receive monies for classroom
24 libraries?

25 A I don't know.

1 resumed at 4:40 p.m.)

2 BY MS. CARTER:

3 Q Did your district apply for funds pursuant to
4 Proposition 47?

5 A 47, what is that again?

6 Q It's a state bond measure that just passed in
7 the recent statewide election.

8 MR. MARQUEZ: Facilities money.

9 THE WITNESS: The facilities?

10 BY MS. CARTER:

11 Q Right.

12 A We had already -- we applied under that for
13 some of the matching funds because we have already
14 passed the bond funds, the district bond funds.

15 Q So you applied for matching funds?

16 A Right.

17 Q Do you know whether you have been awarded any?

18 A Yes.

19 Q How much?

20 A I think we were eligible for about
21 \$2 1/2 million.

22 Q And how do you plan to use the funds?

23 A For renewal, renovation of our facilities, and
24 deferred maintenance.

25 Q And would that include the deferred

1 maintenance projects that we have discussed?

2 A Right. Uh-huh.

3 Q What is your understanding of how the pupil
4 expenditure in Ravenswood ranks among other districts in
5 the state?

6 A I would say it's probably around average for
7 an elementary district.

8 Q You stated in day two of your -- well, let me
9 ask you to turn to page 287 of your deposition. It's
10 day two.

11 A Yes.

12 Q At line -- at line 6 through 7 you stated that
13 you didn't think that Ravenswood was funded adequately
14 by the state.

15 A Right.

16 Q What did you mean by this?

17 A What I meant by that is that education in
18 California is not funded adequately, that we are
19 somewhere around 38 or 39th in the state -- in the
20 nation in funding, and I think that in general,
21 California is not funded properly and that we should
22 have more funding for children, what we are compared and
23 what we are expected to do. And so I make that as a
24 general statement.

25 Q Do you think that Ravenswood is improperly

1 Education, and the State Board of Education.

2 In making that statement, were you making any
3 reference to either or any of my clients?

4 A I was making reference to all three of your
5 clients.

6 Q Could you explain what you meant then by that
7 statement?

8 A I think that the state -- that we are
9 fortunate to have the Department of Education in
10 California that's been responsive, that is -- listens to
11 school people, it's very involved. There isn't a
12 conference I go to that someone from the State
13 Department is not there to help. The former, all the
14 way from -- I knew Wilson Riles personally, I knew Bill
15 Honick personally, and I know Delaine Eastin personally,
16 and I know Jack O'Connell personally, just by the nature
17 of being around. And I think all of them are very
18 dedicated people.

19 And the State Board of Education -- in fact,
20 when I was superintendent at Jefferson High School
21 District, they came to meet there a couple of times at
22 the school district. I found them to be very supportive
23 and very helpful. But mainly the staff.

24 I can go down and give a list of names of
25 people that have been very helpful to me in my career

1 funded compared to other districts in the state?

2 A No, I think education is not funded properly
3 in California.

4 Q And assuming that the state's budget for
5 education remained the same and there was no additional
6 funding, in your opinion should the state reformulate
7 how the existing money is disbursed amongst the
8 districts?

9 A No, I think they should add more money to the
10 districts.

11 MS. CARTER: That's all I have.

12 EXAMINATION

13 BY MS. GIORGI:

14 Q Dr. Gonella, good evening.

15 Throughout all of these depositions, you have
16 been asked to abide by various advisements, and I ask
17 that you do the same for me.

18 A Yes.

19 Q Thank you.

20 Again, if any of my questions are unclear, you
21 don't understand, please stop and let me clarify.

22 Earlier today you made a statement that the
23 state does well in the areas of its responsibility. As
24 you know, I represent a couple of state agencies or
25 entities, the State Superintendent, State Department Of

1 and the school districts I have been involved with. So
2 I have nothing but praise for the State Department of
3 Education and the staff people at every level.

4 Q When you discussed areas of responsibilities,
5 what did you mean by that?

6 A Say that again.

7 Q Areas of responsibilities. For instance,
8 maybe like CCRs?

9 A I see. For example, I was president of the
10 County Superintendents Association, and there was an
11 assistant superintendent in charge of general services
12 who was there all the time at all of our meetings.

13 The CCRs. The finance. I could go and list
14 and the different finance people. Some people I have
15 talked to over the phone for 25, 30 years and never met
16 personally.

17 The cafeteria, the several women that I have
18 talked to in the cafeteria about our problem in the
19 cafeteria. Attendance and welfare. We had a big issue
20 on court and community schools, and the staff there was
21 very responsible, came to all of our meetings. Some of
22 the highest level people came to our meetings, and they
23 were responsive.

24 Q What kinds of assistance did they give you?

25 A They give assistance in regard to their

1 expertise, gave us assistance in materials, research,
2 they have given assistance in -- general support that we
3 have.

4 Q Would best practices be included in that,
5 information concerning best practices?

6 A Yes.

7 Q You said earlier that during the CCR process
8 that the state consultants were very helpful to the
9 district?

10 A Yes.

11 Q Could you explain to me how they were helpful?

12 A Yes. I met -- I remember their involvement.
13 They were very -- they were very definite, they did not
14 bend their principles in what they had to do, but they
15 were very helpful in spending time, talking, coming back
16 and assisting. It wasn't like this is our
17 investigation, now you deal with it. They helped us all
18 along.

19 Q Okay.

20 We spoke also earlier today about low
21 performing schools, and I think you identified one
22 school. Was it Chavez?

23 A Chavez is a low performing school, but I
24 believe there might be another. I believe -- let's see.
25 We are talking maybe Green Oaks. I think we have two.

1 practices.

2 Q When you say "relate it to instructional
3 practices," do you have a professional that's going into
4 the classroom and assessing the teachers' ability to
5 teach the --

6 A We do.

7 Q Who is that?

8 A That's the principal that does the
9 evaluations.

10 Q And are you comfortable that the principals
11 are well educated and capable in performing these tasks?

12 A The principals that I have now that are
13 remaining are all capable, and the principals that I
14 hope to bring in in the next couple of weeks will have
15 the same kinds of skills.

16 Q Do you have --

17 What do you believe is the key to turning
18 around a low performing school, if there is one?

19 A I think that -- I think that there has to be
20 specific attention paid to the standards and teaching to
21 those standards and making sure that the kids are
22 receptive and being taught, and also an assessment of
23 those standards before we get to the state tests.

24 I think we have to do -- I think we have to
25 set standards, we have the goals, we teach, we diagnose

1 Q Okay.

2 How is the district supporting these low
3 performing schools?

4 A By the grants that we get from the state for
5 low performing schools. We bring in consultants and
6 advisors to help us do the training with teachers and do
7 the training with staff, and also working with kids and
8 tutors and generally support the school district.

9 Q Do you have any other schools that are having
10 trouble with their API such that in similar school
11 rankings they are ranking very low?

12 A Willow, Belle Haven and Flood -- no, the other
13 three are doing pretty well. They are holding their
14 own.

15 Q You have identified various things to
16 implement, to change. Did you do any diagnostics to try
17 and determine what the problems were?

18 A Yes. The individual that we had, our
19 librarian assessment, did some diagnostic work, and we
20 all saw the categorical funds last year, spent \$50,000
21 in consultants coming in to do assessment work.

22 It was my plan this year when we eliminated
23 the librarian assessment to bring in a person with
24 expertise in assessment of testing to be able to do the
25 diagnostic work and then relate it to instructional

1 and we assess, and then report back. So there is a
2 complete circle. And if that circle is broken in any
3 part of this chain, then you have a void in regard to
4 the raising of test scores.

5 I think it's important that the teachers have
6 feedback and that the feedback is given so they can
7 adjust their course work in order to reach the
8 standards.

9 Q Part of -- I consider that feedback that you
10 were talking about, expanding it now to the whole school
11 site, not only education in the classroom, but you're
12 also looking at accuracy of the facility, the materials,
13 you mentioned teachers.

14 A Everything -- everything that applies to an
15 instructional unit, which would be -- I look at -- I
16 look at the education of a child as a center of a
17 school, and everything else is support. And the support
18 would be the heat of a classroom, the lunches, the
19 facilities.

20 If kids like being in school, they are going
21 to learn. And I think we have to support them liking
22 being in school. Simple, but it's very important.

23 Q Then the monitoring systems that you have set
24 up, the oversights to ensure that that child does -- is
25 in a safe and a great place to learn, the most central

1 person would be the teacher in the classroom?

2 A The most important -- the most -- the closest

3 connection to a child's learning is a teacher in a

4 classroom. Just right by there is the principal. The

5 principal is the educational leader of that school, the

6 whole school, and their evaluation, their assessment and

7 their guidance is paramount -- is critical, but the

8 magic moment happens between the teacher and the kid.

9 Q And then I call it the next ring is the

10 principal?

11 A Right.

12 Q And the next ring after that would be yourself

13 and your other administrators?

14 A The next one would be myself and my supportive

15 staff, and of course the local board would be the next

16 one.

17 Q Part of the purpose of this lawsuit is to

18 maybe institute other monitoring.

19 A Is to do what?

20 Q Institute other monitoring, oversight.

21 A Right.

22 Q You have identified your role, the way that

23 you have been doing your oversight, as being

24 instantaneous, you drop in. People don't know. And am

25 I correct in saying that you believe that has increased

1 people's responsiveness to the children's needs?

2 A Yes.

3 Q Do you think it would be a good idea if the

4 county superintendent were to take over that role too?

5 A Absolutely not.

6 Q Why not?

7 A Because I think the county superintendent is a

8 position that provides a service to all the schools in

9 the county and does not have the specific knowledge, may

10 have specific knowledge of some of the schools, but

11 doesn't have the general knowledge, cannot apply -- in

12 San Mateo County we have 165 schools, and the county

13 superintendent cannot in any way provide that kind of

14 oversight or that kind of direction. I think they can

15 provide broad direction, be a responsible person in the

16 support of school districts, lobbying for things, but I

17 think that the local district board and superintendent

18 are the ones who really put the education in place. I

19 believe local autonomy is the success factor of our

20 schools in California.

21 Q And do you --

22 Can you envision any role for the state to do

23 this kind of monitoring?

24 A Not more than they have now.

25 MS. GIORGI: Done.

1 THE WITNESS: Thank you.

2 EXAMINATION

3 BY MS. WELCH:

4 Q Good afternoon, Dr. Gonella.

5 A Good afternoon.

6 Q My name is Leecia Welch, as you know, and I

7 represent the Plaintiffs. And I just have a few

8 follow-up questions, and I'll try to keep this as short

9 as I possibly can.

10 Do you know what year the MSC case was

11 brought?

12 A I think it was approximately four and a half

13 years ago. Four to five years ago.

14 Q Do you have any knowledge over the past five

15 years of the level of teacher salaries in Ravenswood

16 district?

17 A Just generally. When I was making comparisons

18 of salaries in San Mateo -- the county superintendent of

19 schools sort of collects data to -- we have other school

20 districts in regard to negotiations, so generally I knew

21 about the different salary scales.

22 All I know is about some of the highest and

23 some of the lowest, not very much in between because I

24 didn't retain it from year to year.

25 Q In general, was the salary scale for

1 Ravenswood district lower than the average for San Mateo

2 County five years ago?

3 MS. CARTER: Objection; asked and answered.

4 THE WITNESS: Five years ago, I cannot -- I do

5 not recollect five years ago.

6 BY MS. WELCH:

7 Q Do you have a general understanding of four

8 years ago?

9 A I know that up to -- I know that up to in 2001

10 and 20 -- no, 2000-2001, there was school districts

11 throughout California gave large raises. Ravenswood

12 gave about an 11 percent raise. That was the last raise

13 they gave. Up to that time, I think they would have

14 been fairly competitive in the county. In the last

15 couple of years, they have dropped to last place.

16 Q Earlier today you talked a little bit about

17 the status of the FCMAT report that's being supported by

18 the Hewlett grant.

19 A Yes.

20 Q Do you have an estimate for when that report

21 will be available?

22 A I'm hoping it will be in by the end of July.

23 It could be later, could be earlier. It was not in time

24 for our budget. But I really asked them to broaden

25 out -- I'd like to know, for an example, I said I would

1 like to know in a like district how many electricians
2 they have. So that's going to take a lot of research on
3 their part.

4 Q Is it still the case that you're waiting for
5 that audit to be finalized before you go forward with
6 the other audit that we talked about in the second day
7 of your deposition?

8 A Yes. That's the audit on finance. They're
9 beginning to do some preliminary work. But I told them
10 to spend all their energy on the personnel audit first.

11 Q Do you have an estimate for when that second
12 audit will be completed?

13 A That will probably not be until in the middle
14 of the fall.

15 Q Okay.

16 Since we last discussed the collective
17 bargaining agreement that was in place in Ravenswood,
18 have there been any changes to it or any new agreements?

19 A Yes. There has been changes to some of the
20 language in the collective bargaining agreement. For
21 example, yesterday we made some changes in -- we have
22 not made changes in the collective bargaining agreement.
23 What we have done, we have side letters of agreement,
24 because when you make a change of any word to a
25 collective bargaining agreement, then you have to go

1 through a sunshining process and public hearing. We are
2 adjusting some of the language on side letters. When we
3 do get a point, we'll present it all at one time.

4 The adjustment yesterday was just on teacher
5 evaluation, on what standard. So they are mainly
6 routine adjustments that haven't taken place for two
7 years that we made. So they are letters of
8 understanding of agreement.

9 Q I take it there haven't been any changes with
10 respect to the teacher's salary scale?

11 A No, and we haven't even discussed it.

12 Q What is the status of the district's plan to
13 comply with the No Child Left Behind Act that we talked
14 about I think on day two?

15 A We have all of the information. We have
16 the -- our department instruction particularly and
17 personnel. In fact, we used the criteria of no child
18 left behind in regard to the highly prepared teachers
19 and everything. We used sort of that criteria when we
20 were dealing with hiring teachers for this year. So we
21 are involved with that kind of -- with that program.

22 Q Have you finalized the materials that you
23 talked about before that would be going out to parents
24 in the district?

25 A That will be going out. That's in the process

1 now and will be going out in our packets whenever we
2 send out the materials. Probably in the middle of
3 August or so.

4 Q When you talked on day two of your deposition
5 about the percentage of fully credentialed teachers that
6 you expected to have for the next school year, in that
7 percentage were you including the charter schools in
8 your district?

9 A No.

10 Q Do you have any knowledge about what the
11 percentage of fully credentialed teachers will be at the
12 charter schools for next year?

13 A No.

14 Q You have mentioned a couple of times that you
15 were at a school in Ravenswood that had three cracked
16 windows.

17 Do you recall that?

18 A Yes.

19 Q Which school was that?

20 A Belle Haven.

21 Q Did you attend any of the community meetings
22 held by Miss Gibson last year?

23 A No, I did not.

24 Q Did you hear about any of those meetings?

25 A Yes, she and I discussed them.

1 Q What do you recall from that discussion?

2 A She asked if we at the county office would
3 help. I was at the county office at that time. I was
4 county superintendent. She asked if we would help put
5 on the meetings.

6 And I informed her that I felt there might be
7 a conflict of interest because I had just done the FCMAT
8 report, but we would certainly have someone help from my
9 office on the technical side. And there was a person
10 from my office who was assigned to attend the meetings,
11 to go to the meetings and help in any way. But I felt
12 that I would not be in a good position to be there
13 because I had already made a report on -- on the
14 district.

15 Q Did you discuss with her any of the complaints
16 that were brought or discussed during those meetings?

17 A No.

18 Q Did you discuss that with your liaison that
19 you sent --

20 A Yes, I did.

21 Q Was there any complaints that you recall
22 discussing?

23 A I recall -- and I should say that I know
24 Mrs. Gibson, Supervisor Gibson personally, and we have
25 just as recent as Sunday -- we are always talking about

1 the Ravenswood School District. But in that specific
2 thing, the individual who came and reported to me talked
3 really about a continuing dissatisfaction with the
4 community on the school district in general. It ranged
5 from -- it was more of a political implication about the
6 superintendent not doing this or the board not doing
7 this, and it was more political, the allegations were
8 more political in nature than educational in nature.

9 Education became the topic, but there was --
10 it was just before -- it was just after the elections,
11 and there was still a lot -- no, just before the
12 elections, so there was a lot of problems in that.

13 MS. CARTER: Can I make a general objection?
14 I had assumed that your comments would be mostly by way
15 of redirect and would cover ground that we had already
16 covered. I didn't anticipate that you would be getting
17 into whole new areas that Miss Giorgi and I would not
18 then have a chance to follow up with regard to.

19 MS. WELCH: Okay.

20 BY MS. WELCH:

21 Q Will Cesar Chavez be getting a new principal
22 for next year?

23 A Yes.

24 Q Who is that?

25 A It will be announced Thursday night at the

1 Q Do you think it's important that bathrooms --
2 that students have access to bathrooms?

3 A Yes.

4 MS. CARTER: Objection; vague as to all of
5 these as "important".

6 BY MS. WELCH:

7 Q Which was the school that you visited that did
8 not have toilet paper?

9 MS. GIORGI: Objection; misstates his
10 testimony. It was a complaint that was made. He didn't
11 say that he was at one that didn't have one.

12 THE WITNESS: It wasn't on a visit. It was a
13 complaint that I received. And I did not visit that
14 bathroom to see if it had toilet paper. I called
15 somebody else and said, "I got this complaint. Fix it
16 up." So it was at a -- I didn't -- didn't discover it
17 as a visit.

18 BY MS. WELCH:

19 Q Okay.

20 So which was the school that you received the
21 complaint about, if you recall?

22 A I believe that it was Green Oaks, a K-3
23 school.

24 Q What do you believe to be the purpose of
25 public education in California?

1 board meeting.

2 Q Are you aware that Cesar Chavez has had four
3 different principals in the past four years?

4 A Yes, I am.

5 Q Do you consider this to be a high level of
6 principal turnover?

7 A Yes.

8 Q Do you think that that's problematic for a
9 school?

10 A Yes.

11 Q Why is that?

12 A I think there has to be some degree of
13 consistency in a principalship, and I think that it is
14 not uncommon to transfer a principal to the best
15 location or wherever you might need the strength of that
16 principal, but when you are talking about every year,
17 that is -- that's a problem.

18 Q You talked a little bit today about your views
19 on facilities issues, and I'm wondering, do you think
20 that clean bathrooms are important at a school?

21 A I think they add -- they are conducive to the
22 learning environment of the school district.

23 Q Do you think it's important for bathrooms to
24 be well stocked with supplies?

25 A I think it's important.

1 A I think the purpose --

2 MS. CARTER: Objection; it's vague and
3 ambiguous, calls for a narrative.

4 MS. WELCH: I think we have preserved all
5 objections, haven't we?

6 MR. MARQUEZ: To the form of the question we
7 have.

8 MS. WELCH: Okay. Just checking.

9 THE WITNESS: I think the purpose of public
10 education is to create an enlightened society that will
11 be -- that will in every way be able to support our
12 basic values and goals of what's best for the citizens
13 of the state.

14 BY MS. WELCH:

15 Q Earlier today you were talking about the
16 district's procedure with respect to substitute
17 teachers.

18 A Uh-huh.

19 Q Do you have any knowledge of what procedure,
20 if any, the district had in place before you became
21 employed with the district?

22 A In relationship to substitutes?

23 Q Yes, sir.

24 A No, I do not.

25 MS. WELCH: Thanks. That's all I have.

1 THE WITNESS: Thank you.
 2 MR. MARQUEZ: I have just one question.
 3 EXAMINATION
 4 BY MR. MARQUEZ:
 5 Q Earlier you testified about the district's
 6 recruitment and retention efforts.
 7 A Yes.
 8 Q And that currently the district does not have
 9 a problem. In your response did you mean to include
 10 special education teachers, as well?
 11 A Thank you. I did not mean to include special
 12 education teachers. I was I guess in a sort of a
 13 euphoric stage about the applications we received by
 14 teachers, so many teachers applying to the district.
 15 We are still under the quota in what we need
 16 for special education. In fact, we just recently as a
 17 matter of last Wednesday had two regular special
 18 education teachers resign, and now we are looking for
 19 credentialed teachers. We are having a very difficult
 20 time. We have not -- we are not able as of now to meet
 21 the MSC requirements. We'll continue trying. In fact,
 22 they are interviewing right now.
 23 MR. MARQUEZ: Okay, thank you.
 24 It looks like we have four minutes left, so if
 25 anyone has any follow-up questions at all, I want to

1 make sure so we don't have to come back.
 2 We can leave four minutes early.
 3 MS. CARTER: Before we adjourn totally off the
 4 record, I would just like to ask -- are we on the
 5 record? Can we go off for just a minute?
 6 (Discussion held off record.)
 7 MS. CARTER: We have all agreed to stipulate
 8 that copies of the documents attached to this deposition
 9 may be used as originals.
 10 We have agreed to stipulate that the original
 11 of this -- of this deposition be delivered to the office
 12 of Morrison & Foerster; that the reporter is relieved of
 13 liability for the original of the deposition; that the
 14 witness will have 30 days from the date of the court
 15 reporter's transmittal letter to sign and correct the
 16 deposition.
 17 Morrison & Foerster will notify all parties in
 18 writing of any changes in the deposition, and that if
 19 there are no such changes communicated or signature at
 20 that time, that any unsigned or corrected copy may be
 21 used for all purposes as if signed and corrected.
 22 MS. WELCH: Just one correction. They won't
 23 be my client's corrections, so I'm not going to be
 24 responsible for notifying any of the parties of them.
 25 If you want to notify the parties of the corrections,

1 that's fine.
 2 MR. MARQUEZ: Okay. That's fine.
 3 MS. CARTER: So Mr. Marquez will notify all
 4 parties in writing of any changes to -- in the
 5 deposition. And if there are no such changes
 6 communicated or signature within that time, we stipulate
 7 that an unsigned and uncorrected copy may be used for
 8 all purposes as if signed and corrected.
 9 MS. WELCH: Sounds good.
 10 (Deposition concluded at 5:13 p.m.)
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 11 I, FLOYD GONELLA, do hereby declare under penalty of
 12 perjury that I have read the foregoing transcript; that
 13 I have made any corrections as appear noted, in ink,
 14 initialed by me; that my testimony as contained herein,
 15 as corrected, is true and correct.
 16 EXECUTED this _____ day of _____, 2003, at
 17 _____.
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I, KELLI COMBS, CSR NO. 7705, 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 the 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: _____

KELLI COMBS, CSR NO. 7705