

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) VOLUME I
EASTIN, State Superintendent of)
Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)
Defendants.)

Deposition of LUIS HUERTA, at 400
South Hope Street, Los Angeles,
California, commencing at 9:42 A.M.,
Monday, March 17, 2003, before Lana L.
Loper, CSR No. 9667, CCR No. 690.

Page 2

1 APPEARANCES OF COUNSEL:
 2
 3 FOR THE PLAINTIFFS:
 4
 5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
 6 BY: CATHERINE E. LHAMON, ESQ.
 7 1616 Beverly Boulevard
 8 Los Angeles, California 90026-5752
 9 (213) 977-9500
 10 clhamon@aclu-sc.org
 11
 12 FOR THE STATE OF CALIFORNIA:
 13
 14 O'MELVENY & MYERS LLP
 15 BY: SHAUN M. SIMMONS, ESQ.
 16 400 South Hope Street
 17 15th Floor
 18 Los Angeles, California 90071-2899
 19 (213) 430-6000
 20 ssimmons@omm.com
 21
 22
 23
 24
 25

Page 3

1 APPEARANCES OF COUNSEL (CONTINUED):
 2
 3 FOR THE STATE AGENCY DEFENDANTS:
 4
 5 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
 6 OFFICE OF THE ATTORNEY GENERAL
 7 BY: SUZANNE GIORGI, ESQ.
 8 1300 I Street
 9 Sacramento, California 95814
 10 (916) 324-5403
 11 suzanne.giorgi@doj.ca.gov
 12
 13
 14 FOR THE LOS ANGELES UNIFIED SCHOOL DISTRICT:
 15
 16 PILLSBURY WINTHROP LLP
 17 BY: JOHN S. POULOS, ESQ.
 18 400 Capitol Mall
 19 Suite 1700
 20 Sacramento, California 95814-4419
 21 (916) 329-4700
 22 jpoulos@pillsburywinthrop.com
 23
 24 ALSO PRESENT:
 25 JOHN NOLTE, INTERN

Page 4

1 MONDAY, MARCH 17, 2003
 2 LOS ANGELES, CALIFORNIA
 3 9:42 A.M.
 4 ---
 5 MR. SIMMONS: Good morning, Dr. Huerta. 9:42AM
 6 My name is Shaun Simmons. I'm an attorney
 7 representing the State of California in this
 8 litigation.
 9 Would you please state and spell your full
 10 name for the record? 9:43AM
 11 THE WITNESS: Luis Huerta, L-u-i-s,
 12 H-u-e-r-t-a.
 13
 14 LUIS HUERTA,
 15 the witness, having been administered an oath,
 16 was examined and testified as follows:
 17
 18 EXAMINATION
 19 BY MR. SIMMONS:
 20 Q Have you ever had your deposition taken 9:43AM
 21 before?
 22 A No.
 23 Q Let's briefly go over the ground rules.
 24 First, you understand you have taken an
 25 oath here today which requires you to tell the 9:43AM

Page 5

1 truth? 9:43AM
 2 A Yes.
 3 Q And do you understand in testifying here
 4 today, you are subject to all the penalties for
 5 perjury? 9:43AM
 6 A Yes.
 7 Q Also, the testimony you give here today
 8 will have the same force and effect as if it were
 9 given in a court of law, even though we're in a
 10 somewhat informal setting. 9:43AM
 11 Do you understand that?
 12 A Yes.
 13 Q Throughout the day I'll be asking you a
 14 number of questions and seeking your understanding
 15 of issues involved in this case. You're required to 9:44AM
 16 answer the questions to the best of your ability.
 17 If you don't understand a question, just let me know
 18 and, I'll do my best to rephrase it.
 19 If you don't tell me you understand a
 20 question (sic), I'll just go ahead and assume that 9:44AM
 21 you do.
 22 Do you understand what I have said so far?
 23 A Yes.
 24 Q Also, it's important to answer my
 25 questions verbally. It's tough for the reporter to 9:44AM

Page 6

1 get a good transcript of what is said here if we 9:44AM
 2 give nods or shakes of the head.
 3 Do you understand that?
 4 A Yes.
 5 Q Also, if you can, I know it gets hard as 9:44AM
 6 the day progresses, but if you can wait for me to
 7 finish the question before you give an answer, that
 8 also helps the reporter get a clean transcript.
 9 Do you understand that?
 10 A Yes. 9:44AM
 11 Q Also, the questions I ask you today and
 12 the answers you give will be transcribed into a
 13 booklet that you can review later on. You'll be
 14 able to review your answers and make changes if you
 15 like, but you should know that if you do make 9:45AM
 16 changes, the various lawyers involved in this case
 17 will be permitted to make comments about those
 18 changes.
 19 Do you understand that?
 20 A Yes. 9:45AM
 21 Q If you need a break during the deposition
 22 or any time, let me know and we'll go ahead and go
 23 off record.
 24 A Okay.
 25 Q Also, we would like to obtain as complete 9:45AM

Page 7

1 a record of your opinions and testimony as possible 9:45AM
 2 today, so if at any time during the day you would
 3 like to supplement an answer that you gave earlier
 4 or change an answer, just let me know, and we'll go
 5 back to it. Okay? 9:45AM
 6 A Yes.
 7 Q Is there any reason that you won't be able
 8 to provide your best testimony here today?
 9 A No.
 10 Q What did you do to prepare for your 9:45AM
 11 deposition today?
 12 A Over the last several months, I've been
 13 doing some reading of some of the expert reports.
 14 I've been meeting with a couple different members
 15 from the plaintiffs' side of the case, Catherine, 9:46AM
 16 Jack Londen, Mark Rosenbaum.
 17 MS. LHAMON: Baum?
 18 THE WITNESS: Baum.
 19 And been reviewing the expert report that
 20 Grubb and Goe wrote, as well as the report from 9:46AM
 21 which that report was derived, which was the Grubb
 22 and Huerta report, and that's about it.
 23 BY MR. SIMMONS:
 24 Q And the title of the Grubb and Huerta
 25 report or article that served as a basis for the 9:46AM

Page 8

1 expert report in this case, what is that? 9:47AM
 2 MS. LHAMON: Misstates the testimony.
 3 THE WITNESS: Pardon? I'm sorry. I
 4 didn't hear what you said.
 5 MS. LHAMON: He mischaracterized your 9:47AM
 6 testimony.
 7 BY MR. SIMMONS:
 8 Q Throughout the day your attorney will
 9 probably be making objections to my questions. On
 10 some occasions, I may rephrase; on other occasions, 9:47AM
 11 I may go ahead and ask you to answer the question.
 12 Unless your attorney instructs you not to answer the
 13 question, you need to do so.
 14 A Okay.
 15 Q So do you recall the title of the report 9:47AM
 16 that you were referring to?
 17 A Straw into Gold. There's a subtitle. I
 18 don't remember. It's actually a report that is
 19 cited in the Grubb and Goe report.
 20 Q How many conversations have you had with 9:47AM
 21 any attorneys for the plaintiffs in this litigation
 22 with respect to your deposition here today?
 23 A Probably six to eight conversations that I
 24 can recall over the last two and a half months; but
 25 then I also had previous conversations early, before 9:48AM

Page 9

1 the case was even filed, about two years ago, but 9:48AM
 2 those are more conversations with a larger group.
 3 Q What expert reports did you review in
 4 connection -- in preparation for your deposition
 5 here today? 9:48AM
 6 A I spent most time on the Jeannie Oakes'
 7 summary of the expert reports, and I reviewed
 8 briefly a variety of the other reports, including
 9 the Koski report, the Mintrop report. Those are the
 10 two individual reports that I spent the most time 9:49AM
 11 on, but I did rely mostly on the wider summary
 12 provided by Jeannie Oakes.
 13 Q Why did you take the time to review the
 14 individual Koski report?
 15 A Because Bill's a good friend of mine, and 9:49AM
 16 I wanted to see what he wrote.
 17 Q How about the Mintrop report?
 18 A Mintrop report on facilities -- wait. The
 19 Mintrop report was on facilities, right, or...
 20 I referred to the Mintrop report simply 9:49AM
 21 because of what Jeannie Oakes had indicated on some
 22 of her reports, and I was looking in more detail at
 23 that report.
 24 Q What specific report of Jeannie Oakes'
 25 summary report did you -- caused you to go ahead and 9:50AM

Page 10

1 take a look at Mintrop? 9:50AM
 2 A You know, I don't recall. I was trying to
 3 keep track with the ten or so reports, and I don't
 4 recall exactly. I can look.
 5 Q Yeah. If you have a copy of it, feel free 9:50AM
 6 to do so.
 7 A On the Mintrop report, I was looking at --
 8 I was interested in one of the references to the
 9 II/USP program that I believe had been referred to
 10 in the report. And that was actually more for my 9:51AM
 11 own pursual in the sense that I have been interested
 12 in looking at exactly what the II/USP had been and
 13 wondering if anybody had done any research on it
 14 besides one of my other colleagues at Berkeley.
 15 Q Who is the other colleague at Berkeley? 9:51AM
 16 A Laura Goe.
 17 Q Also, I'll just remind you once more to
 18 try to wait until I finish the question. I know
 19 it's difficult.
 20 A Sure. 9:52AM
 21 Q Were there any aspects of Jeannie Oakes'
 22 summary report that you disagreed with when you
 23 reviewed it?
 24 A None that I recall.
 25 Q How about Dr. Koski's report? 9:52AM

Page 11

1 A No. 9:52AM
 2 Q And Dr. Mintrop's?
 3 A No.
 4 Q When did you first learn about this case?
 5 A I believe it was in the spring of 2000, 9:52AM
 6 several months before the case was filed.
 7 Q How did you learn about the case?
 8 A I was asked by my colleague, Mike Kirst at
 9 Stanford, to participate. And this is per request,
 10 I believe at that point, of some of the plaintiffs' 9:53AM
 11 counsel at that time to participate in a forum. It
 12 was a conference call forum, with several of the law
 13 firms that were representing the plaintiff at that
 14 time. This took place at Stanford.
 15 And the purpose of inviting me was 9:53AM
 16 basically to get some of my expert opinion on the
 17 approach that was being taken in the case at that
 18 time and just to provide some background on school
 19 finance litigation and other issues that were
 20 relevant to the case. 9:53AM
 21 Q Could you spell Dr. Kirst's name for the
 22 record?
 23 A Michael Kirst, K-i-r-s-t. He's a
 24 professor of education at Stanford.
 25 Q How long did the conversation with 9:53AM

Page 12

1 Dr. Kirst last? 9:54AM
 2 A You mean with the whole group or just with
 3 Michael Kirst?
 4 Q When he initially told you about the
 5 lawsuit. 9:54AM
 6 A I would say no more than a couple of
 7 sentences. It was probably at one of our
 8 conferences or meetings where he invited me to come
 9 down.
 10 Q Was the next communication you had 9:54AM
 11 concerning this case the conference call you just
 12 described for us?
 13 A Yes.
 14 Q When did that occur?
 15 A Again, I believe that was in the spring of 9:54AM
 16 2000. It was several months before the case was
 17 filed. I think it was spring 2000, or may have been
 18 1999. I don't recall exactly.
 19 Q I assume you participated in that
 20 conference call. 9:54AM
 21 A Yes.
 22 Q Who can you recall having also
 23 participated in the conference call?
 24 A Mark Rosenbaum; Catherine Lhamon was part
 25 of the call; Mike Kirst; myself; a couple other 9:55AM

Page 13

1 graduate students of Mike Kirst who were there 9:55AM
 2 simply to observe; and then there was a variety of
 3 other individuals representing the different law
 4 firms on the plaintiffs' side that were part of the
 5 call, either physically there or via conference 9:55AM
 6 call, via phone.
 7 Q Do you recall the names of Dr. Kirst's
 8 graduate students?
 9 A No, I do not.
 10 Q Other than Dr. Kirst and yourself, were 9:55AM
 11 there any other experts present or participating in
 12 this conference call?
 13 A No. It was just Mike and myself.
 14 Q Where were you when the conference call
 15 took place? 9:56AM
 16 A We were at the school of Ed at Stanford
 17 University.
 18 Q How long did the conference call last?
 19 A If I recall, probably two hours at best.
 20 Q Did you take any notes while participating 9:56AM
 21 in the conference call?
 22 A I don't recall.
 23 Q What can you recall being said in the
 24 course of the conference call?
 25 A The objective of the call, as I 9:56AM

<p style="text-align: right;">Page 14</p> <p>1 understood, was to get Mike's and I, and myself, 9:57AM 2 opinion on some of the specifics of the case and the 3 approach of how it was being filed, and to reflect 4 the strategy against how -- some of the history of 5 school finance litigation. And I had been called 9:57AM 6 because of some of the work I had been doing, 7 looking at -- actually, with some of the work I had 8 been doing on the Straw into Gold report I referred 9 to a few minutes ago, and also some of the work I 10 had done previously when I wrote a master's thesis 9:57AM 11 in '95 or '94 on the issue of school finance 12 litigation in California as well. 13 And at that point, Mike Kirst was -- I was 14 a graduate student at UC Berkeley, but I was also a 15 research associate at PACE, Policy Analysis for 9:58AM 16 California Education; and Mike Kirst was the 17 director at our Stanford office, and I worked at the 18 Berkeley office. And Mike's invitation extended to 19 me was as a result of the many conversations we had 20 had on the issue of school finance in general. 9:58AM 21 Q Do you recall what opinions you offered 22 during the course of the conference call? 23 A My role was more in providing some of the 24 historical background on how specific cases were 25 argued. We spoke a bit about Serrano. We did speak 9:58AM</p>	<p style="text-align: right;">Page 16</p> <p>1 spoke a little bit about what was occurring in 10:00AM 2 Wyoming at that time, which at that time the case 3 was being settled in Wyoming, which had specifically 4 debt, the attempt to cost out so-called education or 5 the basket of educational goods. That's the terms 10:01AM 6 that were being used in Wyoming. That was an 7 attempt to specifically -- the Wyoming case was a 8 case to specifically take a bottom up approach to 9 school funding, which was first identifying what 10 needs are at local schools, and then calculating 10:01AM 11 what the costs of those needs are. And I had 12 offered those details only in the context of what 13 California has not done. 14 Q Could you define for me what you mean by 15 "a bottom up approach"? 10:01AM 16 A In the context of the Wyoming case, the 17 bottom up approach involved professional judgment of 18 where teachers and administrators at the school 19 level, along with parents, and then policy experts 20 at the state level, as well as external education 10:02AM 21 experts, by committee, would design the basket of 22 educational goods necessary to meet the minimum 23 education required by the state. 24 Q If you know, what was included in the 25 basket of educational goods in the Wyoming case? 10:02AM</p>
<p style="text-align: right;">Page 15</p> <p>1 some about the new finance cases that had been filed 9:58AM 2 in the late '90s in states like Wyoming, states like 3 Washington and Oregon, and looking specifically at 4 this issue that's been identified as adequacy in 5 school finance. 9:59AM 6 Q What types of historical background do you 7 recall providing in the course of the conference 8 call? 9 A Not much that the team already didn't 10 know, as far as the details of -- the historical 9:59AM 11 details of Serrano and other cases; the San Antonio 12 case in Texas as well. And we also spoke -- I was 13 prepared to speak more about some of the more recent 14 cases, but time didn't provide to go into that sort 15 of detail. 9:59AM 16 Q What specifically can you recall being 17 discussed about the details of the Serrano case? 18 A What do I recall? It was most of the 19 obvious details that most people knew. As I 20 indicated, most of the history we were speaking of, 10:00AM 21 the team of lawyers already had a firm understanding 22 of. I don't recall the specific details. 23 Q What do you remember discussing about new 24 finance cases in the conference call? 25 A We only delved into that briefly. We 10:00AM</p>	<p style="text-align: right;">Page 17</p> <p>1 A If I had the report in front of me, I 10:02AM 2 would tell you. And I think we can take up the 3 report, but I don't have it in front of me. 4 Q Can you recall, even though you might not 5 be able to recall everything, can you recall any of 10:02AM 6 the things that would be included in the basket of 7 educational goods? 8 A The obvious general minimums, which 9 include facilities and teachers and materials; and 10 the different baskets also include things such as 10:03AM 11 school lunches and other things that schools 12 require -- that schools provide. I'm sorry. 13 Q I believe you testified there was an 14 effort to cost out the cost of this basket of 15 educational goods in the Wyoming case. Is that 10:03AM 16 correct? 17 A True. 18 Q What was the result of that effort, if you 19 know? 20 A There has not been a whole lot of research 10:03AM 21 after the baskets of goods approach has actually 22 been implemented in Wyoming. That is still one 23 area, from a research perspective, is somewhat 24 unexplored. The immediate effect was that schools 25 saw obvious changes in their budgets in the sense 10:04AM</p>

Page 18

1 that many of them saw -- most of them saw an 10:04AM
 2 increase in the budgets because the identification
 3 of specific -- the specific local needs were now
 4 defined, and the dollars were now directly flowing
 5 to those needs. 10:04AM
 6 Q Am I correct that costing out the basket
 7 of educational goods is a relatively complex
 8 process?
 9 MS. LHAMON: Vague and ambiguous.
 10 THE WITNESS: It could be a relatively 10:04AM
 11 complex process, I believe, if it does not involve
 12 all parties that have a stake in delivering
 13 education, which would include, as I indicated,
 14 parents at the local level and teachers and
 15 administrators, as well as a variety of experts from 10:05AM
 16 both state and external.
 17 BY MR. SIMMONS:
 18 Q I guess what I'm trying to get at is, you
 19 know, you mentioned in the Wyoming case; that there
 20 had been some work done in terms of identifying the 10:05AM
 21 basket of educational goods, but there were still
 22 research efforts that would need to be conducted to
 23 cost that basket of educational goods out.
 24 MS. LHAMON: Mischaracterizes the
 25 testimony. 10:05AM

Page 19

1 BY MR. SIMMONS: 10:05AM
 2 Q What kind of additional research efforts
 3 would be involved in that?
 4 MS. LHAMON: Vague and ambiguous.
 5 THE WITNESS: Can you clarify that 10:05AM
 6 question?
 7 BY MR. SIMMONS:
 8 Q I guess --
 9 A From whose perspective? From who would
 10 actually be conducting the research or -- 10:05AM
 11 Q Let's start with that.
 12 A Well, in the case of identifying what the
 13 minimums are that are required to meet -- to meet
 14 the -- what the state requires as far as the basic
 15 minimums of education, obviously that would require 10:06AM
 16 state level policymakers. However, it would also
 17 require, as I indicated, this team that would
 18 provide the professional judgment, experts perhaps
 19 like myself and other colleagues that have looked at
 20 this issue; but more importantly, the professionals 10:06AM
 21 at the local level, who have, I believe, have in
 22 many respects, the best understanding of what is
 23 required at the local level.
 24 Q Let's say that we have a defined basket of
 25 educational goods. What steps would we have to take 10:07AM

Page 20

1 to cost that basket of educational goods out? 10:07AM
 2 A Beyond putting a team together of experts,
 3 like I indicated previously, I would have to give
 4 that more thought in the context of California
 5 because the situation in California is much more 10:07AM
 6 complex than Wyoming.
 7 Q In what ways is the situation in
 8 California much more complex than in Wyoming?
 9 A To begin with, the sheer volume of
 10 students in California; the diversity of students in 10:07AM
 11 California, which is extremely different than
 12 Wyoming; the level of funding in California compared
 13 to Wyoming. There is a variety of factors that are
 14 extremely different than the context of Wyoming.
 15 MR. SIMMONS: Can we mark this as 10:07AM
 16 Exhibit 1?
 17 (Defendants' Exhibit 1 was marked
 18 for identification and bound
 19 separately.)
 20 BY MR. SIMMONS:
 21 Q Dr. Huerta, could you take a moment to
 22 review what has been marked as Exhibit 1 and tell me
 23 if you know what that document is?
 24 A Yes. This is the Grubb and Goe report
 25 that was submitted as expert testimony for the case. 10:09AM

Page 21

1 Q What role, if any, did you have in the 10:09AM
 2 creation of that report?
 3 A I was initially asked, along with Norton
 4 Grubb, to write the report during that time -- or
 5 that would have been, I believe, last November of 10:09AM
 6 2001, around that time. However, it was at that
 7 time I was in transition. My family and I were in
 8 transition to move to New York City. I began,
 9 together with Norton, the early conception of this
 10 paper, but then handed off to my colleague Laura Goe 10:10AM
 11 my share of co-authoring this paper.
 12 After that point, I was involved in
 13 reviewing some of the facts or themes that were
 14 provided in the paper, as well as reviewing a final
 15 version of it. 10:10AM
 16 Q Did you draft any portion of the report?
 17 A Yes.
 18 Yes, the third -- let me double-check. As
 19 referenced on footnote --
 20 MR. POULOS: I believe it's footnote 20. 10:10AM
 21 THE WITNESS: Footnote 20. Thank you,
 22 Michael.
 23 MR. POULOS: John.
 24 THE WITNESS: Thank you, John.
 25 As referenced on footnote 20, the section 10:11AM

<p style="text-align: right;">Page 22</p> <p>1 of the paper which is about ten or eleven pages, I 10:11AM</p> <p>2 believe in this draft, were drafted in the earlier</p> <p>3 report, the Straw into Gold report, and that is</p> <p>4 mostly in section --</p> <p>5 BY MR. SIMMONS: 10:11AM</p> <p>6 Q Probably at 33, I think.</p> <p>7 A Yeah, section 2.</p> <p>8 And that's specifically -- that's the</p> <p>9 frame work, the so-called "New" School Finance work</p> <p>10 that Norton Grubb and myself had created. 10:12AM</p> <p>11 Q And section 2 is essentially a copy and</p> <p>12 paste from the Straw into Gold. Is that correct?</p> <p>13 A Some pieces are, and other pieces are</p> <p>14 slightly edited and changed. And I would have to go</p> <p>15 through line by line to see that, but there is large 10:12AM</p> <p>16 portions that do come from the other report; but</p> <p>17 more importantly, it's the larger conceptual theme</p> <p>18 that existed in the Straw into Gold report that</p> <p>19 builds the framework for this paper.</p> <p>20 Q Other than section 2 of the expert report 10:13AM</p> <p>21 that is marked as Exhibit 1, did you have -- did you</p> <p>22 draft any other portions of the expert report?</p> <p>23 A No, not directly.</p> <p>24 Q What role, if any, did Dr. Norton W. Grubb</p> <p>25 have in preparing this report? 10:13AM</p>	<p style="text-align: right;">Page 24</p> <p>1 effort. And when you co-author a paper with 10:14AM</p> <p>2 somebody, you blend and mix and work together to</p> <p>3 create one document.</p> <p>4 Q Was the expert report that's been marked</p> <p>5 as Exhibit 1 drafted in response to a request from 10:15AM</p> <p>6 attorneys for plaintiffs in this case?</p> <p>7 MS. LHAMON: Calls for speculation. Lacks</p> <p>8 foundation.</p> <p>9 BY MR. SIMMONS:</p> <p>10 Q If you know. 10:15AM</p> <p>11 A This paper was drafted as a result of a</p> <p>12 request to provide some background on -- provide a</p> <p>13 background paper, an expert paper for the case.</p> <p>14 Q Was there a more specific assignment to</p> <p>15 which this paper was created in response to? 10:15AM</p> <p>16 MS. LHAMON: Calls for speculation. Lacks</p> <p>17 foundation.</p> <p>18 BY MR. SIMMONS:</p> <p>19 Q If you know.</p> <p>20 A I don't know of a more specific 10:15AM</p> <p>21 assignment.</p> <p>22 Q Were you involved in any oral</p> <p>23 communications with any attorney for the plaintiffs</p> <p>24 as to the scope of issues this expert report should</p> <p>25 cover? 10:16AM</p>
<p style="text-align: right;">Page 23</p> <p>1 MS. LHAMON: Calls for speculation. 10:13AM</p> <p>2 THE WITNESS: He was the co-author of the</p> <p>3 report.</p> <p>4 BY MR. SIMMONS:</p> <p>5 Q Do you know whether he drafted the report? 10:13AM</p> <p>6 A He drafted it, together with Laura Goe,</p> <p>7 yes.</p> <p>8 Q Is there someone you would characterize as</p> <p>9 the principal drafter of this expert report?</p> <p>10 MS. LHAMON: Calls for speculation. Lacks 10:14AM</p> <p>11 foundation.</p> <p>12 THE WITNESS: I don't know. I don't know</p> <p>13 who played the principal part in drafting it. I am</p> <p>14 assuming -- I know that Norton Grubb oversaw the</p> <p>15 work, and he has the principal author title in the 10:14AM</p> <p>16 report, but it was a joint co-authored piece by</p> <p>17 Laura and -- Norton Grubb and Laura Goe.</p> <p>18 BY MR. SIMMONS:</p> <p>19 Q Do you know of any sections in the expert</p> <p>20 report that is marked as Exhibit 1 that were drafted 10:14AM</p> <p>21 by Dr. Grubb?</p> <p>22 A Word by word, I do not know.</p> <p>23 Q Would that also be true with respect to</p> <p>24 Dr. Goe?</p> <p>25 A Yes. My understanding, it was a joint 10:14AM</p>	<p style="text-align: right;">Page 25</p> <p>1 A Other than being told -- no, not directly. 10:16AM</p> <p>2 Q I think we've discussed one communication</p> <p>3 with plaintiffs' counsel that consisted of a</p> <p>4 conference call. Can you recall any other</p> <p>5 communications for plaintiffs in connection with 10:16AM</p> <p>6 this case?</p> <p>7 A Other than the communications which I've</p> <p>8 already talked about, no.</p> <p>9 Q After the conference call you discussed,</p> <p>10 what was the next communication you had with an 10:16AM</p> <p>11 attorney for the plaintiffs?</p> <p>12 MS. LHAMON: Related to this case?</p> <p>13 MR. SIMMONS: Related to this case, yeah.</p> <p>14 THE WITNESS: Directly related to the</p> <p>15 case, it would not have been until after the 10:17AM</p> <p>16 conference call. And in between that time and when</p> <p>17 the case was filed, there were maybe one or two</p> <p>18 phone conversations that I had with individuals</p> <p>19 involved in the lawyer's team for the plaintiffs'</p> <p>20 side, and were mostly follow-up calls in reference 10:17AM</p> <p>21 to documents that I may have alluded to during the</p> <p>22 conference call.</p> <p>23 I believe there was either one or two</p> <p>24 phone conversations that I had, and I don't</p> <p>25 recall -- I believe one of the calls may have been 10:17AM</p>

Page 26

1 with Catherine Lhamon. 10:17AM
 2 Oh, and I do know one of the other calls
 3 was with Mr. Eliasberg, Brian. I forget his first
 4 name all the time.
 5 MS. LHAMON: Peter. 10:18AM
 6 THE WITNESS: Peter.
 7 I don't know why.
 8 BY MR. SIMMONS:
 9 Q Can you recall any communications with
 10 plaintiffs' counsel that focused on the substance of 10:18AM
 11 the expert report that's been marked as Exhibit 1?
 12 A Prior to the writing of the report?
 13 Q At any time.
 14 A Other than the conversation --
 15 conversations we had in the last three months which 10:18AM
 16 I already indicated, no.
 17 Q You can recall one conversation with
 18 Ms. Lhamon. Is that correct?
 19 A Yes.
 20 Q And one conversation with Mr. Eliasberg. 10:18AM
 21 Is that correct?
 22 A Yes.
 23 Q Can you recall any other conversations you
 24 had with attorneys for plaintiffs concerning the
 25 expert report that is marked as Exhibit 1? 10:18AM

Page 27

1 MS. LHAMON: Are you asking separate from 10:18AM
 2 the six or so conversations he's already testified
 3 about?
 4 BY MR. SIMMONS:
 5 Q I think -- I'm trying to go back through, 10:19AM
 6 so am I -- that's why I'm trying to go back through
 7 and find out, if the number has changed.
 8 A As I indicated, I've had maybe six to
 9 eight conversations over the last three months,
 10 beginning in late December to present. 10:19AM
 11 If we go back two years, I had the
 12 conversations that occurred during the conference
 13 call, and then two conversations after that, which
 14 were directly after -- maybe in the period of the
 15 two-month period which elapsed from the time we 10:19AM
 16 actually had the conference call to the time the
 17 case was actually to -- the complaint that was
 18 actually filed.
 19 Q Thank you.
 20 A I don't have the exact time periods. It's 10:19AM
 21 been a while.
 22 Q Of the two conversations that you
 23 identified as having occurred after the conference
 24 call, can you recall who was present during those
 25 conversations? 10:19AM

Page 28

1 A Those are phone conversations, just myself 10:19AM
 2 and whoever was on the other end.
 3 Q Do you recall who that was?
 4 MS. LHAMON: Asked and answered.
 5 THE WITNESS: Yeah, it's been answered. 10:20AM
 6 Myself and Catherine; Myself and Brian (sic) on
 7 different occasions.
 8 MS. LHAMON: Peter.
 9 THE WITNESS: Peter.
 10 BY MR. SIMMONS:
 11 Q What do you recall discussing with
 12 Ms. Lhamon?
 13 A I don't recall the specifics. I do know
 14 that both the conversation I had with Catherine
 15 Lhamon and Peter Eliasberg were simply follow-ups 10:20AM
 16 for how to find a specific document or report or
 17 paper that may have been written on an issue.
 18 Q Let's move on to the six or eight
 19 conversations that you believe you can recall
 20 occurring from late December to present. 10:20AM
 21 What's the first of those conversations
 22 that you can recall?
 23 A First conversation was mid December, when
 24 Catherine Lhamon and Peter Rosenbaum (sic) met with
 25 me in New York City to request my assistance in 10:21AM

Page 29

1 participating in the case as an expert witness. 10:21AM
 2 MS. LHAMON: Mark Rosenbaum. These names
 3 are hard.
 4 THE WITNESS: What did I say?
 5 MS. LHAMON: Peter Rosenbaum. 10:21AM
 6 I'm glad you get mine right.
 7 BY MR. SIMMONS:
 8 Q How long did that conversation last?
 9 A That was a conversation that lasted
 10 probably an hour, hour and a half. 10:21AM
 11 Q What was discussed during that
 12 conversation?
 13 A Mark and Catherine brought me up to date
 14 on where the case was. During my absence in my
 15 transition to New York City, I had not kept up in 10:22AM
 16 great detail where the case was at that point, other
 17 than the conversations I had had with Laura Goe and
 18 Norton Grubb on this paper. Then they asked me to
 19 participate as an expert witness at that point.
 20 Q Were you provided with any reason why you 10:22AM
 21 were asked to serve as an expert witness?
 22 A I was told that I was being invited back
 23 to the case because of my early involvement in the
 24 case; because of my involvement in some of the
 25 substance of the expert report as well. 10:22AM

Page 30

1 Q Anything else? 10:22AM
 2 A And because of my expertise in the area as
 3 well.
 4 Q Any other reasons that you can recall?
 5 A No. 10:23AM
 6 Q Did you take any notes during this
 7 conversation?
 8 A Other than taking down Catherine and
 9 Mark's phone numbers, no, and e-mail address.
 10 Q What's the next conversation that you can 10:23AM
 11 recall having with an attorney for plaintiffs in
 12 those six to eight conversations that you
 13 identified?
 14 A After the December meeting, I believe I
 15 spoke to them, to either Mark or Catherine, a week 10:23AM
 16 after that, just confirming my schedule and my
 17 ability to participate. Conscious of the time frame
 18 and the demands I have in my work, probably about a
 19 week or ten days after that.
 20 Q Do you recall anything else being 10:24AM
 21 discussed in that conversation? Did you take any
 22 notes?
 23 A I don't recall.
 24 Q What's the next conversation you can
 25 recall having with attorney for plaintiffs? 10:24AM

Page 31

1 A Probably early January, where we began to 10:24AM
 2 discuss some of the specifics of the expert report;
 3 early January, that I recall.
 4 Q Who can you recall having participated in
 5 that conversation? 10:24AM
 6 A Catherine Lhamon; and I don't recall if
 7 Mark Rosenbaum was part of that conversation or not.
 8 Q Do you recall how long the conversation
 9 lasted?
 10 A Not more than an hour and a half. 10:25AM
 11 Q What was discussed?
 12 A I've already answered that; just details
 13 of the report.
 14 Q What details of the report were discussed?
 15 A I don't remember. We started looking 10:25AM
 16 through the entire report, just the general theme in
 17 the context of the approach of "New" School Finance
 18 that is advanced in the paper.
 19 Q Other than what you testified to already,
 20 can you recall anything else being discussed in the 10:25AM
 21 conversation that you had with Ms. Lhamon in early
 22 January?
 23 A At that point, aside from the report,
 24 Catherine and Mark -- and I don't remember if Mark
 25 was part of that conversation -- we also began to 10:26AM

Page 32

1 discuss this process, the process of deposition and 10:26AM
 2 how -- what would be involved in my testimony and so
 3 forth.
 4 Q What do you recall being discussed about
 5 the process of the deposition? 10:26AM
 6 A Many of the rules and guidelines which you
 7 reviewed at the beginning of this deposition today
 8 and the protocol and the expectations of the
 9 different parties that are involved in the case.
 10 And we also began to discuss the process of the 10:26AM
 11 question and answer process that we are presently
 12 engaged in; what my role is, what your role is.
 13 Since I had never been deposed, I didn't know the
 14 details.
 15 Q Did you discuss the substance of the 10:27AM
 16 testimony that you would provide at all?
 17 A We reviewed -- we role-played, I should
 18 say. And some hypothetical questions were asked --
 19 or I should not say "hypothetical" -- I should say
 20 sample questions were asked, and I was then expected 10:27AM
 21 to respond. And then I was -- then we would discuss
 22 the response and the extent of my response.
 23 Q Do you recall any of the sample questions
 24 that were asked?
 25 A Not specifically. 10:27AM

Page 33

1 Q How about generally? 10:27AM
 2 A General, just questions about the general
 3 conceptual idea of the "New" School Finance and how
 4 that was related to the Williams case.
 5 Q And do you recall what the substance of 10:28AM
 6 any discussion was in connection with "New" School
 7 Finance and the Williams case?
 8 A Specifically the discussion was on how the
 9 conceptual frame that we write about can potentially
 10 be used in the context of California school finance 10:28AM
 11 system.
 12 Q And do you recall what was discussed in
 13 that regard?
 14 A Simply the specifics of what is in the
 15 report, which describes specifically how "New" 10:29AM
 16 School Finance is related to the present situation
 17 in the California school finance system and related
 18 to the complaint which is detailed in the report.
 19 Q What's the next conversation you can
 20 recall having with an attorney for the plaintiffs? 10:29AM
 21 A Perhaps three weeks after that, I don't
 22 know the specific time frame; and the six or eight
 23 conversations I spoke of specifically that happened
 24 during that time, may have happened two to three
 25 weeks after consistently. 10:29AM

<p style="text-align: right;">Page 34</p> <p>1 Q Who was present at the next conversation? 10:29AM</p> <p>2 A Catherine Lhamon; may have been Mark</p> <p>3 Rose -- no. It was only Catherine Lhamon after</p> <p>4 that.</p> <p>5 Q How long did this conversation last, if 10:30AM</p> <p>6 you can recall?</p> <p>7 A Perhaps the same time frame. I don't</p> <p>8 recall exactly. One hour, hour and a half.</p> <p>9 Q What do you recall being discussed?</p> <p>10 A The themes were similar to the previous 10:30AM</p> <p>11 conversation.</p> <p>12 Q Do you recall anything more specific than</p> <p>13 that about the conversation?</p> <p>14 A Other than reviewing the report again, and</p> <p>15 again reviewing the process of deposition, no. 10:30AM</p> <p>16 Q Were you asked any more sample questions</p> <p>17 during that conversation?</p> <p>18 A Yes.</p> <p>19 Q What questions, if you can recall?</p> <p>20 A Many of the questions were probably the 10:30AM</p> <p>21 same questions I was asked three weeks prior and</p> <p>22 that this was intended for me to -- the intent was</p> <p>23 for me to be able to apply or be able to respond to</p> <p>24 the sample questions in defense of the expert</p> <p>25 report. 10:31AM</p>	<p style="text-align: right;">Page 36</p> <p>1 disconnect, which we speak about in the context of 10:32AM</p> <p>2 how state policy and regulation is often</p> <p>3 disconnected from how schools are actually -- from</p> <p>4 the needs of schools at the local level. That's one</p> <p>5 example. 10:33AM</p> <p>6 Q Any other examples that you can recall?</p> <p>7 A I would refer you to the report. In the</p> <p>8 first 25 pages, there's a variety of examples. In</p> <p>9 the first section, that speaks specifically to</p> <p>10 issues of policy disconnect and how -- also, issues 10:33AM</p> <p>11 dealing with how the State has not adequately</p> <p>12 assessed what the real needs of schools are at the</p> <p>13 local level; first 32 pages, not 25 pages.</p> <p>14 Q And did you discuss all of the instances</p> <p>15 of policy disconnect that are present in the first 10:33AM</p> <p>16 32 pages?</p> <p>17 MS. LHAMON: For clarification, are you</p> <p>18 talking about in the one conversation or aggregate</p> <p>19 of all?</p> <p>20 BY MR. SIMMONS: 10:34AM</p> <p>21 Q Just that one conversation.</p> <p>22 A I'm not sure we covered everything that</p> <p>23 was in the report.</p> <p>24 Q What specific instance of policy</p> <p>25 disconnect do you recall discussing in that specific 10:34AM</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Do you recall any of the sample questions? 10:31AM</p> <p>2 A Not specifically.</p> <p>3 Q Do you recall any of them generally?</p> <p>4 A Again, they had to deal with -- they dealt</p> <p>5 with the general themes of "New" School Finance and 10:31AM</p> <p>6 how they were being applied in the context of the</p> <p>7 Williams case.</p> <p>8 Q Can you recall anything you discussed</p> <p>9 concerning "New" School Finance and how it would be</p> <p>10 applied in the Williams case? 10:32AM</p> <p>11 A In specific detail, no, other than what is</p> <p>12 in the expert report.</p> <p>13 Q So is your answer that you can recall</p> <p>14 talking to -- talking about the types of things</p> <p>15 contained in the expert report, but you can't recall 10:32AM</p> <p>16 anything specifically that you discussed?</p> <p>17 A Well, I can look in the expert report</p> <p>18 and -- but it's we basically looked at how the</p> <p>19 expert report responded to some of the themes that</p> <p>20 have been -- that have surfaced in the Williams case 10:32AM</p> <p>21 and -- which is one of the primary themes in this</p> <p>22 report.</p> <p>23 Q What details were discussed as having</p> <p>24 surfaced in the Williams case?</p> <p>25 A For example, the idea of policy 10:32AM</p>	<p style="text-align: right;">Page 37</p> <p>1 conversation? 10:34AM</p> <p>2 A In that specific conversation, I don't</p> <p>3 know which of the eight or nine examples that we</p> <p>4 provide in the report that I spoke about.</p> <p>5 Q What's the next conversation that you can 10:34AM</p> <p>6 recall having with an attorney for plaintiffs?</p> <p>7 A Probably two weeks after that. I don't</p> <p>8 recall exactly, but it may have been two, or it may</p> <p>9 have been three weeks.</p> <p>10 Q Who was involved in that conversation? 10:34AM</p> <p>11 A I believe in the third or fourth</p> <p>12 conversation that Jack Londen was also part of that</p> <p>13 conversation via conference call. I don't recall at</p> <p>14 what point I spoke to Jack.</p> <p>15 Q Was it Mr. Londen and Ms. Lhamon? 10:35AM</p> <p>16 A Correct.</p> <p>17 Q How long did that conversation last?</p> <p>18 A Again, anywhere from an hour to two hours.</p> <p>19 Q What do you recall being discussed?</p> <p>20 A Similar to the previous two conversations, 10:35AM</p> <p>21 same thing again.</p> <p>22 Q Do you recall any specific instances of</p> <p>23 policy disconnect that were discussed in that</p> <p>24 conversation?</p> <p>25 A Again, similar to the other conversations, 10:35AM</p>

Page 38

1 no specific -- I don't recall any specific examples, 10:35AM
 2 other than the general themes we were discussing.
 3 Q How about the next conversation after the
 4 one we just discussed?
 5 A The next conversation, I believe, was 10:36AM
 6 with -- I believe was with Michael Jacobs -- do I
 7 have the name right?
 8 MS. LHAMON: Uh-huh.
 9 THE WITNESS: -- and Catherine Lhamon,
 10 probably about a week after that or two weeks. 10:36AM
 11 BY MR. SIMMONS:
 12 Q How long did that conversation last?
 13 A Again, anywhere from an hour to two hours.
 14 Q What was discussed?
 15 A Same thing as the previous conversations. 10:36AM
 16 Q Was there anything else discussed?
 17 A Not that I recall.
 18 Q Can you recall a conversation subsequent
 19 to the one you just testified about with Mr. Jacobs
 20 and Ms. Lhamon? 10:36AM
 21 A You mean an additional conversation?
 22 Q (No verbal response.)
 23 A No. I only spoke to Michael and Catherine
 24 once at the same time.
 25 Q But I mean, the next -- was there a 10:37AM

Page 39

1 conversation that you had with an attorney for 10:37AM
 2 plaintiffs following that conversation you had with
 3 Mr. Jacobs and Ms. Lhamon?
 4 A Yes. The next conversation was with
 5 Catherine Lhamon, and Jack Londen participated 10:37AM
 6 again. And that was probably a week or two after
 7 that. Time flies when you're having fun.
 8 Q How long did that conversation last, if
 9 you recall?
 10 A Again, no more than two hours. Anywhere 10:37AM
 11 from an hour to two hours.
 12 Q What was discussed?
 13 A The same themes that were discussed in the
 14 previous conversations.
 15 Q Can you recall anything more specifically 10:37AM
 16 about what was discussed in that conversation?
 17 A Again, other than going through practice
 18 questions and the general themes of the report, no.
 19 Q Do you recall any practice questions from
 20 that conversation? 10:38AM
 21 A Not specifically.
 22 Q How about generally?
 23 A Generally, again, the themes about how the
 24 "New" School Finance approach is related to the
 25 Williams case. 10:38AM

Page 40

1 I believe at that point, we also spoke 10:38AM
 2 about logistics in where this deposition would
 3 actually take place; whether it was going to be in
 4 New York or California, and my scheduling and so
 5 forth. 10:38AM
 6 Q What's the next conversation that you can
 7 recall having with an attorney for plaintiffs after
 8 that, if any?
 9 A I believe that brings us up somewhere near
 10 March, so it was probably a conversation that I 10:38AM
 11 would have had with Catherine, early March. And we
 12 discussed the same issues.
 13 Q When you say you "discussed the same
 14 issues," which issues are you referring to?
 15 A The same issues I've referred to already: 10:39AM
 16 General themes of the report; more practice
 17 questions; probably some more scheduling details, as
 18 at that point we actually began to schedule
 19 deposition, but then canceled the dates as well
 20 several times. 10:39AM
 21 Q Do you recall any of the general themes
 22 that you were discussing with Catherine -- or with
 23 Ms. Lhamon in the course of that conversation?
 24 A As far as general themes, again, just how
 25 the "New" School Finance approach was related to the 10:39AM

Page 41

1 Williams case. 10:40AM
 2 Q Do you recall any specific ways in which
 3 you discussed "New" School Finance being related to
 4 the Williams case?
 5 A No. 10:40AM
 6 Q What's the next conversation with an
 7 attorney for plaintiffs that you can recall after
 8 the one you've just testified about?
 9 A Probably the conversation that I had with
 10 Catherine on Friday night of this last week, 10:40AM
 11 which -- yeah, probably Friday.
 12 Q How long did that conversation last?
 13 A About two hours.
 14 Q What was discussed?
 15 A Again, same, similar; the same thing that 10:40AM
 16 was discussed in the previous conversations.
 17 Q Were there any sample questions posed to
 18 you during that conversation?
 19 A Yes.
 20 Q What questions, if you can recall? 10:41AM
 21 A We had spoke a bit about categorical
 22 funding at that point. Since it was just Friday, I
 23 can remember specifics. Specifically, Catherine had
 24 asked whether I was familiar with the governor's new
 25 proposal to reform the categorical funding program 10:41AM

Page 42

1 in California. 10:41AM
 2 We also discussed issues related to the
 3 average per pupil funding in California,
 4 specifically how urban areas, some urban areas,
 5 reflect a slightly higher than average per pupil 10:42AM
 6 expenditure than the average across California.
 7 We also discussed -- oh --
 8 MS. LHAMON: Dr. Huerta, are you looking
 9 at the notes we just produced today to refresh your
 10 memory? 10:42AM
 11 THE WITNESS: Yes.
 12 MS. LHAMON: Counsel can do the same.
 13 THE WITNESS: I would refer you to the
 14 notes, the 21st -- no. Sorry.
 15 Do you have it? 10:42AM
 16 MR. SIMMONS: One second. I do have the
 17 notes. Why don't we go off record, and I'll make a
 18 couple of this.
 19 MS. LHAMON: Everybody has copies of
 20 those. I didn't have extra copies of this, but I 10:42AM
 21 can have.
 22 MR. SIMMONS: Do we have a copy to mark?
 23 MS. LHAMON: I do, actually.
 24 (Defendants' Exhibit 2 was marked
 25 for identification and bound 10:43AM

Page 43

1 separately.) 10:43AM
 2 THE WITNESS: I would refer you to the
 3 notes of the 14th of March, which you have in front
 4 of you.
 5 We also spoke specifically about the "New" 10:43AM
 6 School Finance approach and the idea of a wide-scale
 7 assessment of needs across the state as being
 8 necessary before any attempt to fund schools at a
 9 higher level.
 10 Then we also discussed, again, just the 10:44AM
 11 logistics of me coming to California; and then
 12 briefly, again, logistics of -- the details of the
 13 deposition process.
 14 BY MR. SIMMONS:
 15 Q Are you familiar with the governor's new 10:44AM
 16 proposal to reform categorical funding?
 17 A I am briefly familiar with it. I have
 18 only just recently begun to read just a bit about
 19 it.
 20 Q What is your understanding of that 10:44AM
 21 proposal?
 22 A My understanding is that the proposal is
 23 asking for most of the categorical programs to be
 24 lumped into a block grant that would be distributed
 25 to schools. There's also a group of, I believe it's 10:45AM

Page 44

1 ten to twelve categorical -- some of the larger 10:45AM
 2 categorical programs, including class size
 3 reduction, a few others, that would not be lumped
 4 into the block grant approach.
 5 Q Are you sufficiently familiar with the 10:45AM
 6 governor's new proposal to reform categorical
 7 funding to offer an opinion about that proposal?
 8 A No, I haven't had a chance to review in
 9 detail any of the text. I've only reviewed -- I've
 10 only reviewed some of the newspaper clippings and 10:45AM
 11 have briefly reviewed the legislative analyst office
 12 report.
 13 Q Do you have any initial impressions of
 14 that proposal?
 15 A It's a bit early for me to comment simply 10:46AM
 16 because I don't know the details of all the
 17 categoricals that will be lumped into the block
 18 grant, so I would -- I would not be prepared to
 19 offer any sort of expert opinion on whether it's
 20 going to meet the objectives of the actual reform 10:46AM
 21 plan.
 22 Q Do you have any tentative impressions
 23 about the governor's proposal to reform categorical
 24 funding?
 25 A I think I just answered that. 10:46AM

Page 45

1 Q I guess what I'm asking for is -- I 10:46AM
 2 understand you may not feel comfortable offering an
 3 expert opinion on the governor's proposal, but just
 4 in your understanding of the proposal right now, if
 5 you have any tentative impressions of the proposal. 10:46AM
 6 A I wouldn't want to comment simply because
 7 I don't know the full details of it yet.
 8 Q Is the answer, no, you don't have any
 9 tentative impressions of the proposal?
 10 A No. Yes, that's the answer. The answer 10:47AM
 11 is, no, I don't have.
 12 MR. SIMMONS: Thank you.
 13 We've been going for an hour. Would you
 14 guys --
 15 MS. LHAMON: I would like a break. 10:47AM
 16 MR. SIMMONS: I would, too, actually.
 17 MS. LHAMON: Fine.
 18 (Discussion off the record.)
 19 BY MR. SIMMONS:
 20 Q Dr. Huerta, can you look at what has been 10:47AM
 21 marked as Exhibit 2 and tell me if you recognize
 22 that document?
 23 A Yes. These are my notes from the 21st --
 24 well, from different conversations that I had with
 25 Catherine, and I believe also with Jack Londen. 10:59AM

Page 46

1 Q And Exhibit 2 contains the notes of 10:59AM
 2 3/14 that we were discussing prior to the break. Is
 3 that correct?
 4 A Yes.
 5 Q In the course of your conversations with 10:59AM
 6 attorneys for plaintiffs, did you receive any advice
 7 about how to answer questions that were posed to
 8 you?
 9 A Yes, I received advice.
 10 Q What advice did you receive? 10:59AM
 11 A The advice was related more towards the
 12 process of deposition, specifically that my role was
 13 to defend the expert report. That was the primary
 14 gist of the advice, and along with -- I also
 15 received advice during the practice Q and A type 11:00AM
 16 sessions that we would have in the context of
 17 constant reminders. I was only -- my role was only
 18 to defend the report, the expert report.
 19 Q Any other advice you can recall having
 20 received? 11:00AM
 21 A Not specific, that I can recall.
 22 Q Anything you can recall generally?
 23 A Just the general things I just indicated.
 24 Q If you'll look at -- I believe it's the
 25 third page of Exhibit 2, which is your 3/14 notes. 11:01AM

Page 47

1 A Okay. 11:01AM
 2 Q And at the top of the page, there's an
 3 asterisk by that, and by that it says, "hard to know
 4 what."
 5 Do you know what that is referring to 11:01AM
 6 there?
 7 A It's referring -- that is specifically
 8 relating to the next asterisk, which looks at --
 9 which states assess needs and fund the needs current
 10 issues. And those are two sort of general 11:01AM
 11 statements related to the "New" School Finance
 12 approach, in that it's hard to know what, if any,
 13 additional resources are necessary.
 14 And the second asterisk is one of the
 15 principal components of the "New" School Finance, 11:02AM
 16 and that is we need to first assess the needs and
 17 then fund the needs.
 18 Q During this -- and these notes from
 19 3/14 refer to a conversation you had with
 20 plaintiffs' attorney, is that correct, or relate to 11:02AM
 21 a conversation that you had with an attorney for
 22 plaintiffs?
 23 A This specific day on the 14th, yeah. This
 24 was last Friday, right? Yes. I only hesitate
 25 because I didn't see the name on top. I usually put 11:02AM

Page 48

1 the name of who I spoke to. 11:02AM
 2 Q What was discussed about -- or what, if
 3 anything, was discussed about assessing needs in the
 4 state of California?
 5 A The two asterisks up top were basically my 11:02AM
 6 own notes reminding me, in shorthand, about the
 7 general framework of the "New" School Finance. As
 8 far as specifics to what was discussed, we spoke
 9 about whether we actually know how much education
 10 costs in California or we actually know -- "we," 11:03AM
 11 reference to the state -- know how much more money
 12 is necessary, if at all.
 13 Q Under the first sentence that's placed
 14 by -- there's a dash, if you see that. What does
 15 that sentence say there that's on Exhibit 2, page 3? 11:04AM
 16 A That may have been -- or it says, "We'll
 17 try and box in. That must take from one source to
 18 work for another."
 19 That was in reference to -- perhaps in
 20 reference -- and I don't recall specifically -- to 11:04AM
 21 one of the replies I may have given in the practice
 22 question/answer in that I just needed to be very
 23 specific on the issue, in my reply, on the issue of,
 24 if we need additional resources in California, where
 25 might the resources come from. 11:04AM

Page 49

1 Q And do you recall discussing any specific 11:04AM
 2 areas where additional resources might come from?
 3 A No, because it's outside the context of
 4 the expert report.
 5 Q And can you read for me the next sentence 11:05AM
 6 there on Exhibit 2?
 7 A Says, "Avoid caving in to simply needing
 8 more dollars," dollar sign.
 9 Q What is that in reference to?
 10 A Again, that was in reference to one of my 11:05AM
 11 responses in that -- and consistent with the "New"
 12 School Finance approach -- that applying the "New"
 13 School Finance idea is not about simply asking for
 14 more money, but rather first assessing what the
 15 needs are and then funding the needs. 11:05AM
 16 Q And I believe the next sentence down says,
 17 "Primary point is that we need to engage in a
 18 wide-scale assessment." Is that correct?
 19 A Yes.
 20 Q Do you have any opinion as to how that 11:05AM
 21 wide-scale assessment ought to be conducted?
 22 A I would refer back to the answer from
 23 about an hour ago in reference to professional -- in
 24 my reference to the professional judgment approach
 25 of involving a variety of different players that are 11:06AM

Page 50

1 directly involved in education from community, 11:06AM
 2 parents and the like, to policymakers, to experts.
 3 Q Would you refer to the people that you
 4 just identified as "stakeholders"? Is that a proper
 5 term to refer to those people as? 11:06AM
 6 A That's a fair assessment, yes.
 7 Q Other than ensuring that various groups of
 8 stakeholders are represented in a wide-scale
 9 assessment, do you have any other opinion as to how
 10 such an assessment should be conducted? 11:06AM
 11 A Again, back to what I indicated earlier,
 12 we would first have to assess the conditions in
 13 California, and that is something we haven't engaged
 14 in. Excuse me.
 15 This is obviously -- this is something 11:07AM
 16 that I would need to give quite a bit more thought
 17 to. We could, for example, follow some of the
 18 models that have been followed in states like
 19 Wyoming, where they have engaged in this
 20 professional judgment approach that I indicate. But 11:07AM
 21 as far as what is necessary timewise, staff and the
 22 like in California, it's hard to know without really
 23 engaging in this more seriously.
 24 Q Am I correct that you don't intend to
 25 offer an opinion in this case as to how a wide-scale 11:07AM

Page 51

1 assessment, if needed, should be conducted? 11:08AM
 2 A As I just indicated, the professional
 3 judgment approach is one approach that can be taken
 4 involving the stakeholders that we spoke about.
 5 That's one approach that is cognizant of the variety 11:08AM
 6 of different stakeholders and may be -- may lead us
 7 to one of the best assessments of what is actually
 8 necessary at the local level to meet basic minimums
 9 in education.
 10 Q So am I incorrect that -- strike that. 11:08AM
 11 So do you intend to offer an opinion in
 12 this case as to how the state should go about
 13 accomplishing a wide-scale assessment of needs, if
 14 it's determined that such an assessment is needed?
 15 A Not until I have all the facts in front of 11:09AM
 16 me and would engage myself in learning, first of
 17 all, the scale of what may be involved in
 18 California. So it's premature for me to speculate
 19 the exact approach that would be necessary.
 20 Q So as you sit here today, you have no 11:09AM
 21 basis upon which you are comfortable offering an
 22 opinion about how a wide-scale assessment of needs
 23 ought to be conducted?
 24 A I don't understand the question.
 25 MR. SIMMONS: Could you read the question 11:09AM

Page 52

1 back, please? 11:09AM
 2 (The question was read as follows:)
 3 "Q So as you sit here today, you
 4 have no basis upon which you are
 5 comfortable offering an opinion 11:09AM
 6 about how a wide-scale assessment of
 7 needs ought to be conducted?"
 8 BY MR. SIMMONS:
 9 Q Do you still not understand the question?
 10 MS. LHAMON: You haven't changed it in any 11:09AM
 11 respect.
 12 MR. SIMMONS: It just sounded pretty clear
 13 to me once I heard it.
 14 MS. LHAMON: It's argumentative. The
 15 witness said he didn't understand. If you can't 11:10AM
 16 rephrase it, then he doesn't have to answer it.
 17 MR. SIMMONS: I think I'm entitled to know
 18 whether he still doesn't understand it.
 19 THE WITNESS: Can you repeat the question,
 20 please? 11:10AM
 21 (The question was read as follows:)
 22 "Q So as you sit here today, you
 23 have no basis upon which you are
 24 comfortable offering an opinion
 25 about how a wide-scale assessment of 11:10AM

Page 53

1 needs ought to be conducted?" 11:10AM
 2 THE WITNESS: I have no specific plan,
 3 absent any of the -- absent all the facts in
 4 California that I would specifically outline.
 5 However, I do have a strong working knowledge, in my 11:10AM
 6 expert opinion, of how other states have approached
 7 this similar issue.
 8 BY MR. SIMMONS:
 9 Q One of those states is Wyoming. Is that
 10 correct? 11:10AM
 11 A Correct.
 12 Q What other states would you feel you have
 13 a strong working knowledge of the way they have
 14 approached a wide-scale assessment of needs?
 15 A State of Oregon, Kentucky, Ohio. 11:11AM
 16 Q Any others?
 17 A No.
 18 Q If you'll look at the next sentence down
 19 on page 3 of Exhibit 2, does that say facilities is
 20 one area that we do know that monies are lacking? 11:11AM
 21 A Correct.
 22 Q Is that your opinion?
 23 A Yes.
 24 Q How do we know that?
 25 A We know that because schools have been 11:11AM

Page 54

1 unable to keep up with the demand for facilities and 11:12AM
 2 the fiscal requirements that are necessary to
 3 actually build new facilities and renovate and
 4 modernize existing facilities. And I would refer
 5 you to the expert report by -- one of the expert 11:12AM
 6 reports that was filed in the case for the -- that
 7 dealt in great length on the issue of facilities. I
 8 don't recall the author's name at the moment.
 9 Q Is there any other information that you
 10 would refer me to in support of that opinion? 11:12AM
 11 A Not that I can recall right now.
 12 Oh, I would refer you to the chapter in
 13 the other document that you have, a chapter that I
 14 co-authored with some colleagues, "Crucial Issues in
 15 California Education 2000," which we briefly spoke 11:13AM
 16 about the issue of facilities.
 17 I would refer you to the state office of
 18 school restructure that looks specifically at the
 19 outstanding projects that exist.
 20 But most of all, I would yield in more 11:13AM
 21 detail to the expert report that's in the file for
 22 the case, which goes into this in much greater
 23 length than I can provide.
 24 Q Can you read for me the next sentence down
 25 on page 3 of Exhibit 2? 11:13AM

Page 55

1 A I hope. I can't recognize my first word 11:13AM
 2 there, but absent the first word it says, "To report
 3 when questions become repetitive or also refer back
 4 to the record."
 5 And that was simply in reference to when I 11:14AM
 6 feel one of, in this case, your questions, refers
 7 simply to a question that has already been asked, I
 8 would ask simply that you refer back to the record.
 9 Q And what's the -- there appears to be
 10 something in quotes below that sentence. Can you 11:14AM
 11 read that?
 12 A "We covered this ground in the report at
 13 length. I don't have anything else to say."
 14 Q So what was --
 15 A Again, that was in reference to the 11:14AM
 16 question-and-answer session of -- that I engaged in
 17 on the 14th with Catherine Lhamon; and, again, part
 18 of the deposition process advice in that -- in that
 19 my role is to defend the report. And as part of the
 20 record the report may directly reference any 11:15AM
 21 question or some of the questions you may ask, and I
 22 can refer you to that.
 23 Q So that was an answer that you were
 24 advised you could give in the course of this
 25 deposition? 11:15AM

Page 56

1 A An example of an answer, yes. 11:15AM
 2 Q Below that, on the left-hand side of the
 3 page, do you see that, the words there? I can't
 4 make them out.
 5 A Oh, yeah. Says, "Target instructional 11:15AM
 6 improvement grants." And that was just a note to
 7 myself on when I was reading a -- I believe it was a
 8 newspaper article on the governor's new -- the
 9 governor's new categorical funding program, and
 10 that's the name of -- target instructional 11:16AM
 11 improvement grants is the name of a categorical
 12 program that exists. And I don't know why I wrote
 13 that there.
 14 Q There at the bottom right, you have two
 15 words or three words. I believe the first is 11:16AM
 16 "report," and after that you have "categorical
 17 funding." Is that correct?
 18 A Yes. Those were my notes to remind myself
 19 what I would actually review prior to this session.
 20 Q Have you spoken with any of the other 11:16AM
 21 experts that are testifying on behalf of the
 22 plaintiffs in this case?
 23 MS. LHAMON: About the case or ever?
 24 BY MR. SIMMONS:
 25 Q About the case. 11:16AM

Page 57

1 A I spoke with Jeannie Allen -- I'm sorry -- 11:16AM
 2 Jeannie Oakes; I apologize -- Jeannie Oakes in late
 3 January for probably three minutes. I just had
 4 asked her at that point how things were going with
 5 the compilation of the expert reports which she had 11:17AM
 6 taken charge of compiling.
 7 Other than Jeannie, I don't think I've
 8 spoken to any other -- to any of the other people
 9 who authored any of the expert reports.
 10 Oh, I apologize. I did speak to Laura 11:17AM
 11 Goe, who at one point I had asked her for -- oh, I
 12 asked her for one of her earlier -- one of the
 13 reports she refers to in the expert report.
 14 Q Do you remember --
 15 A That's the piece on II/USP which she has 11:18AM
 16 worked on, which was published in -- which is
 17 published in a journal letter at Arizona State
 18 University, and that was for my own reference.
 19 And I spoke to Norton Grubb, also; just
 20 asked how things were going in the case. This may 11:18AM
 21 have been January. I don't remember exactly when
 22 and specifically what else did we talk about.
 23 At that point I had asked both Norton and
 24 Laura for a revised version of this paper, which has
 25 been truncated for publication in, I believe -- I 11:19AM

Page 58

1 don't recall which journals actually published it, a 11:19AM
 2 truncated version of the paper.
 3 Q When you say "the paper," you're referring
 4 to the expert report that has been marked as
 5 Exhibit 1? 11:19AM
 6 A Correct.
 7 Q Did you ever review any drafts of expert
 8 reports that have been submitted by plaintiffs in
 9 connection with this litigation?
 10 A Prior to being submitted for -- to the 11:19AM
 11 expert for testimony?
 12 No, I didn't review drafts, other than the
 13 Grubb and Goe report.
 14 Q Did you ever have any differences of
 15 opinion with Dr. Grubb concerning the substance of 11:20AM
 16 the expert report that's been marked as Exhibit 1?
 17 A As far as the substance of the paper, no.
 18 Q Did you ever have any differences of
 19 opinion with respect to the substance of the expert
 20 report that has been marked as Exhibit 1 with 11:20AM
 21 Dr. Goe?
 22 A No.
 23 Q Does the expert report that has been
 24 marked as Exhibit 1 contain a fair summary of all
 25 the opinions you intend to offer at a trial in this 11:21AM

Page 59

1 case? 11:21AM
 2 A Yes.
 3 Q Are there any opinions contained in the
 4 report that has been marked as Exhibit 1 that you do
 5 not intend to offer at trial? 11:21AM
 6 A No.
 7 Q So for our purposes, you have essentially
 8 adopted the expert report that has been marked as
 9 Exhibit 1 as your own?
 10 A Yes. 11:21AM
 11 Q As you sit here today, are you aware of
 12 any opinions that you intend to offer at trial that
 13 are not fairly summarized in the expert report
 14 that's been marked as Exhibit 1?
 15 MS. LHAMON: Asked and answered. 11:21AM
 16 THE WITNESS: No.
 17 BY MR. SIMMONS:
 18 Q Do you know whether all of the documents
 19 that you relied on in forming the opinions you
 20 intend to offer at trial in this case have been 11:22AM
 21 produced in this litigation?
 22 MS. LHAMON: Lacks foundation. Calls for
 23 speculation.
 24 You can ask me.
 25 THE WITNESS: I don't know what that 11:22AM

Page 60

1 means. 11:22AM
 2 MR. SIMMONS: I'll ask Ms. Lhamon first.
 3 MS. LHAMON: We've produced everything
 4 that Dr. Huerta had that he told us he relied on.
 5 And there's -- as we already discussed, there was an 11:22AM
 6 open question -- the specific copy of the report he
 7 brought here today has been produced. You and I can
 8 check it at the break. And if it's not, I'm more
 9 than happy to produce it.
 10 MR. SIMMONS: Great. Thank you. 11:22AM
 11 BY MR. SIMMONS:
 12 Q Did you ever make an effort to collect
 13 documents that you relied on in forming the opinions
 14 that you're going to offer in this case?
 15 A Other than the notes that I've provided to 11:22AM
 16 you -- some of them reflect my thought process I
 17 have provided -- yes, I have provided all documents.
 18 Q Do you have any understanding as to why
 19 Dr. Grubb is not testifying to the opinions
 20 contained in the expert report that has been marked 11:23AM
 21 as Exhibit 1?
 22 A My understanding is he has -- his schedule
 23 did not permit him to participate in the deposition.
 24 He's on sabbatical in France at the moment and will
 25 not return until -- actually, I don't know exactly 11:23AM

Page 61

1 when he returns. I believe it's late summer. 11:23AM
 2 Q Do you have any understanding as to why
 3 Dr. Goe is not testifying to the opinions contained
 4 in the expert report that has been marked as
 5 Exhibit 1? 11:23AM
 6 A No, I don't know why.
 7 Q When did you become aware that you would
 8 be testifying to the opinions contained in the
 9 expert report that has been marked as Exhibit 1?
 10 A I've answered that. In December 2002. 11:23AM
 11 MS. LHAMON: Shaun, it looks like you're
 12 going to mark something else as an exhibit.
 13 MR. SIMMONS: Yes.
 14 MS. LHAMON: I'll be happy to stipulate
 15 documents referred to in this deposition that have 11:24AM
 16 already been produced can be used as if they had
 17 been made exhibits, and they don't have to be made
 18 exhibits for copying purposes, if that's okay with
 19 all counsel present.
 20 MS. GIORGI: On small documents, I prefer 11:24AM
 21 them be added because it's easier when we go back
 22 over the deposition. The large documents, we may be
 23 able to make that stipulation.
 24 MR. SIMMONS: Actually, we'll give it to
 25 the court reporter first to mark as Exhibit 3, I 11:24AM

Page 62

1 believe it is. 11:24AM
 2 (Defendants' Exhibit 3 was marked
 3 for identification and bound
 4 separately.)
 5 BY MR. SIMMONS: 11:25AM
 6 Q Dr. Huerta, can you take a look at what
 7 has been marked as Exhibit 3?
 8 A Yes.
 9 Q Do you recognize that document?
 10 A Yes. 11:26AM
 11 Q What is that document?
 12 A That's my consulting schedule.
 13 Q Is that the consulting schedule by which
 14 you are being compensated in connection with your
 15 work as an expert in this case? 11:26AM
 16 A Yes.
 17 (Defendants' Exhibit 4 was marked
 18 for identification and bound
 19 separately.)
 20 BY MR. SIMMONS: 11:27AM
 21 Q Have you had a chance to review what has
 22 been marked as Exhibit 4 in this case?
 23 A Yes.
 24 Q Can you tell me what that document is?
 25 A That's my CV. 11:27AM

Page 63

1 Q Are all of the degrees which you have 11:27AM
 2 received since graduation from high school listed
 3 under the education section of Exhibit 3?
 4 A Yes.
 5 Q When did you begin your work on your 11:27AM
 6 doctorate in education?
 7 A Fall of 1996.
 8 Q Am I correct your dissertation did not
 9 focus on school finance?
 10 A Correct. 11:28AM
 11 Q You received a master's in education from
 12 Cal State Fresno in 1995. Is that correct?
 13 A Yes.
 14 Q What areas of education did you focus on
 15 in the course of obtaining that degree? 11:28AM
 16 A For the master's degree, I focused on
 17 development of curriculum for elementary schools.
 18 And then I focused on specifically policy issues
 19 related to leadership in school administration; and
 20 then more specifically, on policy issues related to 11:29AM
 21 school finance.
 22 Q In the course of obtaining your master's
 23 degree, did you take any courses concerning school
 24 finance?
 25 A Yes. 11:29AM

Page 64

1 Q Do you recall what courses? 11:29AM
 2 A I don't recall the specific title of this
 3 course.
 4 Q When you say "this course," are you
 5 referring to just one course you took on school 11:29AM
 6 finance in the course of obtaining your master's?
 7 A I took a course that dealt specifically
 8 with school finance, and then I took one or two
 9 independent studies with professors on which I
 10 worked on this issue directly. 11:29AM
 11 Q What did those independent study courses
 12 entail?
 13 A They entailed primarily reading, and then
 14 discussion with my faculty colleague, and also
 15 writing initial chapters of my master's thesis. 11:30AM
 16 Q In the course of obtaining your doctorate,
 17 did you take any courses related to school finance?
 18 A Yes.
 19 Q What courses did you take?
 20 A I took a class on economics of education; 11:30AM
 21 took a class on school finance specifically with
 22 Dr. Norton Grubb; I took several courses which,
 23 while not the primary theme of the course, were --
 24 school finance was one of the issues contained in
 25 the class; and then I took several -- I don't 11:30AM

Page 65

1 remember how many -- again, independent reading 11:30AM
 2 classes, where I further developed my expertise on
 3 this area.
 4 Q You are currently employed as an assistant
 5 professor at Teachers College for Columbia 11:31AM
 6 University. Is that correct?
 7 A Yes.
 8 Q Is that a tenure-track position?
 9 A Yes, it is.
 10 Q Where in the hierarchy of college 11:31AM
 11 professors does the assistant professor fall?
 12 MS. LHAMON: Vague and ambiguous.
 13 THE WITNESS: The assistant professor is
 14 the first step in the hierarchy of -- in the
 15 hierarchy of a tenure job of college professors. 11:31AM
 16 BY MR. SIMMONS:
 17 Q What courses have you taught as an
 18 assistant professor at Teachers College?
 19 A Taught courses in education policy
 20 implementation; education taught courses in school, 11:31AM
 21 a course on school finance policy in research; and
 22 I've taught a course -- what else have I taught? I
 23 can provide a class schedule to outline the courses.
 24 Q About how many courses do you think you've
 25 taught since you've been an assistant professor at 11:32AM

<p style="text-align: right;">Page 66</p> <p>1 Teachers College? 11:32AM</p> <p>2 A This is my third semester. I have taught</p> <p>3 a total of four courses, including this semester.</p> <p>4 Q Of those four courses, how many involved</p> <p>5 school finance? 11:32AM</p> <p>6 A All of them, one of them directly that was</p> <p>7 the principal theme. The other courses, which have</p> <p>8 been taught more than once, also involve the issue</p> <p>9 of school finance.</p> <p>10 Q What does "decentralization," in the 11:33AM</p> <p>11 educational context, mean?</p> <p>12 A "Decentralization" refers specifically to</p> <p>13 the devolution of public authority to local level.</p> <p>14 Q Have you conducted any research on the</p> <p>15 issue of decentralization in education? 11:33AM</p> <p>16 A The primary theme of my dissertation in</p> <p>17 nearly three years of research was specifically of</p> <p>18 decentralization in the area of schools in</p> <p>19 California.</p> <p>20 Q Are there benefits to decentralization in 11:33AM</p> <p>21 education?</p> <p>22 MS. LHAMON: Vague and ambiguous and</p> <p>23 overbroad.</p> <p>24 THE WITNESS: It depends on the local</p> <p>25 context. It depends on the state regulatory 11:34AM</p>	<p style="text-align: right;">Page 68</p> <p>1 Q From 1996 to 2001, you were employed as a 11:36AM</p> <p>2 research assistant for Policy Analysis for College</p> <p>3 Education. Is that correct?</p> <p>4 A Correct.</p> <p>5 Q What is that? 11:36AM</p> <p>6 A Policy Analysis for California Education</p> <p>7 is a research institute at the School of Education,</p> <p>8 Graduate School of Education, at UC Berkeley -- and</p> <p>9 we also have an office at Stanford University, PACE,</p> <p>10 which is the acronym, P-A-C-E -- is involved in both 11:36AM</p> <p>11 early childhood, K-12 and higher education research,</p> <p>12 not only in California, but in national projects as</p> <p>13 well.</p> <p>14 Q Are you familiar with an organization</p> <p>15 known as the Center for the Future of Teaching and 11:37AM</p> <p>16 Learning?</p> <p>17 A Yes.</p> <p>18 Q What can you tell me about that</p> <p>19 organization?</p> <p>20 A It -- is this the organization that is 11:37AM</p> <p>21 based in Santa Cruz.</p> <p>22 Q To my knowledge, yes.</p> <p>23 A Yeah. The Center for Teaching and --</p> <p>24 Center for the Future of Teaching and Learning is</p> <p>25 that the name, yeah, is a research institute that 11:37AM</p>
<p style="text-align: right;">Page 67</p> <p>1 context. 11:34AM</p> <p>2 BY MR. SIMMONS:</p> <p>3 Q Are there instances in which</p> <p>4 decentralization is a good thing for education?</p> <p>5 MS. LHAMON: Same objections. 11:34AM</p> <p>6 THE WITNESS: Again, it depends on local</p> <p>7 context and state and federal regulatory context.</p> <p>8 Some of my research does indicate that, that local</p> <p>9 actors are empowered by the ability to hold some</p> <p>10 level of public authority. However, the research is 11:34AM</p> <p>11 not conclusive whether that's ultimately a benefit</p> <p>12 over state level regulatory control.</p> <p>13 BY MR. SIMMONS:</p> <p>14 Q The course that you mentioned teaching at</p> <p>15 Teachers College that focused directly on school 11:35AM</p> <p>16 finance, can you give me a brief description of the</p> <p>17 specific areas that are covered by that course?</p> <p>18 A Sure. Specifically it covers historical</p> <p>19 issues of school finance dealing with litigation,</p> <p>20 current issues, and sort of new paradigms and where 11:35AM</p> <p>21 school finance is going. The course also deals</p> <p>22 specifically with issues of equity and looking</p> <p>23 specifically at school finance formulas and how they</p> <p>24 affect equity, and also measuring equity with</p> <p>25 computer simulations. 11:36AM</p>	<p style="text-align: right;">Page 69</p> <p>1 specifically looks at the role that teachers play in 11:37AM</p> <p>2 education, and it focuses specifically on teacher</p> <p>3 administrative-related issues.</p> <p>4 That's the extent of what I know of the</p> <p>5 center. I do know -- I have met individuals that 11:37AM</p> <p>6 work there.</p> <p>7 Q What types of work did you perform as a</p> <p>8 research assistant for PACE?</p> <p>9 A I coordinated K-12 research efforts. That</p> <p>10 was more of an administrative role. I also was a 11:38AM</p> <p>11 research associate, and I headed up several</p> <p>12 different projects in the K-12 research, as well as</p> <p>13 several different publications efforts, for example,</p> <p>14 the Crucial Issues in California Education, but my</p> <p>15 primary role was of a researcher. 11:38AM</p> <p>16 Q What amount of your work at PACE, if any,</p> <p>17 was focused on issues of school finance?</p> <p>18 A Probably 40 to 50 percent of my work.</p> <p>19 Q What specific school finance-related work</p> <p>20 did you do while serving as a research assistant 11:39AM</p> <p>21 with PACE?</p> <p>22 MS. LHAMON: Research associate.</p> <p>23 BY MR. SIMMONS:</p> <p>24 Q Research associate. I'm sorry.</p> <p>25 A Specifically the Straw into Gold report 11:39AM</p>

<p style="text-align: right;">Page 70</p> <p>1 with Norton Grubb and myself, and that was a project 11:39AM</p> <p>2 over two and a half to three years, the project</p> <p>3 which led to the publication of Crucial Issues in</p> <p>4 California Education 2000.</p> <p>5 I also served as -- provided on numerous 11:39AM</p> <p>6 occasions expert opinion for newspaper publications</p> <p>7 and the like.</p> <p>8 Q Have you ever consulted a state government</p> <p>9 concerning the manner in which it should finance</p> <p>10 public education? 11:40AM</p> <p>11 A I was a member of -- with Norton Grubb, of</p> <p>12 the master plan in education committee. I forgot</p> <p>13 the exact title of that committee.</p> <p>14 Q Have you ever provided any other</p> <p>15 consultation to a state government concerning the 11:40AM</p> <p>16 manner in which it should finance public education?</p> <p>17 A No.</p> <p>18 Q I need help with the name of that</p> <p>19 committee, too. I believe it's in your report.</p> <p>20 THE WITNESS: Suzanne, do you know the 11:40AM</p> <p>21 name of that committee? It's the master plan.</p> <p>22 MS. GIORGI: No, I won't be able to help</p> <p>23 you.</p> <p>24 MS. LHAMON: It's publicly available if we</p> <p>25 can't find it right now. We all can agree once we 11:41AM</p>	<p style="text-align: right;">Page 72</p> <p>1 meetings, did you do some other work with the 11:43AM</p> <p>2 finance committee of the joint commission to develop</p> <p>3 a master plan for education, kindergarten through</p> <p>4 university?</p> <p>5 A No. 11:43AM</p> <p>6 Q Did I hear you correctly that you attended</p> <p>7 about four or five committee meetings? Is that</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q How long did those committee meetings 11:44AM</p> <p>11 generally last?</p> <p>12 A They were normally all-day events, six to</p> <p>13 seven hours in Sacramento.</p> <p>14 Q If you'll look at page 2 of your CV, it</p> <p>15 refers to a article entitled "School Finance in 11:44AM</p> <p>16 California: Does History Provide a Sufficient</p> <p>17 Policy Standard."</p> <p>18 What was your role, if any, in the</p> <p>19 creation of that article?</p> <p>20 A I was one of the co-authors of that 11:44AM</p> <p>21 article, together with Neal Finkelstein and William</p> <p>22 Farrel.</p> <p>23 Q Can you give me a brief synopsis as to the</p> <p>24 substance of the article?</p> <p>25 A The author -- the article looks at -- 11:45AM</p>
<p style="text-align: right;">Page 71</p> <p>1 find the name. Later we will know what it is. 11:41AM</p> <p>2 MR. SIMMONS: I thought it would be here.</p> <p>3 MS. LHAMON: Page 13 of the report on the</p> <p>4 bottom referred to as the finance committee of the</p> <p>5 joint commission to develop a master plan for 11:41AM</p> <p>6 education, kindergarten through university.</p> <p>7 BY MR. SIMMONS:</p> <p>8 Q That is the organization you were</p> <p>9 referring to earlier, correct?</p> <p>10 A Yes. 11:42AM</p> <p>11 Q What work did you do with that</p> <p>12 organization?</p> <p>13 A I attended committee meetings during the</p> <p>14 year of 2001, probably a total of maybe four or five</p> <p>15 committee meetings. During the committee meetings, 11:42AM</p> <p>16 we would work in small groups, speaking specifically</p> <p>17 of issues dealing with California school finance</p> <p>18 formula, and along with a room of 20 or so other</p> <p>19 experts that were invited to be on the committee.</p> <p>20 And ultimately, our small groups would report back 11:43AM</p> <p>21 to the primary author, whose name escapes me right</p> <p>22 now. I don't remember his name.</p> <p>23 And ultimately, the report went to the</p> <p>24 joint committee at the legislature.</p> <p>25 Q Aside from attending the committee 11:43AM</p>	<p style="text-align: right;">Page 73</p> <p>1 briefly at school finance history over the last 30 11:45AM</p> <p>2 years. We speak about the policy disconnect that</p> <p>3 exists between state level -- between state level</p> <p>4 policy and local level needs. We have a wide review</p> <p>5 of categorical programs in California. Then we 11:45AM</p> <p>6 introduce the notion of school finance adequacy in</p> <p>7 California and the challenges to approach an issue</p> <p>8 of school finance adequacy in California.</p> <p>9 Q Can you define what you mean by "school</p> <p>10 finance adequacy"? 11:46AM</p> <p>11 A Adequacy in the context of school finance</p> <p>12 discussions over the last five to ten years has</p> <p>13 referred specifically to funding actual needs of</p> <p>14 schools and students and also linking needs,</p> <p>15 specific needs to outputs, outputs in the context of 11:46AM</p> <p>16 mostly student achievement, but includes other</p> <p>17 factors as well.</p> <p>18 Q Is there disagreement about what actual</p> <p>19 needs ought to be funded to ensure adequacy?</p> <p>20 MS. LHAMON: Vague and ambiguous as to 11:46AM</p> <p>21 among whom there might be disagreement.</p> <p>22 THE WITNESS: It depends on the context in</p> <p>23 each state that has actually attempted to approach</p> <p>24 this issue.</p> <p>25 ////</p>

<p style="text-align: right;">Page 74</p> <p>1 BY MR. SIMMONS: 2 Q Start with just the academic community. 3 Are there gates within the academic community about 4 what actual needs ought to be funded in terms of 5 school finance adequacy? 11:47AM 6 MS. LHAMON: Vague and ambiguous. 7 THE WITNESS: The publications on the 8 issue of adequacy in school finance have dealt 9 with -- the early publications over the last five or 10 six years have dealt with general descriptions of 11:47AM 11 how states have approached adequacy. I have already 12 mentioned some of those states prior. There are new 13 publications which I have not reviewed which begin 14 to look specifically at some of the -- some of the 15 states that have actually implemented adequacy 11:47AM 16 formulas and what the effects have been, but I have 17 not reviewed those publications. 18 BY MR. SIMMONS: 19 Q Do you, yourself, have any set list of 20 resources that you can -- that you believe are 11:48AM 21 necessary for an adequate education? 22 MS. LHAMON: Vague and ambiguous. Are you 23 talking about funding resources or other resources? 24 Not clear what you mean by a "set list." 25 ////</p>	<p style="text-align: right;">Page 76</p> <p>1 I don't have -- I have not conducted any research on 11:49AM 2 that specifically to have an expert opinion on that. 3 Q Page 2 of your CV identifies a publication 4 called "National Perspectives on Educational 5 Adequacy." 11:50AM 6 A Uh-huh. 7 Q Is that publication essentially a hard 8 copy of testimony that you gave to the state 9 legislature? 10 A Yes. 11:50AM 11 Q What was the substance of that testimony? 12 A That was a brief summary of national 13 perspectives on educational adequacy looking at 14 states like Wyoming, Oregon and a few others. 15 Q Do you know where I could find a copy of 11:50AM 16 that publication? 17 A That would be on the public record of 18 that -- of the select committee on school funding 19 and reform hearing that occurred in February 2000. 20 Q And the same question with respect to, 11:51AM 21 "School Finance in California: Does History Provide 22 a Sufficient Policy Standard"; do you know where I 23 could find a copy of that article? 24 A You have a copy of that article. That's 25 available from Policy Analysis for California 11:51AM</p>
<p style="text-align: right;">Page 75</p> <p>1 BY MR. SIMMONS: 2 Q I guess I would be speaking in terms of 3 tangible things, things like those that are involved 4 in this case, meaning, you know, textbooks or 5 teacher credentials, if you have a set list of 11:48AM 6 those? 7 A Sure. They're the obvious basic needs 8 that are necessary for education facilities, 9 certificated teachers and books and materials being 10 only three of them. And depending on the local 11:48AM 11 context and what the needs are, there is a whole 12 variety of others. 13 Q In terms of, for example, school 14 facilities, do you have any opinion as to, say, the 15 average square foot per student that is necessary to 11:49AM 16 provide an adequate education? 17 A I do not. That is outside the area -- 18 that is outside my area of expertise. 19 Q How about, for example, with teachers; do 20 you have any opinion as to what the minimum 11:49AM 21 qualifications of a teacher ought to be to ensure an 22 adequate education? 23 A My personal opinion or expert opinion. 24 Q Expert opinion, please, if you have one? 25 A I would refer you to the expert reports. 11:49AM</p>	<p style="text-align: right;">Page 77</p> <p>1 Education. 11:51AM 2 Q At the bottom of page 2 of your CV, it 3 identifies an editorial by you and Bruce Fuller. 4 Do you see that down there? 5 A Yes. 11:51AM 6 Q Can you -- and I will -- the title is 7 "State Action Deserves a Lot of Credit for Better 8 Test Scores." Is that correct? 9 A True. 10 Q Can you briefly describe the substance of 11:51AM 11 that editorial? 12 A Briefly, but I would need it in front of 13 me to give you more detail. But the general theme 14 of the op ed was to reflect whether recent state 15 action has actually led to increase in test scores. 11:52AM 16 At that time, in 2000, some of the recent state 17 action at that point had been class reduction, the 18 class size reduction initiative as well as the 19 implementation of the new public school 20 accountability act. And we had reflected whether 11:52AM 21 those state-led actions were actually leading to 22 increases in student achievement or not. 23 Q What position did you offer in that 24 regard? 25 A We didn't offer a specific description, 11:53AM</p>

<p style="text-align: right;">Page 78</p> <p>1 but rather -- I'm sorry -- a specific position, but 11:53AM 2 rather outlined how these different reforms that I 3 just mentioned had actually been implemented and how 4 difficult it was to specifically pin any test score 5 increases to one reform or the other, since they had 11:53AM 6 all been implemented nearly at the same time. 7 As far as any further detail, I would have 8 to review the piece, which I haven't looked at for 9 three years. 10 Q Have you ever conducted any research 11:53AM 11 concerning interdistrict disparities in terms of 12 access to educational resources, such as 13 credentialed teachers, textbooks or adequate 14 facilities? 15 A No. 11:54AM 16 Q Have you ever conducted any research 17 concerning intradistrict disparities in terms of 18 access to educational resources? 19 A To the extent of collecting actual data, 20 no; however, to the extent of reviewing numerous 11:54AM 21 publications and research that exist on this area, 22 yes. 23 Q Would you turn to page 2 of the expert 24 report? 25 Do you see where the expert report says, 11:55AM</p>	<p style="text-align: right;">Page 80</p> <p>1 have conspired to keep the idea of equality from 11:56AM 2 being realized? 3 A Those are factors that have, in many 4 respects, not been fully assessed in order to -- let 5 me restate that, please. 11:57AM 6 Those are important factors that need to 7 be assessed before we begin to actually fund schools 8 and come to some sort of definition of what equity 9 is, beyond looking at simply uneven distribution of 10 dollars to all children. 11:57AM 11 Q Is it your opinion that low income 12 students generally ought to receive more educational 13 resources than do their wealthier counterparts? 14 MS. LHAMON: Vague and ambiguous. 15 Incomplete hypothetical. 11:57AM 16 THE WITNESS: It's my opinion that some 17 students bring with them to school differential 18 needs that have to be addressed with differential 19 funding. 20 BY MR. SIMMONS: 21 Q So within that understanding, what 22 students would receive more funding, in your 23 opinion? 24 MS. LHAMON: Vague and ambiguous and 25 assumes facts not in evidence that there is a 11:58AM</p>
<p style="text-align: right;">Page 79</p> <p>1 "many other factors, of which the inability to 11:55AM 2 afford going to school has been only one, have 3 conspired to keep the ideal of equality from being 4 realized." 5 What other factors are being referred to 11:55AM 6 in that sentence, if you know? 7 A What paragraph? 8 Q I'm sorry. The last sentence before -- 9 right there in the middle of the page. 10 A The factors we're referring to are the 11:55AM 11 factors listed in the previous sentence, among 12 others. In addition to the factors that are 13 referred to in the previous sentence, there's issues 14 dealing with state level regulation, state level 15 formulas, resource use at local levels. There's a 11:56AM 16 whole gamut of additional factors which have kept us 17 from fully assessing what or how to reach any sort 18 of equality. 19 Q What factors are you referring to in the 20 preceding sentence? 11:56AM 21 A Immigrant children, these are -- which 22 were factors that children bring with them or 23 characteristics children bring with them to school. 24 Q So is it your opinion that characteristics 25 that students bring with them to school, in part, 11:56AM</p>	<p style="text-align: right;">Page 81</p> <p>1 particular class of students who would receive more 11:58AM 2 funding. That's not what he testified to. 3 BY MR. SIMMONS: 4 Q Actually, let me rephrase. 5 You just indicated that students with 11:58AM 6 differing characteristics might need differing 7 amounts of resources. Is that correct? 8 A Yes. 9 Q And I want to know if you have an opinion 10 as to which students ought to receive more financial 11:58AM 11 resources as opposed to other students. Can you 12 give me some categories? 13 A I would first call for fully assessing 14 what the needs of students are, and that would allow 15 us to begin to actually draw categories, which may 11:59AM 16 involve students that have limited English 17 proficiency, students with disabilities who 18 obviously require higher levels of funding. Those 19 are two examples. 20 Q What, if any, is your definition of 11:59AM 21 "equality of educational opportunity"? 22 A I believe that equality of education has 23 had a variety of different definitions, both in the 24 academic literature and in the popular understanding 25 of what "equality" means. I believe that for many 11:59AM</p>

<p style="text-align: right;">Page 82</p> <p>1 years, both court cases and a general understanding 12:00PM 2 have led to equality being defined as equal dollars 3 per kid, per child, in the sense that every child 4 should receive the same amount of money. That's 5 only one definition of equality that doesn't take 12:00PM 6 into consideration differential needs. 7 My definition of equality is a system that 8 would take into consideration the fact that some 9 students come to school with differential needs and, 10 therefore, have to be funded at a different level, 12:00PM 11 accordingly, so that they would be guaranteed at 12 least close to a similar opportunity as those 13 students that already come with higher or fewer 14 needs. 15 Q Are you aware of any other definitions of 12:00PM 16 "equality of educational opportunity"? 17 A In the context of school finance, no. 18 Q How about outside the context of school 19 finance? 20 A Not that I care to comment on, I guess. 12:01PM 21 I'm not sure. Well, I would comment only on the 22 issue of equality of educational opportunity. And 23 how that's defined, whether that means that every 24 child should come to school with the same amount -- 25 this takes us back to school finance, whether every 12:01PM</p>	<p style="text-align: right;">Page 84</p> <p>1 outputs produced. But opportunity obviously 12:03PM 2 involves the level of inputs as well, which would 3 include resources and a variety of other factors, 4 including quality of teacher instruction, materials 5 and the like. 12:04PM 6 BY MR. SIMMONS: 7 Q On the bottom of page 2 of the expert 8 report, carrying over to page 3, it says that, 9 "Equality of educational opportunity has been a 10 slippery concept since it's difficult to know 12:04PM 11 whether any quality of outcomes is due to 12 differences in opportunities or differences in the 13 wellness or opportunity of children to take 14 advantage of opportunities provided." 15 Why is it difficult to know the cause 12:04PM 16 behind differences in outcomes? 17 A While some research has spoken to how the 18 characteristics that students bring with them to 19 schools have more significant effects on their 20 achievement, there's other research that indicates 12:05PM 21 how the lack of resources or the actual effect that 22 schools may have on children is also significantly 23 related to their achievement, so... 24 So there's differences, different opinions 25 coming from both perspectives. 12:05PM</p>
<p style="text-align: right;">Page 83</p> <p>1 child should be funded at the same level or whether 12:02PM 2 every child should be provided the same opportunity 3 of education. 4 Q Those were two different approaches you 5 just identified for me, right? 12:02PM 6 A Yes. 7 Q How do they differ from one another? 8 A Actually, I would return and say, well, 9 they're very interrelated in that we can't speak 10 about providing educational opportunity without 12:02PM 11 speaking about resources and what is necessary in 12 order to actually achieve equal educational 13 opportunity. So I would -- I would state now that 14 they -- even though there may be different ideas in 15 the sense one is only looking at dollar resources, 12:03PM 16 the other one is looking at opportunity, they're 17 inextricably related. 18 Q Under your definition of "equality of 19 educational opportunity," are you focusing on 20 educational outcomes as opposed to inputs? 12:03PM 21 A That's one of the -- 22 MS. LHAMON: Vague and ambiguous. 23 THE WITNESS: When we talk about 24 opportunity, one of the ways of measuring 25 opportunity is ultimately through the level of 12:03PM</p>	<p style="text-align: right;">Page 85</p> <p>1 Q And these differing perspectives are -- 12:05PM 2 are these differing opinions being provided by the 3 academic community? 4 A Yes. That's what I'm referring to. 5 Q Do you believe that given the difficulties 12:05PM 6 in knowing whether any qualities of outcomes are due 7 to differences in opportunities or to differences in 8 the willingness or opportunity of children to take 9 advantage of opportunities provided, that equality 10 of educational opportunity ought to be defined in 12:06PM 11 terms of resources provided to students instead of 12 outcomes achieved by students? 13 MS. LHAMON: Vague and ambiguous. 14 THE WITNESS: I think it should be defined 15 by both, inputs and outputs. 12:06PM 16 BY MR. SIMMONS: 17 Q Why not just focus on inputs? 18 A Because we can't assume that similar 19 levels of inputs are going to lead to the same 20 amount of outputs. That's the definition of 12:06PM 21 equality that we've relied on for nearly 30 years. 22 Q Do we have any basis for knowing that 23 greater levels of inputs for certain students will 24 result in greater educational outcomes? 25 MS. LHAMON: Vague and ambiguous. 12:06PM</p>

Page 86

1 Overbroad. 12:07PM
 2 THE WITNESS: Yes, we have some research
 3 that has specifically looked at how different
 4 programs that do involve additional resources have
 5 led to greater achievements. 12:07PM
 6 BY MR. SIMMONS:
 7 Q Is there research out there that puts
 8 forth the contrary view?
 9 A Yes. There's research that provides views
 10 from both perspectives. 12:07PM
 11 My East Coast stomach is getting hungry.
 12 MR. SIMMONS: We can stop now, if you
 13 like.
 14 (The luncheon recess was taken at
 15 12:07 P.M.) 12:07PM
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 87

1 APPEARANCES OF COUNSEL:
 2 (P.M. SESSION)
 3
 4 SHAUN SIMMONS, ESQ.
 5
 6 JOHN S. POULOS, ESQ.
 7
 8 SUZANNE GIORGI, ESQ.
 9
 10 CATHERINE E. LHAMON, ESQ.
 11
 12 JOHN NOLTE, INTERN
 13
 14
 15
 16
 17 REPORTED BY:
 18
 19 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690
 20
 21
 22
 23
 24
 25

Page 88

1 (The deposition of LUIS HUERTA was
 2 reconvened at 1:28 P.M.)
 3
 4 MR. SIMMONS: Over the break, I made a
 5 copy of the expert report, written by Drs. Grubb and 1:28PM
 6 Goe, which Dr. Huerta had in his possession, and had
 7 some notes on it, as well as some Post-its. I have
 8 essentially made a copy of the report. And then
 9 with the Post-its, I just made a copy of the Post-it
 10 on a separate page, which I have put behind the page 1:28PM
 11 where the Post-it was attached.
 12 So if we could have that marked as an
 13 exhibit to the depo that would be --
 14 (Defendants' Exhibit 5 was marked
 15 for identification and bound 1:28PM
 16 separately.)
 17 MS. LHAMON: In addition, we brought to
 18 the deposition a document called "ECS State Notes,
 19 Finance/Adequacy/Core Costs," and it's from
 20 April 1999. It's the currently available version of 1:29PM
 21 a paper by Fulton that is cited in the bibliography
 22 of the Grubb and Goe report. And Dr. Huerta has
 23 obtained this copy because the 1997 version, which
 24 is cited in the report, is no longer available on
 25 the Web and this is the most current iteration. 1:29PM

Page 89

1 MR. SIMMONS: Thank you. 1:29PM
 2
 3 LUIS HUERTA,
 4 the witness, having been previously administered
 5 an oath, was examined and testified further
 6 as follows:
 7 1:29PM
 8 EXAMINATION (CONTINUING)
 9 BY MR. SIMMONS:
 10 Q Welcome back, Dr. Huerta.
 11 A Thanks.
 12 Q I'll just remind you, you're still under 1:29PM
 13 oath here, even though we took the break.
 14 A Okay.
 15 Q Did you discuss the -- did you discuss
 16 your deposition at all over our last break?
 17 A Very briefly. 1:29PM
 18 Q What did you discuss?
 19 A Catherine and I discussed -- or I should
 20 say I asked Catherine whether my responses were
 21 consistent with the questions that were being asked,
 22 just as a marker of how I was doing. 1:30PM
 23 Q And what was Ms. Lhamon's response?
 24 A That I'm doing fine.
 25 MS. LHAMON: I feel like a training

Page 90

1 leader.
 2 ///

3 BY MR. SIMMONS:
 4 Q Do you recall anything else being
 5 discussed over the break?
 6 A No. That's all we spoke about.
 7 Q All right. If you could turn to page 3 of 1:30PM
 8 the expert report.
 9 MS. LHAMON: Just so we're clear,
 10 ordinarily in the deposition when you are referring
 11 to "expert report," you'll be referring to Exhibit 1
 12 and not Exhibit 5? 1:31PM
 13 MR. SIMMONS: Yes. Thank you.
 14 MS. LHAMON: Thank you.
 15 BY MR. SIMMONS:
 16 Q If you'll look towards the middle of the
 17 page, do you see where it says, "Equity itself 1:31PM
 18 remains elusive because of political opposition,
 19 because equity is a moving target, and because the
 20 concept itself is difficult."
 21 A Yes.
 22 Q What is meant by "political opposition" as 1:31PM
 23 it's used in that sentence?
 24 A Political opposition is an inference to
 25 the fact that there hasn't been a decidedly clear

Page 91

1 definition of equity, but rather this is something
 2 that has been -- I'm sorry; let me return to that -- 1:32PM
 3 a clear definition of equity as it refers to 1:32PM
 4 assessing real needs of children, but rather more a
 5 discussion in the political context.
 6 Most school finance cases that have gone
 7 to court, in most cases, the remedy has been one 1:32PM
 8 that was put forth by legislature rather than by
 9 experts, so there is that political debate that
 10 occurs in actually creating a sort of remedy.
 11 Q By "political debate," are you referring
 12 to a legislative debate? 1:32PM
 13 A Yes, exactly.
 14 Q Is it your understanding that there have
 15 been differing views of equality in the context of
 16 education within the legislative debate?
 17 A Yes. 1:33PM
 18 Q Can you provide me some examples of the
 19 differing views?
 20 A Not specific examples, but in the general
 21 sense, views of how much or what level to fund
 22 schools and which programs to fund over others, as 1:33PM
 23 an example.
 24 Q Is it your position that decisions about
 25 those issues, that is, what level to fund schools,

Page 92

1 as well as what programs to fund, is affected by the
 2 legislative view of what equality in the context of 1:33PM
 3 education means? 1:33PM
 4 A It's my view that those decisions are made
 5 mostly in the context of political debates, absent
 6 any real assessment of what the needs are at the
 7 local level. 1:34PM
 8 Q On what do you base that view?
 9 A I base that view on my assessment, as we
 10 discussed in the report of the disconnect that
 11 exists between how policy, which affects local
 12 level, is made in a very disconnected fashion from 1:34PM
 13 what is actually needed at the local level.
 14 Q Is what ways is equity a moving target?
 15 A Specifically equity is a moving target in,
 16 again, the level of funding that is necessary to
 17 meet any prescribed basic minimum -- excuse me -- 1:35PM
 18 minimums for education; the debate that occurs, and
 19 specifically the political debate which occurs, in
 20 specifically setting funding amounts, so equity is
 21 also a moving target in the debate of per pupil
 22 expenditure averages across states and across 1:35PM
 23 districts in that there's a lot of debate about sort
 24 of chasing the average in the sense that many states
 25 measure their per pupil expenditure against the

Page 93

1 national average within a state.
 2 Many districts measure their level of 1:35PM
 3 equity against a state average of expenditure so 1:35PM
 4 that it's that moving target effect.
 5 Q By "moving target," you're referring to
 6 the level of funding in terms of the average amount
 7 of funding per student? 1:36PM
 8 MS. LHAMON: Asked and answered.
 9 THE WITNESS: The moving target is both a
 10 political moving target and an actual dollar amount
 11 moving target.
 12 BY MR. SIMMONS:
 13 Q Can you -- can you define what you mean
 14 when you say the political movement is also part of
 15 a moving target?
 16 A The political moving targets refers to
 17 what I had already answered in the context of they 1:36PM
 18 are constantly changing demands or defined needs as
 19 far as what may be necessary to achieve equity
 20 within schools. Categorical programs that exist in
 21 California is an example, as new programs are
 22 created, when oftentimes -- when there's a need 1:37PM
 23 defined, but these programs may be connected more to
 24 political context rather than real teaching and
 25 learning context at the local level.

<p style="text-align: right;">Page 94</p> <p>1 Q Would you turn to page 68 of the expert 2 report? 1:37PM</p> <p>3 Would you review footnote 1 at the top of 4 the page? 1:37PM</p> <p>5 A Uh-huh. Uh-huh.</p> <p>6 Q Is that a different way in which equity is 7 a moving target than what you've just described for 8 us that is referred to there in footnote 1 on 9 page 68? 1:37PM</p> <p>10 A Footnote 1 is more connected to the 11 moving, the definition of equity that I defined in 12 the context of local needs. When you have differing 13 levels of immigration, different levels of disabled 14 students, there's obviously a demand to meet those 15 differential needs at the local level. 1:38PM</p> <p>16 Q So is it your understanding that what 17 actually constitutes equity in the context of 18 education is a moving target? 1:38PM</p> <p>19 A It's my opinion that a system of equity 20 that is meeting differential needs, not only of 21 students but also in providing, first of all, those 22 minimum resources that are necessary at school 23 level, that as demographic shifts occur and the 24 like, that equity specific to a district will 25 change, or levels of funding to achieve some level 1:39PM</p>	<p style="text-align: right;">Page 96</p> <p>1 Q In what way is the concept of equity 2 difficult? 1:40PM</p> <p>3 A Can you elaborate more on that question? 1:40PM</p> <p>4 Q I guess I'm just trying to find out what 5 that means in the sentence there on page 3, where 6 you say, "The search for equity has been relatively 7 constant throughout the 20th century, based on 8 deeply rooted values about the political and 9 occupational rules of schooling, but equity itself 10 remains elusive because political opposition because 11 of equity is a moving target and because the concept 12 itself is difficult." 1:41PM</p> <p>13 I'm just trying to determine what is meant 14 in that sentence by "the concept itself is 15 difficult."</p> <p>16 A As the sentence before that specific 17 phrase indicates, there are many different 18 characteristics, political -- characteristics of 19 students, political understandings of how to define 20 equity, and differing academic opinions and the 21 like, which all need to be considered, which makes 22 this clear definition or any single definition of 23 "equity" very difficult to define. 1:42PM</p> <p>24 Q Do you intend to offer an opinion in this 25 case that educational resources such as qualified 1:42PM</p>
<p style="text-align: right;">Page 95</p> <p>1 of equity will change.</p> <p>2 Q Did you just use the phrase "deferential 3 needs"? 1:39PM</p> <p>4 MS. LHAMON: "Differential needs." 5 BY MR. SIMMONS:</p> <p>6 Q Differential needs. Sorry. Thank you. 7 Does the academic community agree on a 8 definition of "equity" in the context of education? 1:39PM</p> <p>9 MS. LHAMON: Vague and ambiguous and calls 10 for speculation.</p> <p>11 THE WITNESS: I think there are varied 12 opinions, yes. 1:40PM</p> <p>13 BY MR. SIMMONS:</p> <p>14 Q Are there academic commentators that 15 disagree with your definition of what constitutes 16 equity in the educational setting? 1:40PM</p> <p>17 MS. LHAMON: Calls for speculation. 18 BY MR. SIMMONS:</p> <p>19 Q If you know. 20 A There may be, yes.</p> <p>21 Q Are you aware of any people who -- any 22 academic commentators who disagree with your 23 definition of "equity" in the context of education, 24 as you sit here today? 1:40PM</p> <p>25 A Not specifically. I couldn't name any.</p>	<p style="text-align: right;">Page 97</p> <p>1 teachers, appropriate textbooks and adequate 2 facilities are inequitably distributed among 3 California's public schools? 1:42PM</p> <p>4 A I think the expert reports that have 5 spoken specifically to those three resource 6 categories provide very detailed examples of how 7 those three resources are disproportionately spread 8 across the state. 1:42PM</p> <p>9 Q I guess I'm just trying to figure out 10 whether you intend to offer that opinion as well.</p> <p>11 A I will rely on some of that evidence to 12 offer my opinion. 1:43PM</p> <p>13 Q And what will your opinion be?</p> <p>14 A My opinion will rely on the evidence to 15 show -- to reflect that I do think some of those 16 resources are inequitably spread across the state.</p> <p>17 Q When you say "rely on the evidence," are 18 you referring to the expert reports that have been 19 submitted in connection with this case? 1:43PM</p> <p>20 A Yes.</p> <p>21 Q Are you referring to any other evidence?</p> <p>22 A Also referring to my own assessment, 23 personal assessment, having been schooled in 24 California all my life, having visited numerous 25 schools throughout the state, and witnessed it 1:43PM</p>

<p style="text-align: right;">Page 98</p> <p>1 firsthand.</p> <p>2 Q How many schools have you visited in the 1:43PM</p> <p>3 state of California? 1:43PM</p> <p>4 A I don't have an exact number.</p> <p>5 Q You haven't conducted any survey to</p> <p>6 determine the extent to which educational resources,</p> <p>7 such as qualified teachers, appropriate textbooks 1:44PM</p> <p>8 and adequate facilities are distributed in</p> <p>9 California's public schools, have you?</p> <p>10 A I have not.</p> <p>11 Q Page 4 of the report refers to less</p> <p>12 obvious inequalities in education offered at poor 1:44PM</p> <p>13 schools. Are the less obvious inequalities that</p> <p>14 are -- well, first of all, do you see where it says</p> <p>15 that in the report?</p> <p>16 A No.</p> <p>17 MS. LHAMON: Mischaracterizes the report 1:44PM</p> <p>18 slightly, but here's the sentence. The sentence</p> <p>19 actually reads, "There are other less obvious</p> <p>20 inequalities in schools in poor neighborhoods."</p> <p>21 BY MR. SIMMONS:</p> <p>22 Q Are the less obvious inequalities being 1:45PM</p> <p>23 referred to in that sentence, the intangible</p> <p>24 characteristics identified in the next sentence,</p> <p>25 teachers' morale and teachers' expectations, of</p>	<p style="text-align: right;">Page 100</p> <p>1 are identified as teachers' morale and teachers'</p> <p>2 expectations of their students? 1:46PM</p> <p>3 A Yes. Those are -- those are those 1:46PM</p> <p>4 characteristics which we name as less obvious and</p> <p>5 are very difficult to measure, yes.</p> <p>6 Q So do you intend to offer an opinion that</p> <p>7 intangible characteristics such as teachers' morale 1:46PM</p> <p>8 and their expectations of their students are</p> <p>9 inequitably distributed among California's public</p> <p>10 schools?</p> <p>11 A I intend to offer an opinion only to the</p> <p>12 extent that those characteristics are important ones 1:47PM</p> <p>13 to assess if we're going to have a clearer picture</p> <p>14 of both differential needs and -- both differential</p> <p>15 needs and how to fund those at local level.</p> <p>16 Q So as you sit here today, you do not</p> <p>17 intend to offer an opinion that intangible 1:47PM</p> <p>18 characteristics such as teachers' morale and their</p> <p>19 expectations of students are inequitably distributed</p> <p>20 among California's public schools?</p> <p>21 A Those are characteristics, amongst others</p> <p>22 that -- I will offer an opinion that those 1:47PM</p> <p>23 characteristics, among others, are inequitably</p> <p>24 distributed across the state of California.</p> <p>25 Q Upon what is that opinion based?</p>
<p style="text-align: right;">Page 99</p> <p>1 their students?</p> <p>2 A Let me read the whole paragraph. 1:45PM</p> <p>3 Q Sure. 1:45PM</p> <p>4 A Repeat the question.</p> <p>5 Q Do you intend to offer an opinion that</p> <p>6 intangible characteristics such as teacher morale</p> <p>7 and their expectations of their students are 1:45PM</p> <p>8 inequitably distributed among California's public</p> <p>9 schools?</p> <p>10 A Was that the same question? That's a</p> <p>11 different question than what I heard first.</p> <p>12 MS. LHAMON: You're only required to 1:45PM</p> <p>13 answer the question that Shaun is now asking.</p> <p>14 BY MR. SIMMONS:</p> <p>15 Q To the extent it was different, just</p> <p>16 answer the latter question.</p> <p>17 A Repeat the question, the last question, 1:46PM</p> <p>18 please.</p> <p>19 Q All right. Do you intend to offer an</p> <p>20 opinion that intangible characteristics such as --</p> <p>21 oh I'm sorry. Actually, we should go back. You</p> <p>22 corrected me. 1:46PM</p> <p>23 First, I just wanted to determine whether</p> <p>24 the less obvious inequalities that are being</p> <p>25 referred to are the intangible characteristics that</p>	<p style="text-align: right;">Page 101</p> <p>1 A Again, based on some of the expert reports</p> <p>2 from my own observations in many schools as well. 1:48PM</p> <p>3 Q Anything else? 1:48PM</p> <p>4 A No.</p> <p>5 Q Have you conducted any survey of</p> <p>6 California's public schools to determine to what</p> <p>7 extent intangible characteristics such as teachers' 1:48PM</p> <p>8 morale and their expectations of students are</p> <p>9 inequitably distributed among the schools?</p> <p>10 A I have not.</p> <p>11 Q Are you aware of any such survey?</p> <p>12 A I will refer you to the expert reports 1:48PM</p> <p>13 that have touched on that issue.</p> <p>14 Q Other than the expert reports -- are you</p> <p>15 referring to a specific expert report?</p> <p>16 A I believe the report by -- I'm referring</p> <p>17 to several other reports, and I'm referring to one 1:49PM</p> <p>18 of the reports by Jeannie Oakes. I don't know which</p> <p>19 one it was. Also, the report by Michelle Fine</p> <p>20 speaks to this issue. The report by Tom Sobol also</p> <p>21 speaks a bit to this issue.</p> <p>22 Q Any other reports? 1:49PM</p> <p>23 A Not that I can think of right now.</p> <p>24 Q You mentioned, in part, your opinion that</p> <p>25 these intangible characteristics might be</p>

<p style="text-align: right;">Page 102</p> <p>1 inequitably distributed in California is based on 2 your own observations in many schools. 1:50PM 3 A Yes. 1:50PM 4 Q How many schools are you talking about 5 there? 6 A I have visited many schools in California 7 and have found varying levels of those intangible 1:50PM 8 characteristics I speak about. As far as a number, 9 20, 25, maybe more. 10 Q Do you know how many public schools there 11 are in California, total? 12 A There are a thousand school districts; 1:50PM 13 6 million children. I don't know how many schools. 14 Is that right? 15 Q So would you consider 20 to 25, the 16 experience of 20 to 25 schools, representative of 17 the -- strike that. 1:51PM 18 Does the figure of around eight to nine 19 thousand sound correct for the number of schools 20 in -- public schools in California? 21 MS. LHAMON: Calls for speculation. Lacks 22 foundation. 1:51PM 23 THE WITNESS: I already stated how many I 24 thought there were. 25 BY MR. SIMMONS:</p>	<p style="text-align: right;">Page 104</p> <p>1 MS. LHAMON: Bottom of 4 and page 5. It's 2 very close to being an exact quote. 1:53PM 3 THE WITNESS: Give me a moment, please. 1:53PM 4 Please repeat the question. 5 BY MR. SIMMONS: 6 Q Why, if at all, is it important to 7 consider the power of resources offered by a school 1:53PM 8 to counter poor students' lack of accesses to 9 resources outside of schools? 10 A Because we know from some academic 11 research that exists that the level of resources 12 that provide the basic essentials is inextricably 1:53PM 13 connected to the level of resources. And these are 14 factors which may be connected to increasing the 15 student achievement of disadvantaged youths. 16 Q Why do you say "may be"? 17 A Because it's my belief that resources are 1:54PM 18 an essential part of providing educational 19 opportunity. However, there are many other factors 20 that are also part of this formula. 21 Q What are those other factors? 22 A The many factors that we've already spoken 1:54PM 23 about, that we list the factors that have to do with 24 student characteristics and what they bring to 25 school, in addition to the factors of the essentials</p>
<p style="text-align: right;">Page 103</p> <p>1 Q I thought you identified districts and the 2 number of students, but I'm not sure you identified 1:51PM 3 the number of schools. 1:51PM 4 A You're right. I only identified 5 districts. I don't know exactly how many schools 6 there are in California. I can check my facts, 7 though. 1:51PM 8 Q Well, why don't you assume for the moment 9 that the number is around 8,000. 10 A Fine. 11 Q Would you consider 20 to 25 to be a 12 representative sample of 8,000 schools? 1:51PM 13 A When I visited these 20 or 25 schools, I 14 did not set out with a representative -- or the 15 intent of looking at a representative sample, so 16 that wasn't my intent when I visited these schools. 17 Q Why, if at all, is it important to 1:52PM 18 consider the power of resources offered by a school 19 to counter poor students' lack of access to 20 resources outside of schools? 21 A Are you referring to a part of this 22 report? 1:52PM 23 Q I believe that -- I don't think it's an 24 exact quote from your report, but I believe that 25 opinion is expressed in your report.</p>	<p style="text-align: right;">Page 105</p> <p>1 that are necessary for teaching and learning. 2 Q Is it your opinion that lower income 1:54PM 3 students attending California's public schools 1:55PM 4 should be given greater resources than wealthy 5 students attending California's public schools? 6 MS. LHAMON: Vague and ambiguous and 7 incomplete hypothetical. 1:55PM 8 THE WITNESS: It's my opinion that 9 students from socioeconomically disadvantaged 10 populations may come to school with wide 11 differential needs that do need to be funded at a 12 different level. 1:55PM 13 BY MR. SIMMONS: 14 Q Do you have an opinion as to the specific 15 difference in funding level that ought to be 16 provided to students from low socioeconomic status? 17 MS. LHAMON: Assumes facts not in evidence 1:56PM 18 that there is a specific difference. 19 THE WITNESS: I do not have a specific 20 opinion that it's part of the conceptual use of the 21 fiscal finance. We have to access at the local 22 level what the real needs of students are and then 1:56PM 23 begin to devise a formula that would fund those 24 specific needs. 25 BY MR. SIMMONS:</p>

Page 106

1 Q So you don't have any such formula at
 2 present? 1:56PM
 3 A No, not without the facts, I don't. 1:56PM
 4 Q At page 5 of the report, I think you'll
 5 see in about the middle of the page it says, "Given
 6 that prior efforts of equalizing funding have not
 7 worked to produce equity, what are the next steps to 1:57PM
 8 take?"
 9 What prior efforts are you referring to in
 10 that sentence?
 11 A Specific to California, I'm speaking
 12 specifically to, for example, the decisions in 1:57PM
 13 legislative changes that were made after the Serrano
 14 decision in the early '70s. That's the most
 15 important issue that we're alluding to in that
 16 statement, along with the different -- the
 17 categorical programs that have existed for well over 1:58PM
 18 40 years in California, but which became after
 19 Serrano and after Prop 98 much more a key component
 20 of the total per pupil expenditure in California.
 21 Q At page 5, the report says that sometimes
 22 the reason for persistent inequalities in school 1:58PM
 23 resources is that efforts at equalization have been
 24 incomplete; that, in fact, legislators have not
 25 produced funding that indeed eliminates the

Page 107

1 differences among districts within their states.
 2 Is it your opinion that the California 1:58PM
 3 legislature has not produced funding methods that 1:58PM
 4 eliminate the differences among districts within
 5 their states?
 6 A I think that California has created a
 7 school finance system that is inarguably equitable 1:59PM
 8 in the basic revenue that is provided to schools.
 9 However, when we begin to account for categorical
 10 programs, additional local resources that are raised
 11 by districts, federal categorical dollars as well,
 12 that's where the disparities begin to surface. 1:59PM
 13 Q In formulating that opinion, did you
 14 conduct any survey comparing resources available in
 15 the various school districts within California?
 16 A I didn't personally conduct surveys, but
 17 some of that data is available. 2:00PM
 18 Q Where is that data available from?
 19 A The Department of Ed, California Web site;
 20 the -- I'm sorry. Did you ask specifically
 21 disparities in California districts?
 22 Q Yes. 2:00PM
 23 A The California Department of Ed has a lot
 24 of this data available.
 25 Q Did you rely on that data from the

Page 108

1 California Department of Ed in formulating your
 2 opinions in this case? 2:00PM
 3 A Yes. 2:01PM
 4 Q Was that data produced in this litigation,
 5 if you know?
 6 A Hold on.
 7 No. I was looking back at our charts, in 2:01PM
 8 the previous charts, but that was national trends,
 9 not state level trends.
 10 Q So it's your understanding that that data
 11 was not provided?
 12 A In this expert report, no. However, I 2:01PM
 13 don't know if any of the other experts' reports have
 14 spoken specifically to that issue.
 15 MR. SIMMONS: Counsel, do you know?
 16 MS. LHAMON: I have no idea. Just, can I
 17 ask a point of clarification? 2:02PM
 18 MR. SIMMONS: Sure.
 19 MS. LHAMON: Is that something you looked
 20 at specifically in preparing for your testimony in
 21 this case, Dr. Huerta?
 22 THE WITNESS: Disparities across districts 2:02PM
 23 in California?
 24 MS. LHAMON: Right.
 25 THE WITNESS: Yes. That is just

Page 109

1 information that is publicly available through the
 2 California Department of Ed Web site. 2:02PM
 3 I will go back and say we do speak a 2:02PM
 4 little bit regarding comparing urban per pupil
 5 expenditure versus the state average, and some of
 6 that data is referred to in that section of the
 7 paper. 2:02PM
 8 BY MR. SIMMONS:
 9 Q Did you make any efforts to keep the data
 10 that you looked at from the California Department of
 11 Education Web site?
 12 A No. This is information that is very 2:02PM
 13 easily and publicly available through spreadsheets
 14 from the Department of Ed Web site.
 15 Q What specific data did you look at from
 16 the Department of Ed's Web site?
 17 A Per pupil expenditure amounts across the 2:03PM
 18 state by district.
 19 You're asking specific to this issue?
 20 Q Yes.
 21 A Yeah, that's it.
 22 Q That's all? 2:03PM
 23 A Yeah.
 24 Q Did you look at any other data from the
 25 California Department of Education's Web site in

Page 110

1 connection with formulating your opinions in this
 2 case? 2:03PM
 3 A In reference to what theme? 2:03PM
 4 Q Any.
 5 A Certainly, yes.
 6 Q Can you tell me what data you looked at?
 7 A Data looking at school facilities' 2:03PM
 8 funding; data looking at the distribution of or the
 9 allotment of money to the II/USP schools; data
 10 looking at class size reduction; data looking at the
 11 various other themes that are referred to in the
 12 report. 2:04PM
 13 Q Did you make an effort to keep a list of
 14 the data that you looked at from the California
 15 Department of Education's Web site?
 16 A It's referenced in the bibliography.
 17 Q Where specifically in the bibliography? 2:04PM
 18 A I don't know. For example, the two Goe
 19 reports which rely heavily on some of the data from
 20 the Department of Ed, as well as data that was
 21 collected by Ms. Goe. Those are two specific
 22 reports that rely on California data. 2:05PM
 23 Q Just to clarify, is that somewhere you
 24 obtained the -- you refer to the two reports by Goe
 25 as having data pulled from the California Department

Page 111

1 of Education's Web site. Is that correct?
 2 A Yes. 2:06PM
 3 Q Is that where you looked at the data, was 2:06PM
 4 in those two reports?
 5 A In those two reports, among also simply
 6 looking at the data from the Department of Ed.
 7 Q From the Department of Ed's Web site 2:06PM
 8 specifically?
 9 A Yes. This is all publicly available data
 10 that is easily accessible through the Web.
 11 Q And did you keep a list of the data that
 12 you looked at specifically on the California 2:06PM
 13 Department of Education's Web site?
 14 A No.
 15 Q Would it be possible for you to make a
 16 list of all of the data you looked at from the
 17 California Department of Education's Web site? 2:06PM
 18 A I would probably -- I would have to refer
 19 to some of the data. I don't know if I can make a
 20 comprehensive list.
 21 Q Well, just for now, can you tell me what
 22 things that you recall looking at from the 2:07PM
 23 California Department of Education's Web site?
 24 MS. LHAMON: You mean separate from what
 25 he's already testified to?

Page 112

1 MR. SIMMONS: Yeah, although I'm not
 2 entirely sure that he's testified to anything yet. 2:07PM
 3 THE WITNESS: I looked at data specific -- 2:07PM
 4 beyond what I've already testified in reference to
 5 data that lists school finance -- I'm sorry -- per
 6 pupil expenditure distribution or evidence or data
 7 linked to II/USP schools, class size reduction, 2:07PM
 8 that's all data that is available right on the Web.
 9 And each one of those areas may have had multiple
 10 sources of either files linked to this data or some
 11 of them had sync sources.
 12 BY MR. SIMMONS:
 13 Q Am I correct you didn't make an effort to
 14 print out that information?
 15 A Many times it was just reference to on the
 16 screen.
 17 Q Were there occasions that you did print 2:08PM
 18 out the information?
 19 A Not that I recall. I may have downloaded
 20 it to my hard drive. I don't know.
 21 MR. SIMMONS: Can we go off the record for
 22 just a bit? 2:09PM
 23 (Discussion off the record.)
 24 MR. SIMMONS: Just for the record, as the
 25 State's counsel, we feel that we should have been

Page 113

1 apprised of the data that Dr. Huerta relied upon
 2 from the California Department of Education's Web 2:10PM
 3 site. To my knowledge, that information is not -- 2:10PM
 4 was not disclosed to us, so to the extent that it
 5 hasn't been disclosed to us, we feel that it ought
 6 to be, and we should have had the opportunity to
 7 review that deposition -- or review that information 2:10PM
 8 ahead of the deposition.
 9 Anything?
 10 MS. LHAMON: You stated your position.
 11 BY MR. SIMMONS:
 12 Q Dr. Huerta, at page 5 of the expert 2:11PM
 13 report, it also says that sometimes the answer is
 14 that funding differences are not the entire
 15 explanation, perhaps not even the most important
 16 explanation for inequities, and that other policies
 17 must be examined as well. 2:11PM
 18 Do you see where it says that in the
 19 report?
 20 A No.
 21 MS. LHAMON: Slightly misstated what the
 22 report actually says, but it's at the top of page 5. 2:11PM
 23 THE WITNESS: Got it.
 24 BY MR. SIMMONS:
 25 Q Can you provide me an example to

Page 114

1 illustrate what you mean by that sentence?

2 A That sentence is referring, again, to the 2:12PM

3 idea of policy disconnect that exists, and that 2:12PM

4 while resources may be provided, the regulatory

5 demands or policy issues that are involved in

6 actually carrying out a school reform or new policy

7 are very much disconnected and absent from local 2:12PM

8 context.

9 Q Could you provide me a specific example of

10 what you have just described for us, if you know of

11 one?

12 A I can think of, for example, class size 2:12PM

13 reduction. There's a policy that was implemented,

14 absent any full assessment of what the local effects

15 would be, without a full assessment of what

16 resources would be necessary at the local level.

17 And in the case of class-size reduction, some of the 2:13PM

18 policy ideas set forth in some of the regulatory

19 demands, absent of dollars did have an impact on how

20 well some districts compared to other districts

21 actually implemented the program.

22 Q Just below there, I think you'll see it 2:13PM

23 says sometimes it seems the resources available are

24 poorly spent or wasted, or in the waste case,

25 embezzled in some way, so that no conceivable sum of

Page 115

1 money can improve the education of certain children.

2 A Yes, I see that. 2:14PM

3 Q Do you intend to offer an opinion in this 2:14PM

4 case that resources for California schools have been

5 poorly spent?

6 A I will offer the opinion that there may be

7 cases where money is poorly spent. However, absent 2:14PM

8 any full assessment of how dollars are used at the

9 local level, we don't know exactly. And that's why

10 in the sentence that you just read, the phrase "it

11 seems" provides a hypothetical that this may be the

12 case or may not. 2:14PM

13 Q Do you intend to offer an opinion in this

14 case that resources for California public schools

15 have been wasted?

16 A No.

17 Q Do you intend to offer an opinion in this 2:14PM

18 case that resources for California public schools

19 have been embezzled in some way?

20 A I intend to offer only that may be the

21 case in some instances; as for the prior question as

22 well. 2:15PM

23 Q Who may have been responsible for wasting

24 the resources available to California's public

25 schools? And by that, are you referring to the

Page 116

1 State or to districts or to schools?

2 A All of the above. 2:15PM

3 Q In what way do you think the State may 2:15PM

4 have wasted resources for California public schools?

5 A In some cases the State may fund programs

6 that ultimately are created, absent any real

7 assessment of what local needs are or what the 2:16PM

8 intended outcomes may be.

9 Q What about -- the same question with

10 respect to districts.

11 A In some cases, districts may use money

12 ineffectively to fund some programs. However, 2:16PM

13 that's, again, one of those cases where a full

14 assessment would provide a clearer picture of this

15 issue.

16 Q And the same question with respect to

17 individual schools? 2:16PM

18 A Yes. In some cases, schools may not be

19 using resources most effectively.

20 Q If you could turn to page 9 of the expert

21 report. I think you'll see that there's a heading

22 that says "School Financing for Current Operating 2:17PM

23 Expenses."

24 A Uh-huh, yes.

25 Q Please define what is meant by "current

Page 117

1 operating expenses," as it's used there.

2 A We refer in that paragraph to the revenue 2:17PM

3 limits that were created after the Serrano case in 2:18PM

4 the 1970s, and these are the general operating

5 expenses that are a combination of both local and

6 State funding, prior to Serrano, but after Serrano

7 mostly all state money. 2:18PM

8 Q What types of costs fall within current

9 operating expenses, if you know?

10 A Teachers' salary; books and materials;

11 facilities, to a certain extent.

12 Q Anything else? 2:18PM

13 A Sure, a whole variety of other resources

14 that are general operating expense, but those are

15 the three general categories.

16 Q Could you just give me maybe four or five

17 more examples what you would characterize as types 2:19PM

18 of costs that would fall under current operating

19 expenses?

20 A Resources for -- no, not at the moment. I

21 can't think of any right now. I don't want to

22 misstate, so... 2:19PM

23 Q Okay. And you said facilities to a

24 certain extent qualify as current operating

25 expenses. Why only to a certain extent?

Page 118

1 A Because the level of funding that's
 2 provided for facilities is extremely limited 2:19PM
 3 under -- in the general operating expenses that are 2:19PM
 4 provided to schools, where schools are only required
 5 to -- I believe it's provide or keep, I believe,
 6 2 percent. I'm not exactly sure on the figure for
 7 deferred maintenance in their budgets. 2:20PM
 8 Q The report says, "Up to the 1960s,
 9 California had, like many other states, a foundation
 10 formula that provided more state revenue to property
 11 poor districts than the rich districts."
 12 Does that mean the State of California 2:20PM
 13 used a specific formula to determine the amount of
 14 aid a district would receive?
 15 A Yes. There was a foundation formula that
 16 was a form of -- foundation formula that was used up
 17 to that point, where the district or the state would 2:21PM
 18 supplement some districts with state money, if the
 19 local district couldn't raise enough local revenue.
 20 It was very limited.
 21 Q How, if at all, were property poor
 22 districts distinguished from rich districts under 2:21PM
 23 that formula?
 24 A I don't recall specifically. I would have
 25 to go back and look. Most likely by property wealth

Page 119

1 according to district.
 2 Q Where would you look to help your memory 2:21PM
 3 with respect to that last question? 2:21PM
 4 A I would probably look back to some of the
 5 work by Alan Odden and Larry Picus, and also some of
 6 the work by Paul Goldfinger, who have written about
 7 this in great detail in California. 2:21PM
 8 Q Do you know how the additional revenue
 9 available to property poor districts was calculated
 10 under the foundation formula?
 11 A I do not know specifically, no.
 12 Q Do you have a general sense as to how it 2:22PM
 13 was done?
 14 A I wouldn't want to comment. I don't know
 15 specifically.
 16 Q The report indicates that the differences
 17 in state revenue under the foundation formula were 2:22PM
 18 nonsufficient to compensate for the enormous
 19 differences in local revenue.
 20 If you know, how large, in terms of
 21 dollars, were the discrepancies between the property
 22 poor districts and rich districts under the state's 2:22PM
 23 old foundation formula?
 24 MS. LHAMON: The question is overbroad.
 25 Are you asking for any difference or an example or

Page 120

1 each one?
 2 ////
 3 BY MR. SIMMONS: 2:22PM
 4 Q Can you answer the question?
 5 A In reference to property wealth?
 6 Q Yes.
 7 A We can look back at the record of the 2:22PM
 8 Serrano case. In some of the examples that were
 9 provided, property wealth differences were
 10 astronomical, upwards of 500 percent differences or
 11 more.
 12 Q Do you know how that translated into per 2:23PM
 13 pupil expenditures?
 14 A Sure. The property wealth districts were
 15 able to -- property high property wealth districts
 16 were able to, in many cases, yield higher local
 17 revenues with a lower tax effort. 2:23PM
 18 Q The report indicates that the State's
 19 prior foundation formula provided each district with
 20 at least \$125 per student, regardless of the
 21 district's wealth.
 22 Is that figure correct, to your knowledge? 2:23PM
 23 A Yes.
 24 Q And what is the source of information for
 25 that figure?

Page 121

1 A That's a pretty well-known basic fact in
 2 school finance in California. The sources are 2:24PM
 3 endless, both public sources and journal articles 2:24PM
 4 and everything else.
 5 Q The report indicates that the provision of
 6 the \$125 per student to each district, regardless of
 7 district wealth, had serious de-equalizing 2:24PM
 8 tendencies.
 9 First what do you mean by "serious
 10 de-equalizing tendencies"?
 11 A That every -- every district received that
 12 \$125 basic aid amount, regardless of need. 2:24PM
 13 Q Why did that result in serious
 14 de-equalizing tendencies?
 15 A Because some districts were already
 16 raising more local revenue than others, but were
 17 still awarded the \$125 of basic aid. 2:24PM
 18 Q The report says the original Serrano case
 19 sought to bring 95 percent of the school districts
 20 in California within \$100 per pupil of the state
 21 average.
 22 On what information is that statement 2:25PM
 23 based?
 24 A The record on the well-recognized facts,
 25 part of the Serrano record, as well as the research

Page 122

1 that exists on this issue, and journal articles and
 2 public information that exists from the California 2:25PM
 3 Department of Ed. Again, that's another simple, 2:25PM
 4 well-known basic fact of Serrano.
 5 Q The report indicates that efforts to
 6 realize this goal, that is the goal to bring
 7 95 percent of school districts in California within 2:26PM
 8 \$100 per pupil of the state average, involves
 9 several legislative efforts and several repetitions
 10 of the Serrano case.
 11 How many legislative efforts were
 12 involved, if you know? 2:26PM
 13 A I don't know the exact number, but between
 14 Serrano I and Serrano II and what would potentially
 15 be Serrano III, there were both a variety of state
 16 bills and assembly bills that attempted to -- to
 17 respond to the -- to the proposed remedy after 2:26PM
 18 Serrano. I don't know the exact number of attempts.
 19 Q Can you give a rough estimate?
 20 A Not without going -- not without referring
 21 back to the facts.
 22 Q Where would you look? 2:27PM
 23 A Again, I would look at some of the
 24 literature by some of the academics who have written
 25 about this extensively, for example, Alan Odden and

Page 123

1 Larry Picus and Paul Goldfinger, among others.
 2 Q Do you know how long, in terms of years, 2:27PM
 3 it took the California legislature to come up with a 2:27PM
 4 program to bring 95 percent of school districts in
 5 California within \$100 per pupil of the state
 6 average?
 7 A I don't recall the exact number of years, 2:27PM
 8 but it happened between the period of 1971 and 1978,
 9 when Proposition 13 was passed, but it was during
 10 that period that several different attempts to
 11 create the remedy occurred.
 12 Q The report indicates that as a result 2:28PM
 13 of -- let's see if I can find -- I think we're still
 14 on page 9, but the report indicates that efforts
 15 to -- that as a result of legislative efforts and
 16 repetitions in the Serrano case, the State
 17 established revenue limits that allow poor districts 2:28PM
 18 to increase their funding at a greater rate rather
 19 than wealthy districts, therefore, spending
 20 differentials over time.
 21 What revenue limits were established, if
 22 you know? 2:28PM
 23 A I don't remember the exact amounts,
 24 especially in terms of dollars at that period.
 25 However, the State did begin to conceptualize a

Page 124

1 revenue limit that was intended to provide the
 2 minimum education level at the districts. 2:29PM
 3 Q Where would you look if you wanted to find 2:29PM
 4 out the specific revenue limits that were
 5 established?
 6 A We can look in the Department of Ed
 7 archives. I'm sure it's there. We can explore the 2:29PM
 8 sources that I've already mentioned. There are
 9 several academics who have written historical pieces
 10 on this issue. Those are probably the two primary
 11 sources we would look for those specific details.
 12 Q When you referred to academics, were you 2:29PM
 13 referring to Drs. Odden and Picus?
 14 A Correct. They've written a series of
 15 articles specifically that have looked at the
 16 history of pre Serrano California school finance,
 17 and also during the period of Serrano I, II and III, 2:30PM
 18 and Prop 13 extensively.
 19 Q How did the revenue limits that were
 20 established allow poor districts to increase their
 21 funding at a greater rate than wealthy districts?
 22 A The State was able to -- the State 2:30PM
 23 increased the amount of state level funding that was
 24 going to schools that were not able to raise enough
 25 local revenue through the foundation formula.

Page 125

1 Q So was the State providing more monies to
 2 poorer districts under that system? 2:30PM
 3 A In some cases, yes. 2:30PM
 4 Q The report states that or says that the
 5 State provides about 60 percent of school revenues,
 6 with 23 percent from property taxes, 10 percent from
 7 the federal government, and the remaining 7 percent 2:31PM
 8 from local miscellaneous sources and the lottery.
 9 Does that sentence there describe the
 10 current funding of public school operating expenses
 11 in California?
 12 A Yes. 2:31PM
 13 Q Where did you obtain the information
 14 concerning the percentages and sources of school
 15 revenues that are identified in that sentence?
 16 A It's referenced at the bottom of the page,
 17 EdSource 1998. 2:31PM
 18 Q Do you know from where in the state's
 19 budget the 60 percent of school revenues that are
 20 identified there comes from?
 21 A The 60 percent of school revenue from the
 22 State? 2:32PM
 23 Q Yes.
 24 A Personal income tax and other
 25 state-generated revenues make up that 60 percent.

Page 126

1 Q Does that 60 percent figure included
2 there, does that include some reflection of monies 2:32PM
3 spent provided through categorical funds? 2:32PM
4 A Categorical funds are not part of the
5 revenue or the revenue limits, and this specific
6 number refers more to the amount that makes up the
7 general -- or the revenue across districts in 2:32PM
8 California.
9 Q I just want to make sure.
10 A Wait. I want to return to that answer.
11 Q Okay. And maybe this will help, if I
12 clarify my question a little bit? 2:33PM
13 A Go ahead.
14 Q I guess what I was trying to figure out is
15 whether -- you know, you've identified the different
16 percentages of school revenues and their sources,
17 and I was trying to find out whether that is -- 2:33PM
18 that's the -- those percentages and sources reflect
19 the entire budget for schools or whether they just
20 reflect current operating expenses for schools?
21 A The former -- and I want to strike my
22 previous answer because just upon re-examination, 2:33PM
23 the division, the 60, 23, 10, 7, that is the
24 percentages that make up the total per pupil
25 expenditure, which would include revenue limit and

Page 127

1 categorical dollars.
2 Q Aside from revenue limit and categorical 2:34PM
3 dollars, would there be any other types of funds 2:34PM
4 that are in that 60 percent that is attributed to
5 the State in that sentence?
6 A No, not that I'm aware of.
7 Q How are revenue limit funds distributed to 2:34PM
8 districts, if you know?
9 A From the State.
10 You mean the mechanism?
11 Q Yes.
12 A In a per pupil basis, average daily 2:34PM
13 attendance.
14 Q Do the revenue limit funds take into
15 account differing costs that are faced by districts
16 in different geographic areas?
17 A My understanding is that the revenue limit 2:35PM
18 is only based on an average daily attendance. There
19 are categorical programs that make up for some of
20 the geographical differences. I would have to go
21 back specifically, but I believe it's -- only the
22 ADA is the same across the state. 2:35PM
23 There are differences that are accounted
24 for, for example, high school districts versus
25 elementary school districts, where there is a

Page 128

1 different revenue limit for those districts. It
2 doesn't vary by much. 2:35PM
3 Q What property taxes are being referred to 2:35PM
4 in that sentence that says -- where it says
5 23 percent from property taxes?
6 A That's referring specifically to the tax
7 that is collected on all property across the state 2:36PM
8 in California, being 1 percent of acquisition value.
9 Q So that's essentially a State fund as
10 well?
11 A Well, it's money that is collected at the
12 local level, but sent directly to the State, and the 2:36PM
13 State redistributes to schools. I believe in
14 California you pay your county taxes, and that goes
15 directly to the State. I don't recall exactly.
16 Q Did you do anything to verify the accuracy
17 of the percentages and sources of school revenues 2:36PM
18 that are identified there on page 9 that came from
19 EdSource?
20 A EdSource is a very reliable source for
21 information, and they will rely on Department of Ed
22 information as well as legislative analyst office 2:37PM
23 information, which is very accurate.
24 Q So essentially, you felt that EdSource was
25 reputable enough, you did not need to check their

Page 129

1 figures?
2 A Yes. 2:37PM
3 Q What kinds of funds are included in that 2:37PM
4 10 percent figure that relates to the federal
5 government on page 9?
6 A Primarily special education money, Title I
7 money, Title VII money. There's a variety of other 2:37PM
8 sources that come from the federal government, the
9 largest portion being special education and Title I.
10 Q And what local miscellaneous sources are
11 being referred to in that portion of the report at
12 the bottom of page 9? 2:38PM
13 A That refers to money that is collected
14 through local bond -- no, wait. Local bonds are
15 not.
16 I would have to go back and look
17 specifically at the miscellaneous sources. 2:38PM
18 Q And where would you go back to look?
19 A I can look at some of the EdSource
20 documents, or I can easily access that information
21 on the L.A. office Web site, legislative office.
22 Q To make sure the information contained in 2:38PM
23 that last sentence on page 9 where it says about
24 97 percent of California students have attended
25 or -- strike that.

Page 130

1 Where it says in recent years about
 2 97 percent of California students have attended 2:39PM
 3 school districts where the revenue limit funding per 2:39PM
 4 student was within \$350 of other districts, that
 5 also comes from EdSource. Is that correct?
 6 A Yes.
 7 Q When you refer to funding per student in 2:39PM
 8 that last sentence, you're just referring to revenue
 9 limit funds?
 10 A Yes.
 11 Q So if we were to take into account the
 12 other types of funds that are identified in this 2:39PM
 13 sentence before, would that figure concerning
 14 funding per student change?
 15 A Significantly.
 16 Q How would it change?
 17 A That would include -- if we were to 2:39PM
 18 consider per pupil expenditure, which is different
 19 than revenue limit, we would see a varying degree of
 20 disparity across the districts and state.
 21 Q What would be the largest disparity we
 22 would see? 2:40PM
 23 MS. LHAMON: Vague and ambiguous. Are you
 24 talking about as between which district or in what
 25 category of funds?

Page 131

1 BY MR. SIMMONS:
 2 Q No, just in terms of dollars. 2:40PM
 3 I mean, you said that if we were to look 2:40PM
 4 at more than just the revenue limit funding per
 5 student and include those other areas that are
 6 referenced in that previous sentence on page 9, that
 7 we would begin to see bigger disparities in the 2:40PM
 8 figure \$350. Is that right?
 9 A Yes, you would see disparities ranging
 10 anywhere from -- from the revenue limit amount to --
 11 which would be in today's dollars somewhere around
 12 \$4,800 -- I don't know the exact amount this year -- 2:40PM
 13 upwards of 13 or \$14,000. I don't have the most
 14 recent numbers in front of me.
 15 Q There could be disparities between what a
 16 district has to spend per student or receives in
 17 funds per student as great as \$14,000? 2:41PM
 18 A Yes, which would include all the revenue
 19 sources listed in the second to last sentence there.
 20 MS. LHAMON: Sorry. Just for
 21 clarification, would the disparity be as great as
 22 \$14,000 or the amount spent be as great as \$14,000? 2:41PM
 23 THE WITNESS: I indicated the range can be
 24 anywhere from the revenue -- revenue limit 45 to 46
 25 hundred dollars, to as high as 13 to \$14,000.

Page 132

1 BY MR. SIMMONS:
 2 Q I'm sorry. Then I misunderstood. Thank 2:41PM
 3 you. 2:41PM
 4 A It may be higher. I don't have the
 5 numbers in front of me.
 6 Q Those figures you just gave me, the
 7 figures that you believe would show that there would 2:42PM
 8 be limits in expenditures per student -- strike
 9 that.
 10 First of all, what, if you know, would
 11 explain the -- or what types of things, if you know,
 12 would explain the differences that you see in per 2:42PM
 13 pupil expenditure when it is just the revenue limit
 14 funds as to when you include the other sources of
 15 funds?
 16 A Can you clarify that question? There's a
 17 couple different things I don't understand in that 2:43PM
 18 question.
 19 Q Could you help me out and tell me which
 20 things you don't, and that will probably help me
 21 clarify the question.
 22 A It sounds to me like you're confusing 2:43PM
 23 revenue limit with total per pupil expenditure, and
 24 I didn't understand your question.
 25 Q Well, let's make sure you do understand.

Page 133

1 First of all, there's -- a revenue limit
 2 fund per pupil, just per pupil, would be around 2:43PM
 3 \$4,600, is that correct, roughly? 2:43PM
 4 A Yes. About 97 percent of our schools are
 5 within \$350 of that number.
 6 Q And then we can --
 7 A I'm sorry. 95 percent of our districts. 2:43PM
 8 Q In some districts, could that be the sum
 9 total of their available funds, basically that
 10 revenue limit fund of \$4,600?
 11 A Yes.
 12 MS. LHAMON: Forty-six was an 2:43PM
 13 approximation.
 14 BY MR. SIMMONS:
 15 Q Approximately?
 16 A Yes.
 17 Q Other districts could be as high as -- 2:44PM
 18 have a per pupil expenditure amount of as high as
 19 \$14,000, roughly. Is that right?
 20 A Which would include total revenues in
 21 addition to revenue limit.
 22 Q I guess what I'm trying to figure out is 2:44PM
 23 why would we have schools that have a per pupil
 24 amount to spend, but it's \$4,600 without any
 25 additional funds?

Page 134

1 MS. LHAMON: Vague and ambiguous. Are you
 2 asking philosophically why that would happen? 2:44PM
 3 BY MR. SIMMONS:
 4 Q No. Is there something about those
 5 schools that they don't get that leads them not to
 6 get resources from the other areas you have
 7 identified? 2:44PM
 8 A Are you talking about the low-funded
 9 schools or high-funded schools?
 10 Q The low-funded schools first.
 11 A Sure. Some of these schools are -- don't
 12 have students -- don't serve students that have a 2:45PM
 13 lot of -- they serve very homogenous student
 14 populations.
 15 Q And so because of that, there might be --
 16 there might be federal grants that are available to
 17 a school with a more heterogenous student 2:45PM
 18 population?
 19 A Yes.
 20 Q And they would receive those funds?
 21 A Yes.
 22 MR. SIMMONS: Want to take a break? 2:45PM
 23 (Discussion off the record.)
 24 BY MR. SIMMONS:
 25 Q Dr. Huerta, on page 10 of the report,

Page 135

1 there's some discussion of Proposition 13. It says
 2 that -- or the report indicates that Proposition 13 3:05PM
 3 constrained the use of property taxes at the local 3:05PM
 4 and district levels.
 5 How are you using the term "local" there?
 6 A I've got to read the lines before and
 7 after. Hold on. 3:05PM
 8 Specifically it's referring to the local
 9 property taxes that were collected and were directly
 10 used for schools prior to Prop 13.
 11 Q And you're referring to county taxes?
 12 A No. At that time, it was district level. 3:06PM
 13 Q And how did Proposition 13 constrain the
 14 use of property taxes at this local level?
 15 A By capping local property tax across the
 16 state to 1 percent of acquisition value, and then
 17 centralizing the collection of these taxes to the 3:06PM
 18 state level, and then redistributing those taxes
 19 across the state.
 20 Q In your opinion, has Proposition 13
 21 contributed to equalization at all?
 22 A Proposition 13 has resulted in 3:07PM
 23 equalization of tax effort in that across the state,
 24 property owners pay 1 percent of acquisition value.
 25 Whether that has resulted in equalization for school

Page 136

1 revenues, I don't think Proposition 13 directly -- I
 2 don't think the objective of Proposition 13 was to 3:07PM
 3 equalize school funding. 3:07PM
 4 Q Aside from whether that was Proposition
 5 13's objective, do you think it has contributed to
 6 equalizing school funding?
 7 A No. I think the biggest contributor to 3:07PM
 8 equalizing the school funding has been the general
 9 rev -- or the revenue limits that were that were
 10 further clarified under Serrano, which are not
 11 attributable to Prop 13.
 12 Q And I understand that you think that the 3:08PM
 13 biggest force behind equalizing school funds was the
 14 revenue limits established as a result of Serrano,
 15 but I'm just trying to find out whether you believe
 16 that Proposition 13 in any way has contributed to
 17 equalization of school funding. 3:08PM
 18 A Well, by shifting state -- control of
 19 property tax to the State and allowing the State to
 20 control the distribution, there has been a more
 21 level -- or I should say more equalized distribution
 22 of these revenues across the state. That is one of 3:09PM
 23 the results of Proposition 13. That wasn't
 24 necessarily one of the objectives of Proposition 13.
 25 Q What, if you know, were the objectives of

Page 137

1 Proposition 13?
 2 A One of the primary objectives was to limit 3:09PM
 3 the amount of local property taxes or the rate of 3:09PM
 4 local property taxes, which was varying across the
 5 state, and which at that point also increases in
 6 local property taxes could be passed at the local
 7 level, even by school district board -- by school 3:09PM
 8 district boards, school boards.
 9 Q Were there any other objectives of
 10 Proposition 13 that you're aware of?
 11 A Prop 13 has also been characterized as a 3:10PM
 12 tax revolt in a sense that California taxpayers felt
 13 they were being overtaxed specific to property.
 14 Q By my reading page 10 of the report, it
 15 seems to identify -- actually, strike that.
 16 On page 10, the report says, "Overall
 17 spending levels in California have, relative to 3:11PM
 18 other states, decreased because of the near
 19 disappearance of a major tax source contributing to
 20 the perception that resources in many California
 21 schools are inadequate. A favorite demonstration is
 22 that resources per student of \$6,232 in 1999-2000 3:11PM
 23 are considerably lower than the national average of
 24 \$7,146."
 25 Is it your opinion overall spending levels

<p style="text-align: right;">Page 138</p> <p>1 in California relative to other states have 2 decreased because of the near disappearance of a 3:11PM 3 major tax source? 3:11PM 4 A Yes, it is. 5 Q And upon what do you base that opinion? 6 A On the fact that after Prop 13 and 7 limitation of local property taxes, there was a 3:11PM 8 severe loss of revenue that was going to schools in 9 California. And in many respects, we have been 10 attempting to catch up to levels that existed prior 11 to Prop 13 over the last 25 years. 12 Q Those figures for resources per student 3:12PM 13 that are identified in that sentence we just read, 14 where do those figures come from, if you know? 15 A Those figures are most likely the readily 16 available numbers that come from the federal 17 department of education, as well as which in many -- 3:12PM 18 which many times are numbers that come from the 19 National Education Association as well. Or this 20 number could have come from the EdSource document 21 that we had cited prior, on the page prior. This is 22 a readily available fact. 3:13PM 23 Q So you believe those figures to be 24 accurate? 25 A Yes.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q So was it your testimony that all three of 2 those sources would provide this figure that is for 3:15PM 3 resources per student that is listed -- 3:15PM 4 A Yes. 5 Q -- on page 10? 6 A Sorry, yes. 7 Q Just to make sure, is the calculation in 3:15PM 8 determining resources per student, is that as simple 9 as taking the resources that you identified from 10 page 9 and just dividing that figure by the State's 11 figures for average daily attendance? 12 A Yes, that's a per pupil amount. It's an 3:16PM 13 average per pupil amount. 14 Q That's your understanding how those 15 calculations -- 16 A Yes. 17 Q -- are completed? 3:16PM 18 A Yes. 19 Q On page 10 the report it states, 20 "California ranked 41 overall in per pupil 21 expenditures in 1997." 22 A Yes. 3:16PM 23 Q What is the sources of that information? 24 A This comes from the exact same sources; 25 simply a ranking of where California falls in</p>
<p style="text-align: right;">Page 139</p> <p>1 Q Do you know how those figures are 2 calculated? 3:13PM 3 A Yes. They're calculated using the 3:13PM 4 resources that are described in the second to the 5 last sentence on page 9. 6 Q Are there -- are you aware of any 7 resources that are spent on students in California's 3:13PM 8 public schools that are not reflected in that 9 resources per student figure on page 10? 10 A Yes. That would include other 11 miscellaneous resources that are usually raised at 12 the local level, including money that is donated, 3:14PM 13 money that's raised by parents and community 14 leaders. It may also include money that comes from 15 local bond -- bonds that are passed at the local 16 level. 17 Q Any other sources of funds that might not 3:14PM 18 be included in the resources per student figures on 19 page 10? 20 A I can't think of any others right now. 21 Q Did you do anything to verify the accuracy 22 of the resources per student figures on page 10? 3:15PM 23 A No, other than looking at the readily 24 available information that is consistent across the 25 three sources that I listed already.</p>	<p style="text-align: right;">Page 141</p> <p>1 relation to other states in per pupil expenditure. 2 Q Are you aware of any academic commentators 3:16PM 3 who have challenged that California should be ranked 3:17PM 4 41st overall in per pupil expenditures? 5 A No. 6 Q Did you do anything to verify the accuracy 7 of the statement that California ranked 41st overall 3:17PM 8 in per pupil expenditures in 1997? 9 A Other than looking at the variety of 10 sources I already cited, which are credible, no. 11 Q So you made a specific effort to check 12 these figures that are contained in the report? 3:17PM 13 A Yes. 14 Q It's your belief that California ranked 15 41st overall -- did you believe it's accurate that 16 California ranks 41st overall in per pupil 17 expenditures for the year 1997? 3:18PM 18 MS. LHAMON: Asked and answered. 19 THE WITNESS: For the year 1997, yes. 20 BY MR. SIMMONS: 21 Q How about for the year of 1998, do you 22 know how California ranked? 3:18PM 23 A I don't know where California -- I'm 24 sorry. You said 1998? 25 Q Yes.</p>

Page 142

1 A Well, it's stated in the -- I'm sorry.
 2 1998, I don't know where it would rank. 3:18PM
 3 Q Would that be true for the years 1998 3:18PM
 4 through present?
 5 A I do know that California per pupil
 6 expenditures have increased over the last three to
 7 four years. I don't know where California -- per 3:18PM
 8 pupil expenditures have also increased in other
 9 states. I don't know where it would fall today
 10 exactly on the overall comparison in the 50 states.
 11 Q The report says on page 10 as well, "In
 12 1998, California ranked 50 in the nation in the 3:19PM
 13 ratio of total school staff to students, one to
 14 twelve; the U.S. average was one to nine."
 15 Where does that information come from, if
 16 you know?
 17 A That information comes both from the 3:19PM
 18 Department of Ed, Department of Education; Federal
 19 Department of Education. That's also a number that
 20 is available from the California Department of
 21 Education and also from sources like EdSource and
 22 the Legislative Analyst's office as well. 3:19PM
 23 Q Did you do anything to verify the accuracy
 24 that California was ranked 50th in the nation, ratio
 25 of total staff to students?

Page 143

1 A Yes.
 2 Q What did you do? 3:20PM
 3 A We looked at the various sources, and the 3:20PM
 4 numbers matched because they're all using the same
 5 source, data.
 6 Q Do you know what is considered -- what
 7 type of employee would be considered part of the 3:20PM
 8 term "school staff" for purposes of this ranking?
 9 A If I recall correctly -- and I will have
 10 to double-check -- it includes administrators,
 11 teachers, non-classroom teachers, teacher's aides.
 12 I would have to return to the sources to get the 3:20PM
 13 other staff that may be included in this figure.
 14 Q The report also says California ranked
 15 50th in the nation in the ratio of school
 16 administrators to students.
 17 What is the source of those figures? 3:21PM
 18 A Again, same source, California Department
 19 of Ed and Federal Department of Ed.
 20 Q Did -- I apologize. I cut you off. Were
 21 you going to finish?
 22 A And the other sources that I have listed. 3:21PM
 23 Q Did you do anything to verify the accuracy
 24 of the ranking of California in terms of the ratio
 25 of school administrators to students?

Page 144

1 A Other than look at the various sources,
 2 no. 3:21PM
 3 Actually, I'm going to strike that and 3:21PM
 4 say, yes, we looked at a variety of sources from
 5 where this information is reported.
 6 MS. LHAMON: Go off record for a second.
 7 (Discussion off the record.) 3:22PM
 8 MR. SIMMONS: Just for the record, we just
 9 discussed that Dr. Huerta has been making some notes
 10 on Exhibit 1. If anybody else makes notes on
 11 Exhibit 1, we'll be sure to let the record reflect
 12 that as well. 3:22PM
 13 BY MR. SIMMONS:
 14 Q Another effect that the report appears to
 15 attribute to Proposition 13 is that policy and
 16 reform initiatives shifted to the State level 3:23PM
 17 because of the lack of local resources to develop
 18 reforms, with the result that State policy and State
 19 instruments have become increasingly important. Is
 20 that your opinion?
 21 MS. LHAMON: The question is vague and
 22 ambiguous. 3:23PM
 23 Are you asking whether his opinion is that
 24 Proposition 13 is the basis for that statement, or
 25 are you asking whether he agrees with that

Page 145

1 statement?
 2 MR. SIMMONS: Whether he -- I'll rephrase. 3:23PM
 3 BY MR. SIMMONS: 3:23PM
 4 Q Just, you'll see that the report says on
 5 page 10, "In addition, policy and reform initiatives
 6 have shifted to the State level because of the lack
 7 of local resources to develop reforms, with the 3:23PM
 8 result that State policy and State instruments have
 9 become increasingly important."
 10 Do you see where it says that?
 11 A Yes.
 12 Q Is that your opinion? 3:23PM
 13 A Yes, as fiscal discretion has shifted to
 14 the State, so has the ability -- that has limited
 15 the ability of local districts to create and fund
 16 their own reform specific to their needs; rather
 17 change in reforms. State policy is extremely 3:24PM
 18 centralized in the state level.
 19 Q What policy initiatives shifted to the
 20 State level, if you know?
 21 A Specific policy initiatives. I can't
 22 think of an example. Hold on. 3:24PM
 23 For example, the State now regulates --
 24 actually, I wouldn't want to give an example unless
 25 I look back in my own notes for specific examples.

Page 146

1 Q What would you look at in your notes?
2 A I would probably go back to some of the 3:24PM
3 literature to give you very specific exact examples. 3:24PM
4 Q Are you aware of any reform initiatives
5 that have shifted to the State level?
6 A We're speaking in two different periods
7 here. The needs or reform issues that might have 3:25PM
8 been vital 30 years ago or 25 years ago are probably
9 very different than today. The ability for local
10 districts to fund local needs, whatever they may be,
11 has shifted to the State level, so -- and because
12 school districts are extremely limited in raising 3:25PM
13 any additional revenues, that precludes them from
14 trying to create any local reforms.
15 Q I guess my question was just simpler; if
16 you're aware of any reform initiatives that have
17 shifted to the State level. 3:26PM
18 A No.
19 Q Are there certain type of policy
20 initiatives you think are best handled at the local
21 level?
22 A It depends on local needs. Some 3:26PM
23 schools -- actually, strike that.
24 It depends on local needs.
25 Q So can you give me an example of a type of

Page 147

1 policy initiative that might be better handled by
2 a -- handled locally as opposed to the State level? 3:26PM
3 A Schools -- in general, schools are very 3:26PM
4 limited in discretionary dollars that they can use
5 to spend for whatever their needs are, which may
6 include hiring specific staff for local needs; which
7 may include buying specific materials, teaching 3:27PM
8 materials that they may need. Because many of these
9 specific categories are funded through categoricals
10 that allow -- that have very prescribed spending
11 limits, local districts are, in many respects,
12 limited in how they can explore spending money 3:28PM
13 differently.
14 Q What do you mean by a "policy initiative"?
15 A "Policy initiative" meaning legislation,
16 synonymous with legislation.
17 Q If you define "policy initiative" as 3:28PM
18 legislation, doesn't that exclude local communities
19 from being able to initiate -- to have a policy
20 initiative, since they don't legislate?
21 A That's the point of what we wrote there;
22 that is, any attempt to create any local policy or 3:28PM
23 any new local law or attempt to reform is limited
24 because of the ability to spend local revenues on
25 that.

Page 148

1 Q I guess in general, I'm trying to figure
2 out what type of policy initiative you think could 3:29PM
3 be better handled -- or handled at the local level 3:29PM
4 as opposed to the State level, if any?
5 MS. LHAMON: Vague as to "handle." Are
6 you asking what type of legislation could be
7 generated at the local level or what kind of 3:29PM
8 legislation could govern?
9 MR. SIMMONS: No. In this sentence here
10 it says policy and reform initiatives shifted to the
11 State level because of the lack of local resources
12 to develop reforms. 3:29PM
13 And I want to know if Dr. Huerta has an
14 opinion of type of initiatives that could be handled
15 at the local level as opposed to the State level.
16 THE WITNESS: I think that's one issue,
17 assessing what local needs are and local 3:29PM
18 preferences. We would have a better idea of knowing
19 specifically not only what local districts desire to
20 handle or think they may handle best, but what
21 specific needs they have and whether they might be
22 able to better control and better meet the needs if 3:30PM
23 they had discretion, including fiscal discretion.
24 BY MR. SIMMONS:
25 Q So am I correct that, as you sit here

Page 149

1 today, you're not able to identify a policy
2 initiative that is better handled at the local level 3:30PM
3 as opposed to the State level? 3:30PM
4 A I already alluded to the ability to local
5 districts to hire staff. And I also included the
6 ability of local districts perhaps to use
7 different -- or to buy learning materials and the 3:30PM
8 like, according to local preference.
9 Q How is buying materials a policy
10 initiative?
11 A It's a policy initiative in that it's the
12 choice of -- in the context I just described, it may 3:30PM
13 be the choice of a local district to meet their
14 needs, and this is just local policy that can be
15 created to do that, rather than having to follow
16 some prescriptive policy from the State level
17 telling them you have to buy a certain textbook 3:31PM
18 package or the like.
19 MR. POULOS: Amen.
20 BY MR. SIMMONS:
21 Q Are there certain policy initiatives that
22 you think would be better handled by the State than 3:31PM
23 the local level?
24 A I think in the spirit of the larger
25 conceptual frame of the "New" School Financing which

Page 150

1 we talked about in the report, this is an area that
 2 we would need to explore further, and that is we 3:31PM
 3 need to look at how bottom up identification of 3:31PM
 4 needs can be reconciled with top down accountability
 5 or standards from the State level.
 6 Q But as you sit here today, you don't have
 7 an opinion as to what policy initiatives are better 3:32PM
 8 handled by the State as opposed to the local level?
 9 A I wouldn't want to comment on that.
 10 Q Why would you not want to comment on that?
 11 A Because I think it's necessary to take
 12 into consideration what the needs are. There may be 3:32PM
 13 some needs, after doing a wide-scale assessment what
 14 the needs are at local levels, an accounting for --
 15 an accountability system and standards that are
 16 drawn by the State to see who may handle specific
 17 areas best, whether it's local level, or it would be 3:32PM
 18 something that would be regulated by the State.
 19 Q Are there any particular -- is there a
 20 difference between a policy initiative and a reform
 21 initiative?
 22 A Yes. 3:33PM
 23 Q What's the difference?
 24 A Policy initiative might be -- a policy
 25 initiative should be looked at in the general

Page 151

1 context of hold on -- strike that.
 2 A policy initiative may be looked at in 3:33PM
 3 the context of a general law or regulation, which is 3:34PM
 4 passed or which is required from the State level,
 5 where -- strike that.
 6 I'm trying to make a...
 7 Ask the question again, please. 3:34PM
 8 Q I just wanted to know how you would
 9 differentiate a policy initiative from a reform
 10 initiative. I guess I'll try to explain that a
 11 little better.
 12 I think initially I just said if there was 3:34PM
 13 a difference between a policy initiative and a
 14 reform initiative. And I think your answer to that
 15 question was yes.
 16 So my next question was simply what's the
 17 difference between the two. 3:35PM
 18 A Reform initiatives are -- usually come
 19 about as a result of the identification of a new
 20 need, which needs to be remedied or -- whereas a
 21 policy initiative is usually a general law or
 22 regulation intended to -- I guess I want to strike 3:35PM
 23 that.
 24 I can't define what the difference is
 25 right now.

Page 152

1 MS. LHAMON: How are you doing with travel
 2 from the East Coast to the West Coast. Are you -- 3:35PM
 3 THE WITNESS: I'm fine. Thank you. 3:35PM
 4 MS. LHAMON: If you need to take a break,
 5 that's fine.
 6 THE WITNESS: Okay.
 7 BY MR. SIMMONS:
 8 Q On page 10, your report also says,
 9 "Finally, the efforts of the State to compensate for
 10 the loss of local tax revenue have often taken the
 11 form of categorical grants described below, with
 12 less equalizing provisions than revenue limit 3:36PM
 13 funds."
 14 Is that your opinion in this case?
 15 A Yes.
 16 Q Now revenue limit funds are what we were
 17 discussing earlier, in that those are the funds that 3:37PM
 18 grew out of the Serrano case. Is that correct?
 19 MS. LHAMON: Misstates the testimony
 20 exactly.
 21 THE WITNESS: I would refer back to the
 22 answer I provided. 3:37PM
 23 BY MR. SIMMONS:
 24 Q Well, it will help me move along if you
 25 can just tell me quickly what revenue limit funds

Page 153

1 are?
 2 A Revenue limit funds are those general 3:37PM
 3 operating funds that are provided to each school 3:37PM
 4 district on an ADA basis for general operating.
 5 Q What equalizing provisions are there in
 6 revenue limit funds?
 7 A The -- well, as we discussed, nearly 95 to 3:37PM
 8 97 percent of our school -- of our school districts
 9 receive the same revenue limit amount of about 45 to
 10 46 hundred dollars.
 11 Q Would you please define what you mean by
 12 "categorical grants"? 3:38PM
 13 A Categorical grants take a wide variety of
 14 forms in the sense of some have specifically been
 15 created to address deferential (sic) needs of
 16 students. Some have been created to specifically
 17 fund programs. Many are tied to specific student 3:38PM
 18 needs, but that's not always the case.
 19 MR. POULOS: Did you mean to say
 20 "deferential", or did you mean "differential"?
 21 THE WITNESS: Differential. Sorry.
 22 MS. LHAMON: Just consistently, he's 3:39PM
 23 saying "differential" when it sounds like
 24 "deferential." It's come up twice now.
 25 MR. POULOS: It's also what is being

Page 154

1 typed, so that's why I asked the question.
 2 (Brief pause.)
 3 BY MR. SIMMONS:
 4 Q What categorical funds have been developed
 5 to address differential needs of students?
 6 I almost said it myself.
 7 MS. LHAMON: Overbroad. Asking for a list 3:39PM
 8 of all of them or just exemplars?
 9 BY MR. SIMMONS:
 10 Q The ones he knows of. I don't know if
 11 there's that --
 12 A There's many. For example, there's 3:39PM
 13 economic impact aid, which accounts for schools that
 14 are serving children predominantly of low income. I
 15 would refer you to one of the other reports that's
 16 been submitted to you, the Crucial Issues in
 17 California where there's a further review of all 3:40PM
 18 categoricals in California.
 19 MR. SIMMONS: You know what, just for
 20 the -- we'll do this at a break, but I think
 21 probably I ought to go ahead and get a copy of the
 22 materials that Dr. Huerta brought today that are 3:40PM
 23 related to the case and make a copy of them, and
 24 that way I will feel content that I didn't think I
 25 had something in the materials. So to the extent we

Page 155

1 can do that at the next break, that would be
 2 helpful. 3:40PM
 3 MS. LHAMON: That's fine. 3:40PM
 4 BY MR. SIMMONS:
 5 Q Can you identify any categorical grants
 6 that constitute efforts of the State to compensate
 7 for the loss of local tax revenue? 3:41PM
 8 A I would have to go back and look at the
 9 entire list to actually name a few.
 10 Q Are there any that you can identify, as
 11 you sit here today?
 12 A I would have to go back and look at the 3:41PM
 13 list to give you an accurate description.
 14 MS. LHAMON: Can we take a break?
 15 MR. SIMMONS: That's fine.
 16 (TIME NOTED: 3:41 P.M.)
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 156

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 2003,
 5 at _____, _____.
 6
 7
 8
 9
 10 _____
 11 SIGNATURE OF THE WITNESS
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 157

1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, LANA L. LOPER, RPR, CRR, CSR No. 9667,
 5 CCR No. 690, do hereby certify:
 6
 7 That the foregoing deposition of LUIS HUERTA was
 8 taken before me at the time and place therein set
 9 forth, at which time the witness was placed under
 10 oath and was sworn by me to tell the truth, the
 11 whole truth, and nothing but the truth;
 12
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21
 22 I further certify that I am neither related to
 23 counsel for any party to said action, nor am I
 24 related to any party to said action, nor am I in any
 25 way interested in the outcome thereof.

1 IN WITNESS WHEREOF, I have subscribed
2 my name this 27th day of March, 2003.
3

4
5
6
7 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 DEPOSITION EXHIBITS
2 LUIS HUERTA
3

4 NUMBER	DESCRIPTION	IDENTIFIED
5 1	The Unending Search for Equity: 6 California Policy, The "New" 7 School Finance, and the Williams 8 Case report of W. Norton Grubb 9 and Laura Goe	20
11 2	Handwritten notes	42
13 3	Consulting Schedule Rates	62
15 4	Curriculum Vitae	62
17 5	The Unending Search for Equity: 18 California Policy, The "New" 19 School Finance, and the Williams 20 Case report of W. Norton Grubb 21 and Laura Goe with handwritten 22 annotations	88

23
24 (All the exhibits are bound separately)
25

1 I N D E X
2 V O L U M E I
3

4 MONDAY, MARCH 17, 2003
5

6 WITNESS EXAMINATION
7

8 LUIS HUERTA
9

10 (By Mr. Simmons) 4, 89
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25