

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

3                               ---o0o---

4   ELIEZER WILLIAMS, a minor, by  
5   Sweetie Williams, his guardian ad litem,  
6   et al., each individually and on behalf  
7   of all others similarly situated,  
8                               Plaintiffs,

9                               vs.

No. 312236

10   STATE OF CALIFORNIA, DELAINE EASTIN,  
11   State Superintendent of Public  
12   Instruction, STATE DEPARTMENT OF  
13   EDUCATION, STATE BOARD OF EDUCATION,  
14                               Defendants.

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15                               Deposition of  
16                               ELEANOR M. CLARK-THOMAS  
17                               Volume II, Pages 289 through 464  
18                               Tuesday, April 10, 2001

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22  
23   Reported by:  
24   TRACY LEE MOORELAND  
25   CSR No. 10397

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APPEARANCES, cont.

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1 BE IT REMEMBERED, that on Tuesday, April 10,  
2 2001, commencing at the hour of 10:00 a.m., thereof, at  
3 the Law Offices of Morrison & Foerster LLP, 400 Capitol  
4 Mall, Suite 2300, Sacramento, California, before me,  
5 TRACY LEE MOORELAND, a Certified Shorthand Reporter in  
6 the State of California, there personally appeared

7 ELEANOR M. CLARK-THOMAS,

8 called as a witness herein, who, having been duly sworn  
9 to tell the truth, the whole truth, and nothing but the  
10 truth, was thereupon examined and interrogated as  
11 hereinafter set forth.

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13 EXAMINATION BY MR. ROSENBAUM

14 Q. You're still under oath.

15 A. Yes.

16 MR. ROSENBAUM: Does anybody have any problems  
17 with that?

18 Q. And you know you'll still here to testify as  
19 truthfully and as fairly as you possibly can?

20 A. Yes.

21 Q. It's nice to see you again.

22 Since the deposition last week, have you  
23 reviewed any documents?

24 A. No, haven't had time.

25 Q. Or discussed the case with anyone?

1 This is as good a copy as we managed to get off it and  
2 to produce out, and we've already offered to plaintiffs  
3 that if the need arises, they can review the original  
4 on-site at the Department. Although you might ask  
5 Eleanor if she knows if the original at the Department  
6 is bad.

7 MR. ROSENBAUM: Have you requested a new copier  
8 machine?

9 MS. READ SPANGLER: They didn't make the  
10 copies. We had someone come in.

11 Q. BY MR. ROSENBAUM: Do you recognize this?

12 A. Yes, I do.

13 Q. Can you tell me what it is?

14 A. This is the second page of our notification of  
15 findings report, and specifically the first page  
16 indicates for you the programs that were reviewed and by  
17 whom.

18 Q. The first page of this document, 23181?

19 A. The first page is -- no, the -- yes, as I'm  
20 looking at it.

21 Q. And still looking at page 23181 of Exhibit 18,  
22 you see at the top of the page where we start the grid  
23 there are two E. Thomases?

24 A. Yes.

25 Q. Who is that?

1 A. No.

2 MR. ROSENBAUM: Let's mark as Exhibit 18 -- I'm  
3 going to hand the documents to the reporter, as well as  
4 distribute it to counsel. This is a document that on  
5 the cover says 1999-2000 Coordinated Compliance Review,  
6 Notification of Findings. The LAE name is Oakland  
7 Unified, and the Bates numbers run from DOE 23181  
8 through DOE 23201, and I'm going to ask that this be  
9 marked as Exhibit 18 and shown to the witness.

10 (Exhibit SAD-18 was marked.)

11 Q. BY MR. ROSENBAUM: Could you please just take a  
12 look at this document to generally familiarize yourself  
13 with it.

14 A. Yes. I couldn't hear your question. Say that  
15 again.

16 Q. I'm just asking if you can just briefly go  
17 through the document.

18 A. Sure.

19 Q. You're always free to look at any document I  
20 give you in any level of detail you feel is appropriate.

21 A. Okay.

22 MR. JORDAN: While she's looking, can I inquire  
23 about the quality of the copy. Is the original as bad?

24 MS. READ SPANGLER: Yes. Let me clarify that.  
25 Probably the original at the Department is not that bad.

1 A. That's me.

2 Q. And that's a copy of your signature?

3 A. Yes, it is.

4 Q. Twice it appears on that page?

5 A. Yes.

6 Q. And directing your attention to page 23197. Do  
7 you have that in front of you?

8 A. Yes.

9 Q. And at the bottom of the page do you see where  
10 it says consolidated programs?

11 A. I see that.

12 Q. Could you just briefly read to yourself that  
13 paragraph.

14 A. Okay.

15 Q. You were personally involved in this validation  
16 review?

17 A. Yes, I was.

18 Q. And what were your duties and responsibilities  
19 with respect to this review?

20 A. Just to serve as team leader and to oversee  
21 pulling the report together.

22 Q. And so you reviewed the final document?

23 A. Yes.

24 Q. And you shared the meetings of the team and  
25 discussed the findings?

1 A. Right, with the team.  
 2 Q. I take it you signed off on this review?  
 3 A. Yes.  
 4 MR. VIRJEE: Objection. Vague and ambiguous.  
 5 Q. BY MR. ROSENBAUM: Now, directing your  
 6 attention again to that section on 23197 of Exhibit 18,  
 7 do you see where it says curriculum materials, including  
 8 appropriate books?  
 9 A. Yes.  
 10 Q. Okay. What's your understanding of what  
 11 "curriculum materials" means?  
 12 MR. VIRJEE: In this context?  
 13 MR. ROSENBAUM: Yes.  
 14 MR. VIRJEE: Objection. Lacks foundation.  
 15 Calls for speculation.  
 16 THE WITNESS: That's a little difficult to  
 17 answer for this particular reviewer, but based upon our  
 18 standards and what we have under IPI and where it  
 19 requests us to go into the classroom and look at the  
 20 materials based upon what the district has shared with  
 21 us at an earlier meeting with us.  
 22 Q. BY MR. ROSENBAUM: When you say "based upon  
 23 what the district has shared with us," what does that  
 24 mean?  
 25 A. The district, when we first interviewed their

1 curriculum showed us several documents, including, as I  
 2 recall, materials and textbooks that they had adopted.  
 3 And so then with that information in hand -- that's part  
 4 of what we call the district administrative review. And  
 5 with that information in hand, when going into the  
 6 number of schools and classrooms, we then make the  
 7 determination if that's true.  
 8 Q. If what's true?  
 9 A. If what the district has shared is the same as  
 10 what we're seeing in the classroom.  
 11 Q. In other words -- you tell me if I have this  
 12 right -- whether or not the materials that the district  
 13 has shared with you are, in fact, the materials that are  
 14 used in the classroom?  
 15 A. Right.  
 16 Q. Okay. Do you or your team make a specific  
 17 investigation to determine whether or not each student  
 18 has the materials that are represented to you?  
 19 MR. VIRJEE: Objection. Vague and ambiguous.  
 20 Are you talking about generally, or in  
 21 particular with the Oakland validation --  
 22 Q. BY MR. ROSENBAUM: In this Oakland study did  
 23 you do that?  
 24 MR. VIRJEE: Objection. Calls for speculation.  
 25 Lacks foundation.

1 THE WITNESS: Not for each student.  
 2 Q. BY MR. ROSENBAUM: What did you do?  
 3 A. Just the classrooms that we visited.  
 4 Q. Okay. And do you make a specific -- in the  
 5 Oakland situation, did you make a specific investigation  
 6 to determine whether or not each student had a book of  
 7 his or her own?  
 8 MR. VIRJEE: Objection. Vague and ambiguous.  
 9 Did she in particular or did the team?  
 10 Q. BY MR. ROSENBAUM: Did you?  
 11 A. The team.  
 12 Q. The team did that?  
 13 MR. VIRJEE: Objection. Calls for speculation.  
 14 Lacks foundation.  
 15 THE WITNESS: Again, not each student, but  
 16 within the classrooms that we visited we're looking at  
 17 the classroom and looking at the materials.  
 18 Q. BY MR. ROSENBAUM: So what the team did was say  
 19 are these books in the classroom; is that right?  
 20 A. They'd look for them.  
 21 Q. Okay. And that's consistent with the practice  
 22 by which CCR looks at curriculum materials overall; is  
 23 that right?  
 24 MR. VIRJEE: Objection. Asked and answered.  
 25 THE WITNESS: Yes.

1 Q. BY MR. ROSENBAUM: Okay. Now, directing your  
 2 attention to the phrase "appropriately  
 3 credentialed/certified teachers," do you see that?  
 4 A. Yes.  
 5 Q. What does that mean in this context?  
 6 MR. VIRJEE: Objection. Calls for speculation.  
 7 Lacks foundation.  
 8 MS. READ SPANGLER: Join.  
 9 THE WITNESS: You know, the consolidated  
 10 program staff person who did the review for Oakland  
 11 looks at that particular item in their instrument, and  
 12 looked to see if all of the teachers are certified or  
 13 credentialed.  
 14 Q. BY MR. ROSENBAUM: Does that include emergency  
 15 credentialed?  
 16 MR. VIRJEE: Objection. Calls for speculation.  
 17 Lacks foundation.  
 18 MS. READ SPANGLER: Join.  
 19 THE WITNESS: That, I'm not sure.  
 20 Q. BY MR. ROSENBAUM: Okay. And your  
 21 understanding of what "appropriately" means in this  
 22 context, at 23197 of 18, what does "appropriately" mean?  
 23 MR. VIRJEE: Objection. Calls for speculation.  
 24 Lacks foundation.  
 25 THE WITNESS: You know, appropriate to meeting

1 the needs of the students in the classroom or in this  
 2 program.  
 3 Q. BY MR. ROSENBAUM: Okay. And why is that  
 4 important to check out?  
 5 MR. VIRJEE: Objection. Vague and ambiguous.  
 6 MS. READ SPANGLER: Join. Calls for  
 7 speculation.  
 8 THE WITNESS: There's a need just to ensure  
 9 that teachers are properly educated for meeting the  
 10 needs of the students that they serve.  
 11 Q. BY MR. ROSENBAUM: And why is that important?  
 12 MR. VIRJEE: Same objection. Calls for  
 13 speculation. Lacks foundation. Vague and ambiguous.  
 14 MS. READ SPANGLER: Join.  
 15 THE WITNESS: If you don't have the proper  
 16 skills or you're not knowledgeable about that particular  
 17 population of students, how can a child progress and  
 18 learn?  
 19 Q. BY MR. ROSENBAUM: Okay. When you say  
 20 "you're," you're referring to the teacher; is that  
 21 right?  
 22 A. Yes.  
 23 Q. Do you see again -- looking at 23197 of Exhibit  
 24 18, do you see where it says excessive use of  
 25 substitutes?

1 A. Yes.  
 2 Q. And what is your understanding of what  
 3 "excessive" means?  
 4 MR. VIRJEE: Objection. Calls for speculation.  
 5 Lacks foundation.  
 6 THE WITNESS: Well, I think it relates  
 7 directly --  
 8 MS. READ SPANGLER: You said "I think." Do you  
 9 know, because he's asking what your understanding is.  
 10 If you have one, you can tell him. If you don't, tell  
 11 him you don't know.  
 12 THE WITNESS: My understanding is that in  
 13 reviewing this particular district and the schools that  
 14 we visited that this reviewer observed that there  
 15 were -- there was an excessive use of substitutes in  
 16 lieu of appropriately-credentialed teachers.  
 17 Q. BY MR. ROSENBAUM: And does CCR have criteria  
 18 to define what "excessive" means?  
 19 A. I don't recall.  
 20 Q. Have you ever used that phrase, "excessive use  
 21 of substitutes"?  
 22 MR. VIRJEE: She personally?  
 23 MR. ROSENBAUM: Yes.  
 24 THE WITNESS: I have not.  
 25 Q. BY MR. ROSENBAUM: You've seen it, though, in

1 other validation reviews?  
 2 A. I have.  
 3 Q. Okay. And what was your understanding of what  
 4 that meant?  
 5 MR. VIRJEE: Objection. Calls for speculation.  
 6 Lacks foundation.  
 7 MS. READ SPANGLER: Also overbroad.  
 8 You mean in every context she's ever seen it?  
 9 THE WITNESS: Again, my understanding was that  
 10 they did not have credentialed teachers and instead were  
 11 using substitutes.  
 12 Q. BY MR. ROSENBAUM: And why was -- are CCR team  
 13 members trained to note that when they find that? When  
 14 they find there's an excessive use of substitutes, are  
 15 they trained to make a notation to that effect?  
 16 A. Yes.  
 17 MR. VIRJEE: Objection. Overbroad.  
 18 Q. BY MR. ROSENBAUM: And what are they  
 19 specifically trained in in that regard?  
 20 A. Each program is trained for their own program  
 21 instrument and the items of noncompliance, and that  
 22 happens to be a standard or an item to make the  
 23 determination of compliance for this particular program.  
 24 Q. And do you personally regard that as an  
 25 important standard?

1 MR. VIRJEE: Objection. Irrelevant.  
 2 THE WITNESS: Personally, yes.  
 3 Q. BY MR. ROSENBAUM: Why is that?  
 4 A. It's important that we make the determination  
 5 that teachers who work with students in the school  
 6 districts are properly trained.  
 7 Q. Why is that important?  
 8 A. Again, we want to ensure that students are  
 9 learning and that they're making the progress that they  
 10 need to make in order to be successful upon graduation  
 11 and upon pursuing their career pathways.  
 12 Q. And your answer relates to this item, excessive  
 13 use of substitutes?  
 14 A. Yes.  
 15 Q. And that's based on your experience and  
 16 training with the Department of Education?  
 17 A. Yes.  
 18 Q. Now, do you know why Oakland -- why there was a  
 19 recommendation with respect to the Oakland Unified  
 20 School District to modify curriculum materials,  
 21 including appropriate books?  
 22 A. You're still referring to this particular item?  
 23 Q. Yes, I am, at 23191 of Exhibit 18.  
 24 MR. VIRJEE: 17.  
 25 MR. ROSENBAUM: 23917 of Exhibit 18, yes.

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1 THE WITNESS: Repeat your question.  
 2 Q. BY MR. ROSENBAUM: Do you know why that  
 3 recommendation -- strike that.  
 4 See where it says it is recommended that the  
 5 district monitor, and where required, modify the  
 6 following, and then there's a bullet and it says  
 7 curriculum materials, including appropriate books?  
 8 A. Uh-huh.  
 9 MR. ROSENBAUM: There's no question pending,  
 10 other than he asked you if you see that.  
 11 THE WITNESS: Yes, I see it.  
 12 Q. BY MR. ROSENBAUM: Do you know what the basis  
 13 for that recommendation was?  
 14 MR. VIRJEE: Objection. Asked and answered.  
 15 Calls for speculation. Lacks foundation.  
 16 THE WITNESS: The reason for that  
 17 recommendation is apparently the reviewer saw weakness  
 18 in this whole area of curriculum instruction, because  
 19 that is specifically an item that's part of the  
 20 standards that this reviewer has to apply related to  
 21 program effectiveness.  
 22 Q. BY MR. ROSENBAUM: Okay. And when you say "the  
 23 standards," those are standards which CCR utilizes?  
 24 A. Within the training guide, yes.  
 25 Q. And you think those standards are important?

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1 A. Yes.  
 2 Q. Are standards themselves important in terms of  
 3 reviewing whether or not students are receiving an  
 4 appropriate education?  
 5 MR. VIRJEE: Objection. Vague and ambiguous as  
 6 to "standards." Overbroad. Incomplete hypothetical.  
 7 Calls for speculation.  
 8 MS. READ SPANGLER: Join.  
 9 THE WITNESS: Yes, they are important.  
 10 Q. BY MR. ROSENBAUM: Why is that?  
 11 MR. VIRJEE: Same objections.  
 12 THE WITNESS: You know, you have to be  
 13 consistent. You have to have standards so that one will  
 14 know what the expectations are.  
 15 Q. BY MR. ROSENBAUM: When you say "one," you mean  
 16 districts and schools?  
 17 A. Schools.  
 18 Q. Principals?  
 19 A. Parents. So that --  
 20 MR. VIRJEE: You need to let him finish his  
 21 question before you start talking.  
 22 MR. ROSENBAUM: You're doing fine. I was  
 23 actually finished.  
 24 MR. VIRJEE: Let the court reporter say that.  
 25 THE WITNESS: Standards are important so that

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1 teachers, parents, the Department of Education, will  
 2 know what the expectations are.  
 3 Q. BY MR. ROSENBAUM: Okay. And the standards  
 4 you're referring to here, they were promulgated by CCR;  
 5 is that correct?  
 6 MR. VIRJEE: Objection. Vague and ambiguous.  
 7 Calls for speculation.  
 8 She didn't say she's referring to any standards  
 9 here. In fact, she's already said she doesn't know what  
 10 this reviewer was referring to.  
 11 MR. ROSENBAUM: That's your characterization.  
 12 MR. VIRJEE: That is.  
 13 Q. BY MR. ROSENBAUM: Do you know who promulgated  
 14 these standards?  
 15 A. No, I don't.  
 16 Q. Do you know -- I don't mean the individual. Do  
 17 you know if they came from the Department of Education?  
 18 A. Yes, standards are related to the training  
 19 guide and the items that we have set forth in the  
 20 training guide that would indicate issues of compliance  
 21 or noncompliance.  
 22 Q. And over the course of your experience with  
 23 CCR, have you personally been involved in developing  
 24 standards?  
 25 MR. VIRJEE: Vague and ambiguous.

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1 THE WITNESS: Yes.  
 2 Q. BY MR. ROSENBAUM: Can you tell me what that  
 3 involvement has consisted of?  
 4 MR. VIRJEE: In the context of curriculum  
 5 materials, or generally?  
 6 MR. ROSENBAUM: Generally.  
 7 MR. VIRJEE: Overbroad.  
 8 THE WITNESS: Developing standards for special  
 9 education as a consultant in that area, reviewing the  
 10 Ed. Code and coming up with what the standards should be  
 11 for our training guide.  
 12 Q. BY MR. ROSENBAUM: Am I correct,  
 13 Ms. Clark-Thomas, when you first started with special  
 14 education, you were a pioneer; is that right?  
 15 MR. VIRJEE: Objection. Vague and ambiguous.  
 16 THE WITNESS: Pioneer? What do you mean by  
 17 that?  
 18 Q. BY MR. ROSENBAUM: Special education was kind  
 19 of the wild, wild west when you started; is that right?  
 20 MR. VIRJEE: Same objection. Vague and  
 21 ambiguous.  
 22 MR. JORDAN: Isn't it still? Sorry.  
 23 THE WITNESS: I'm not sure how to answer that.  
 24 Q. BY MR. ROSENBAUM: You were involved in  
 25 developing standards when you came to special education;

1 is that right?  
 2 A. Yes.  
 3 MR. VIRJEE: When she came to special education  
 4 at the Department of Ed?  
 5 MR. ROSENBAUM: Yes.  
 6 MR. VIRJEE: Or when she started teaching?  
 7 MR. ROSENBAUM: At the Department of Education.  
 8 MR. VIRJEE: Vague as to time.  
 9 THE WITNESS: At the Department of Education,  
 10 yes.  
 11 Q. BY MR. ROSENBAUM: And part of bringing about  
 12 what was regarded as necessary reforms for special  
 13 education involved setting those standards; isn't that  
 14 right?  
 15 A. Yes.  
 16 Q. Okay. And before you became involved, there  
 17 weren't too many standards for the special ed -- for  
 18 special education in the State of California; isn't that  
 19 right?  
 20 MR. VIRJEE: Objection. Vague and ambiguous as  
 21 to "too many."  
 22 MS. READ SPANGLER: Leading.  
 23 THE WITNESS: Incorrect.  
 24 Q. BY MR. ROSENBAUM: There was a need for new  
 25 standards?

1 A. Yes.  
 2 Q. Why was that?  
 3 A. There was a need so that we can coordinate and  
 4 be consistent with the other 12 programs that were going  
 5 to be involved in this thing called coordinated  
 6 compliance reviews.  
 7 Q. And has the development of those standards  
 8 resulted in an improvement of the delivery of special  
 9 education throughout the State, in your judgment?  
 10 MR. VIRJEE: Objection. Vague as to time.  
 11 Also vague and ambiguous.  
 12 THE WITNESS: I'm trying to give you -- would  
 13 you repeat that question.  
 14 Q. BY MR. ROSENBAUM: Sure. When these new  
 15 standards were developed, did they play a part in  
 16 improving the delivery of special education throughout  
 17 California?  
 18 MR. VIRJEE: Objection. Calls for speculation.  
 19 Vague as to time.  
 20 MS. READ SPANGLER: Join.  
 21 THE WITNESS: In my opinion, yes.  
 22 Q. BY MR. ROSENBAUM: Why is that?  
 23 MR. VIRJEE: Same objections.  
 24 MS. READ SPANGLER: Join.  
 25 THE WITNESS: In special education we became

1 more consistent in how we look at compliance, not only  
 2 within the Department but in our training of the local  
 3 educational agencies and what they were to look at and  
 4 be aware of and become knowledgeable about.  
 5 Q. BY MR. ROSENBAUM: Thank you. Directing your  
 6 attention again to 23197 of Exhibit 18, do you know --  
 7 let me strike that.  
 8 Directing your attention to 23917 of Exhibit 18  
 9 and looking at the item excessive use of substitutes, do  
 10 you know for what period of time there was a problem at  
 11 Oakland Unified School District with respect to  
 12 excessive use of substitutes?  
 13 MR. VIRJEE: Objection. Vague and ambiguous as  
 14 to "problem."  
 15 THE WITNESS: No.  
 16 MS. READ SPANGLER: Join.  
 17 Q. BY MR. ROSENBAUM: Okay. Or with respect to  
 18 appropriate credentialed/certified teachers?  
 19 A. No.  
 20 MR. VIRJEE: Same objection.  
 21 MS. READ SPANGLER: Join.  
 22 Q. BY MR. ROSENBAUM: Or with respect to  
 23 curriculum materials including appropriate books?  
 24 MR. VIRJEE: Objection.  
 25 MS. READ SPANGLER: Join.

1 THE WITNESS: No.  
 2 MS. READ SPANGLER: You need to pause so we can  
 3 make our objections, otherwise there's three people  
 4 talking at once.  
 5 Q. BY MR. ROSENBAUM: And CCR, as part of the  
 6 training procedures, team members are not trained to  
 7 find out the period of time for which a particular item  
 8 has been a problem at a district or -- let me strike  
 9 that.  
 10 There is not training that -- specific training  
 11 such that team members are supposed to determine the  
 12 amount of time that a district has been out of  
 13 compliance with respect to a particular item; isn't that  
 14 right?  
 15 MR. VIRJEE: Objection. Overbroad. Calls for  
 16 speculation. Lacks foundation.  
 17 THE WITNESS: Your statement is not true.  
 18 Q. BY MR. ROSENBAUM: Okay. Are team members  
 19 trained to put somewhere on the form how long a district  
 20 has been out of compliance?  
 21 MR. VIRJEE: Same objections.  
 22 THE WITNESS: Not on the form.  
 23 Q. BY MR. ROSENBAUM: On any document, to your  
 24 knowledge?  
 25 A. Yes.

1 Q. What document is that?  
 2 A. There's a document called CTS 17, CTS 14 that  
 3 we provide for each -- that my office provides for each  
 4 of the team members.  
 5 Q. Okay. How does that work? How do those  
 6 documents work? Is it CTS, dash, 70?  
 7 A. CTS 17, the number.  
 8 Q. And also a CTS 14?  
 9 A. Right.  
 10 Q. Okay. And those are all capped, CTS?  
 11 A. Yes.  
 12 Q. What's that stand for?  
 13 A. Compliance tracking system.  
 14 Q. What is a CTS 17?  
 15 A. A CTS 17 is a report that generates the status  
 16 of noncompliance for all of the districts for however  
 17 long that is, provided to not only districts, but to  
 18 staff as well.  
 19 Q. For which items?  
 20 A. For all items that are found noncompliant, for  
 21 all districts that were reviewed.  
 22 Q. And what about a CTS 14, what's that?  
 23 A. A CTS 14 is a report that each reviewer is  
 24 given to give us information as to status, meaning the  
 25 CTS 14 will indicate that this district is noncompliant

1 on this item, that item, this program, that program,  
 2 where are you, reviewer, in working with that district,  
 3 are they now compliant, is that the status at the time  
 4 that they reviewed the report, in which they are to  
 5 indicate an "R" if that item has been resolved.  
 6 Q. Okay. Is there a CTS 15 or 16?  
 7 A. No.  
 8 Q. Now, where are CTS 17s maintained?  
 9 A. In my office.  
 10 Q. Is there a particular file?  
 11 A. Just with my systems information analyst, in  
 12 her computer.  
 13 Q. Okay. What's her name?  
 14 A. Holly Martin.  
 15 Q. Okay. And where are CTS 14s maintained?  
 16 A. The same.  
 17 Q. Now, if you just answered this a few questions  
 18 ago, I apologize. I want to make sure my understanding  
 19 is clear.  
 20 Let's say that the validation team comes in and  
 21 a member of the team determines in October 2000 that the  
 22 Oakland Unified School District is out of compliance  
 23 with respect, say, to curriculum materials, including  
 24 appropriate books. Will a CTS 17 tell us whether or not  
 25 prior to October 2000 the district was out of compliance

1 with respect to that item?  
 2 A. If they were noncompliant with that particular  
 3 item.  
 4 Q. Even if it's been five years, ten years back?  
 5 A. Probably up to, I would say, 1990, '91.  
 6 Q. So this will give us a history of that?  
 7 A. Yes.  
 8 Q. With respect -- again, looking at 23917 of  
 9 Exhibit 18, and looking specifically with respect to the  
 10 item curriculum materials, including appropriate books,  
 11 Mrs. Clark-Thomas, do you know which classrooms in the  
 12 Oakland Unified School District had that problem, where  
 13 the district was out of compliance?  
 14 MS. READ SPANGLER: Objection. Misstates her  
 15 testimony.  
 16 And also do you mean her personally, or the  
 17 team member that reviewed it?  
 18 MR. ROSENBAUM: I mean you personally.  
 19 MR. VIRJEE: Objection. Vague and ambiguous.  
 20 THE WITNESS: Not which classroom.  
 21 Q. BY MR. ROSENBAUM: Does anyone at CCR, so far  
 22 as you -- strike that.  
 23 Is that recorded anywhere, which classrooms or  
 24 a location for which the district is out of compliance  
 25 with respect to curriculum materials, including books?

1 MS. READ SPANGLER: Objection. Misstates her  
 2 testimony.  
 3 MR. VIRJEE: Vague and ambiguous as to "which  
 4 classrooms" and "recorded."  
 5 THE WITNESS: Only the schools that we visit.  
 6 Q. BY MR. ROSENBAUM: So what you're telling me is  
 7 CCR doesn't know outside of the particular school site  
 8 whether there is an item of noncompliance identical at  
 9 some other school in the same district; is that right?  
 10 A. That's correct.  
 11 Q. And no one undertakes an inquiry to find out --  
 12 strike that.  
 13 If you find an item of noncompliance at a  
 14 particular school, CCR doesn't go to other schools in  
 15 that district to find out whether or not there are  
 16 similar noncompliance items at those other schools; is  
 17 that right?  
 18 MR. VIRJEE: Objection. Vague and ambiguous.  
 19 THE WITNESS: No.  
 20 Q. BY MR. ROSENBAUM: Okay. And why is that?  
 21 MS. READ SPANGLER: Objection. Calls for  
 22 speculation.  
 23 THE WITNESS: Because we get an assurance from  
 24 the LEA coordinator or the district that this issue  
 25 that's found noncompliant will be corrected in all

1 schools.

2 Q. BY MR. ROSENBAUM: Okay. And do you get  
3 reports for each -- for other schools in the district,  
4 specific reports for other schools in the district?

5 A. Yes.

6 MR. VIRJEE: Objection. Vague and ambiguous.  
7 Let us give our objections before you answer.  
8 I promise we'll let you answer.

9 Objection. Vague and ambiguous as to "other  
10 schools" and "reports."

11 Q. BY MR. ROSENBAUM: When do you get those  
12 reports? Let me strike that.

13 You get specific reports for each and every  
14 school in the district, in addition to the site where  
15 the item of noncompliance was found?

16 MS. READ SPANGLER: Are you talking about other  
17 than the self-reviews that we've already discussed?

18 MR. ROSENBAUM: Yes. Let me see if I can  
19 explain it and be clear here.

20 Q. You've told us at some length that the review  
21 of a district typically includes something like 10  
22 percent of the schools at the district; is that right?

23 MR. VIRJEE: Objection. Vague and ambiguous as  
24 to "review."

25 She's already testified they all do

1 self-reviews, so your question is vague and ambiguous.

2 MS. READ SPANGLER: And misstates her  
3 testimony.

4 Q. BY MR. ROSENBAUM: That's where the validation  
5 review takes place?

6 A. Yes.

7 Q. Now, my question is, does a validation  
8 review -- you find an item of noncompliance at a  
9 particular school in the validation review. CCR doesn't  
10 visit other schools to see if there are items -- the  
11 same item is noncompliant in those other schools; is  
12 that right?

13 MR. VIRJEE: Objection. Vague and ambiguous.  
14 You've still got the same problem with your  
15 question, whether or not they do that after or before,  
16 concurrently. Vague as to time.

17 MS. READ SPANGLER: Join.

18 MR. ROSENBAUM: I thought I was clear.

19 Q. You find an item of noncompliance at a  
20 particular school. Does that trigger going to other  
21 schools to see if the items are noncompliant at those  
22 other schools?

23 A. No.

24 Q. Okay. Is it reported anywhere pursuant to the  
25 practices of CCR exactly which classrooms the district

1 is out of compliance at?

2 MR. VIRJEE: Objection. Asked and answered.  
3 Also vague and ambiguous.

4 THE WITNESS: No.

5 Q. BY MR. ROSENBAUM: And why is that?

6 MR. VIRJEE: Objection. Asked and answered.  
7 THE WITNESS: I'm not sure why. I don't know.

8 Q. BY MR. ROSENBAUM: Do you know how many  
9 students are affected by a particular item of  
10 noncompliance? Is that recorded anywhere?

11 MR. VIRJEE: Objection. Compound. Vague and  
12 ambiguous.

13 MR. ROSENBAUM: It is compound.

14 Q. Does CCR conduct an inquiry to determine how  
15 many students are affected by a particular item of  
16 noncompliance?

17 A. No.

18 Q. Why is that?

19 A. Because we assume that all students are  
20 affected. If we find it in one place, we now hold the  
21 district responsible for all students in all schools.

22 Q. And the basis of that assumption is?

23 A. Well, we have limited resources, so therefore  
24 we have to hold the district accountable for any issues  
25 that we find noncompliant while visiting and conducting

1 a validation review.

2 Q. With respect to Exhibit 18, page 23197, to your  
3 knowledge, Mrs. Clark-Thomas, did the principal at the  
4 school where the items were found to be noncompliant,  
5 did he or she know that the school was out of compliance  
6 before a self-review was taken?

7 MR. VIRJEE: Objection. Calls for speculation  
8 and lacks foundation.

9 MS. READ SPANGLER: Misstates her testimony.

10 THE WITNESS: Only if he found it in his  
11 self-review.

12 Q. BY MR. ROSENBAUM: But CCR, pursuant to its  
13 practices and procedures, did it inquire of the  
14 principal, did you know that this item was noncompliant  
15 before the self-review was undertaken?

16 A. Not in those exact words.

17 Q. Okay. Help me. What sort of words are used  
18 with respect to this?

19 A. We ask the principal to describe his  
20 self-review process, and then we ask him if the  
21 self-review that we're looking at is accurate to the  
22 best of his knowledge and also to give us a status, an  
23 update, have you been able to correct the issues that we  
24 see currently on your self-review.

25 Q. And is the principal asked in sum or substance,

1 did you know that this problem existed before the  
 2 self-review took place?  
 3 MR. VIRJEE: Objection. Asked and answered.  
 4 Q. BY MR. ROSENBAUM: Your answer to that was no;  
 5 is that right?  
 6 A. Right.  
 7 Q. How about teachers, are they asked whether or  
 8 not they knew about the item of noncompliance prior to  
 9 the self-review?  
 10 A. No.  
 11 MR. VIRJEE: Objection. Vague and ambiguous.  
 12 MR. ROSENBAUM: Why is that?  
 13 MR. VIRJEE: Please let me make my objections  
 14 before you answer and before you move on to the next  
 15 question.  
 16 MR. ROSENBAUM: Sure.  
 17 THE WITNESS: The same reason -- I mean, the  
 18 same answer. We talk to the principal and teachers in  
 19 the same way, gather information as to how the  
 20 self-review was conducted, their knowledge level, their  
 21 awareness, and providing them with a status, but not  
 22 your exact question that you just posed.  
 23 Q. BY MR. ROSENBAUM: When you say "knowledge  
 24 level" or "awareness," what do you mean by that?  
 25 A. Just asking them, were you aware -- you know,

1 if they're surprised about the noncompliant issue. If  
 2 they did not find it in their self-review, are they  
 3 aware that there is a problem there, just to get some  
 4 dialogue going.  
 5 Q. Where you find the problem and they didn't  
 6 identify it; is that right?  
 7 A. Right.  
 8 Q. Now, is the items here at 23917 of Exhibit 18,  
 9 did you specifically report these items of noncompliance  
 10 to the State Board of Education?  
 11 MR. VIRJEE: Objection. Vague and ambiguous as  
 12 to "you."  
 13 MS. READ SPANGLER: Join.  
 14 MR. ROSENBAUM: I don't mean you personally,  
 15 either you personally or CCR.  
 16 MR. VIRJEE: Objection. Calls for speculation.  
 17 THE WITNESS: I don't know.  
 18 Q. BY MR. ROSENBAUM: Is there a practice as to  
 19 whether or not when these items are found to be  
 20 noncompliant of reporting those items to the State Board  
 21 of Education?  
 22 MR. VIRJEE: Objection. Asked and answered  
 23 last time.  
 24 THE WITNESS: There is a practice.  
 25 Q. BY MR. ROSENBAUM: What's the practice?

1 MR. VIRJEE: Objection. Asked and answered  
 2 last time.  
 3 She described the practice in detail last time.  
 4 Q. BY MR. ROSENBAUM: That's the four levels that  
 5 we talked about before?  
 6 A. Yes.  
 7 Q. Okay. Do you personally know why curriculum  
 8 materials, including appropriate books, why that was an  
 9 item of noncompliance? Do you know what the cause of  
 10 that was?  
 11 MR. VIRJEE: Objection. Calls for speculation.  
 12 Lacks foundation. Vague and ambiguous as to "cause."  
 13 THE WITNESS: I do not personally know.  
 14 Q. BY MR. ROSENBAUM: Is it recorded anywhere  
 15 pursuant to the practices of CCR to identify what the  
 16 cause of the noncompliance was, how did it happen?  
 17 MR. VIRJEE: Objection. Vague and ambiguous as  
 18 to "cause."  
 19 THE WITNESS: It's recorded in our training  
 20 guide program, by program instrument, how to determine  
 21 that one is compliant with this particular item, so  
 22 there's a column that would direct the reviewer and the  
 23 LEA's attention to, this is how you make the  
 24 determination of compliance for this particular item.  
 25 MR. ROSENBAUM: Okay. That's helpful to me.

1 Q. And that's in the training manual, training  
 2 guide?  
 3 A. Yes. Yes.  
 4 Q. My next question is a little bit different.  
 5 Are reviewers trained to inquire how did this happen,  
 6 how did this district get out of compliance with respect  
 7 to this particular item, not whether or not the district  
 8 is out of compliance, but what the cause was?  
 9 MR. VIRJEE: Objection. Asked and answered.  
 10 She just answered that question.  
 11 THE WITNESS: Yes.  
 12 Q. BY MR. ROSENBAUM: Okay. Can you tell me what  
 13 the cause was for Oakland being noncompliant with  
 14 respect to curriculum materials, including appropriate  
 15 books?  
 16 MR. VIRJEE: Objection. Vague and ambiguous as  
 17 to "you," and also asked and answered.  
 18 You just asked that question. She just  
 19 answered it for you, Mark.  
 20 MR. ROSENBAUM: I don't think she did.  
 21 MR. VELEZ: In this context are you asking  
 22 whether her department knows or whether she knows?  
 23 MR. ROSENBAUM: I'm doing it in stages.  
 24 MR. VIRJEE: In fact, her last answer was I  
 25 don't personally know.

1 Q. BY MR. ROSENBAUM: To your knowledge, does  
2 anyone at CCR know how it happened that Oakland became  
3 noncompliant with respect to curriculum materials,  
4 including appropriate books?

5 A. Yes.

6 Q. Where would that be written down? Where would  
7 I find that?

8 A. The reviewer who reviewed this particular  
9 section, this consolidated program would know.

10 Q. Is he or she directed to write down somewhere  
11 what the cause was?

12 MR. VIRJEE: Objection. Vague and ambiguous as  
13 to "cause"?

14 MS. READ SPANGLER: Join.

15 THE WITNESS: He or she is directed to provide  
16 technical assistance in order to bring that particular  
17 item into compliance or to prevent further issues of  
18 noncompliance in a particular area.

19 Q. BY MR. ROSENBAUM: Okay. I appreciate that.  
20 Now what I would like to know is, are reviewers trained  
21 to put down on paper, to document what the cause of an  
22 item of noncompliance is?

23 MR. VIRJEE: Objection. Asked and answered.  
24 Vague and ambiguous as to cause of noncompliance and  
25 "put down on paper."

1 curriculum materials, including appropriate books, where  
2 does it say that on this report?

3 MR. VIRJEE: Objection. The document speaks  
4 for itself.

5 MS. READ SPANGLER: Join.

6 THE WITNESS: You'd have to use this report,  
7 plus the instrument for the consolidated programs, which  
8 is where this determination was made. You would find  
9 this information and some of this language on probably  
10 CON 1. That's an item under consolidated programs. I  
11 believe it's referring to CON 1.

12 Q. BY MR. ROSENBAUM: And it's your testimony that  
13 would tell me what the cause of the noncompliance  
14 occurring would be?

15 MR. VIRJEE: Are you asking her to repeat her  
16 testimony, or asking her a question? Because if you're  
17 asking her to repeat her testimony, that's asked and  
18 answered and her testimony will speak for itself.

19 MR. ROSENBAUM: You can answer.

20 THE WITNESS: The training guide indicates the  
21 cause and -- or the absence of -- the training guide  
22 indicates the cause for noncompliance.

23 MS. READ SPANGLER: I think you're talking at  
24 cross purposes, because I think the use of the word  
25 "cause" is vague and ambiguous.

1 She's answered that question twice now. This  
2 is the third time.

3 MS. READ SPANGLER: Join.

4 THE WITNESS: Yes.

5 Q. BY MR. ROSENBAUM: Where would I find that?

6 MR. VIRJEE: Same objection.

7 THE WITNESS: Training agendas, CDE training  
8 agendas. That would be in my office.

9 Q. BY MR. ROSENBAUM: Okay. Maybe you've just  
10 answered this, and if you did, I apologize.

11 If I wanted to find out how did it happen that  
12 Oakland Unified School District was out of compliance  
13 with respect to curriculum materials, including  
14 appropriate books, where would I look?

15 MR. VIRJEE: Objection. Asked and answered.  
16 Also calls for speculation.

17 MS. READ SPANGLER: Join.

18 THE WITNESS: You'd look at this particular  
19 report.

20 Q. BY MR. ROSENBAUM: "This report" being Exhibit  
21 18?

22 A. Meaning 23917, which you're referring to.

23 Q. Could you please show me where on this report  
24 it explains what the cause of the Oakland Unified School  
25 District being out of compliance with respect to

1 Q. BY MR. ROSENBAUM: Let me explain what I mean.  
2 What I'm interested in is this: You've told us at  
3 length that reviewers are trained to identify items of  
4 noncompliance when they've discovered that, right?

5 MR. VIRJEE: Objection. Her testimony speaks  
6 for itself.

7 MS. READ SPANGLER: Join.

8 Q. BY MR. ROSENBAUM: Is that right?

9 A. Yes.

10 Q. Now, what I'm interested in is how did it  
11 happen, what was the reason that the district got out of  
12 compliance, not the fact that it was out of compliance.

13 What I'm interested in is the cause, why did it  
14 occur that this district became out of compliance, was  
15 somebody negligent, did a district not have enough  
16 resources, whatever the possible causes were, that's  
17 what I mean in terms of cause, what actually produced  
18 the item of noncompliance.

19 So my question to you is, where do I find on  
20 23197 or Exhibit 18 in its entirety an explanation as to  
21 how did this come about, what caused Oakland to go into  
22 noncompliance?

23 MR. VIRJEE: Objection. The document speaks  
24 for itself. It's also asked and answered.

25 This is the fourth time you've asked the

1 question, Mark.  
 2 MS. READ SPANGLER: Join.  
 3 THE WITNESS: It is exactly as I've said  
 4 before. If I refer you to 23190 --  
 5 MR. ROSENBAUM: Okay.  
 6 THE WITNESS: -- that's the statement of  
 7 noncompliance for the consolidated programs, and it is  
 8 CON 1. It's just a statement. And then the reviewers  
 9 are trained and directed to explain fully that statement  
 10 of noncompliance, which you see on 23197.  
 11 And that information on 23197 could be captured  
 12 or restated under CON 1, column 3 of the training guide,  
 13 or IPI I, column 3 of the training guide.  
 14 Q. BY MR. ROSENBAUM: And I take it that's true of  
 15 any of the items that we've been talking about with  
 16 respect to 23197?  
 17 A. That could be true. I'd have to look at each  
 18 one.  
 19 Q. Okay. Are reviewers trained to identify the  
 20 racial and ethnic composition of students for whom the  
 21 district is out of compliance with a particular item?  
 22 MR. VIRJEE: Objection. Overbroad as to  
 23 "reviewers."  
 24 THE WITNESS: I don't know.  
 25 Q. BY MR. ROSENBAUM: Now, do you personally know,

1 consists of.  
 2 MR. VIRJEE: Objection. Overbroad.  
 3 THE WITNESS: The assistance? What that  
 4 assistance is?  
 5 MR. ROSENBAUM: Yes.  
 6 THE WITNESS: Again, my office provides a  
 7 monthly report and we have monthly home unit coordinator  
 8 meetings so that we can look at the status and where  
 9 each of the programs are with certain districts that are  
 10 noncompliant. And so there's some dialogue and  
 11 discussion, and each of the programs are responsible for  
 12 working directly with the LEA for the review that they  
 13 were responsible for doing in providing assistance and  
 14 helping them to come into compliance.  
 15 Q. BY MR. ROSENBAUM: When you say help them to  
 16 come into compliance, how does a member of your staff  
 17 help a district come into compliance with respect to  
 18 curriculum materials, including appropriate books?  
 19 MR. VIRJEE: Objection. Lacks foundation.  
 20 Calls for speculation. Overbroad.  
 21 THE WITNESS: They help them, you know, relook  
 22 at their curriculum, relook -- they already know the  
 23 classrooms that we have been into and where the problem  
 24 was found, had to have been found either at the district  
 25 level or the classes -- the schools that we went into.

1 Mrs. Clark-Thomas, what follow-up is done with respect  
 2 to the items that we've been talking about on 23917,  
 3 curriculum materials, appropriate credentialed/certified  
 4 teachers, excessive use of substitutes?  
 5 A. I do know what follow-up should occur.  
 6 MR. VIRJEE: Just answer his question.  
 7 THE WITNESS: Yes.  
 8 MR. VIRJEE: He'll ask you a follow-up  
 9 question, I'm sure.  
 10 THE WITNESS: Yes.  
 11 Q. BY MR. ROSENBAUM: What follow-up should occur?  
 12 A. Okay. That's part of our stage system again.  
 13 Q. Okay.  
 14 A. Stage one, where once we leave the school  
 15 district and we have identified that they must come into  
 16 compliance within 45 days, the consultant works with the  
 17 LEA coordinator in assisting them to do that, and then  
 18 we move on to stage two. And I think I've described all  
 19 of the stages.  
 20 Q. Are you familiar with the source of assistance  
 21 that your team members provide with respect to helping a  
 22 district come into compliance with respect to curriculum  
 23 materials, including appropriate books?  
 24 A. I'm familiar.  
 25 Q. Explain to me, please, what that assistance

1 Generally when we go to a school, we try to cover all  
 2 classrooms. It's not always possible.  
 3 Q. BY MR. ROSENBAUM: Why is that?  
 4 A. Time is a factor, which is why I can't tell you  
 5 which classrooms we went into.  
 6 I've forgotten where I was going.  
 7 Q. Say a district says to you, we don't have  
 8 enough curriculum materials. Based on the training and  
 9 guidelines that team members receive, how is a team  
 10 member supposed to respond to that?  
 11 MR. VIRJEE: Objection. Assumes facts not in  
 12 evidence.  
 13 THE WITNESS: I can only give my personal,  
 14 professional way of responding to that question. I  
 15 really can't respond for the team members themselves.  
 16 MR. ROSENBAUM: Do it as you described.  
 17 THE WITNESS: But I would also think that they  
 18 would have the same professionalism and somehow bring  
 19 together the local boards, the superintendents and  
 20 everyone in the district who is responsible for this  
 21 curriculum and these materials and just work with them  
 22 on where we saw the weaknesses and what needs to be  
 23 done, maybe describe other models that we have seen  
 24 throughout the State or ask them to visit other schools  
 25 or districts, et cetera.

1 Q. BY MR. ROSENBAUM: In your experience you find  
2 that to be helpful in resolving the items of  
3 noncompliance?  
4 A. I do.  
5 Q. Why is that?  
6 A. It gives a feeling of partnering and working  
7 together, with the end result being the child. It  
8 works. Rather than the State or the CCR teams being  
9 policemen, I got you, you want them to be compliant.  
10 Q. And how about excessive use of substitutes, how  
11 would you -- based on your professional experience and  
12 training, how would you help a district deal with the  
13 problem of excessive use of substitutes?  
14 MR. VIRJEE: Objection. Lacks foundation.  
15 Calls for speculation.  
16 MS. READ SPANGLER: Incomplete hypothetical.  
17 THE WITNESS: Professionally I would need to  
18 see what they have done in order to recruit qualified  
19 staff and what are they doing -- once they've recruited  
20 some who might not be qualified, what are they doing in  
21 order to provide staff development or training, or  
22 suggest going back to school for certain courses in  
23 order to become credentialed.  
24 Q. BY MR. ROSENBAUM: Okay. Have you personally  
25 done that to help districts that have problems with

1 input regarding what's going well in their particular  
2 child's education, what's not going well, and to see if  
3 we can consider some of their concerns, report them to  
4 the principal and/or district office and work with them  
5 from there.  
6 Q. BY MR. ROSENBAUM: Who is present at these  
7 meetings? The parents are present, right, obviously?  
8 A. Yes.  
9 Q. And CCR representatives are present?  
10 A. Team members, yes, CCR team members.  
11 Q. From each of the different departments, each of  
12 the 12 programs?  
13 A. LEA staff are not allowed to sit in on those  
14 meetings, only CDE --  
15 MS. READ SPANGLER: Did you hear his question,  
16 because he asked you if team members from each of the 12  
17 programs --  
18 THE WITNESS: 12 programs. Yes.  
19 Q. BY MR. ROSENBAUM: They are present, right?  
20 A. Yes.  
21 Q. And LEA personnel are not present?  
22 A. That's right.  
23 Q. And that's because you think their absence will  
24 stimulate greater candor among the parents themselves?  
25 A. Yes.

1 respect to excessive use of substitutes?  
2 A. Yes.  
3 Q. Okay. On multiple occasions?  
4 A. Yes.  
5 Q. Can you remember what districts you've helped  
6 in that regard?  
7 A. No.  
8 Q. The part of the review process that you've  
9 talked to us about before involves meetings with  
10 parents?  
11 A. Yes.  
12 Q. And, in fact, the conduct of parent meetings  
13 themselves, are they scheduled?  
14 MR. VIRJEE: By the "review process," you're  
15 talking about the on-site validation process?  
16 MR. ROSENBAUM: Yeah.  
17 THE WITNESS: Yes.  
18 Q. BY MR. ROSENBAUM: And that's an important  
19 meeting, the parent meeting?  
20 A. Very much so.  
21 Q. Why is that?  
22 MR. VIRJEE: Objection. Asked and answered  
23 last time, Mark.  
24 MS. READ SPANGLER: Join.  
25 THE WITNESS: To involve parents and to get

1 Q. And are students present?  
2 A. No.  
3 MR. VIRJEE: At the parent meetings?  
4 MR. ROSENBAUM: Yes.  
5 THE WITNESS: No.  
6 Q. BY MR. ROSENBAUM: Anyone else present that  
7 I've missed?  
8 MR. VIRJEE: Objection. Overbroad.  
9 THE WITNESS: No.  
10 Q. BY MR. ROSENBAUM: Now, directing your  
11 attention, please, to page 23201. It's the last page of  
12 Exhibit 18. Could you briefly take a look at that.  
13 You've had a chance to look at that?  
14 A. Yes.  
15 Q. Do you see at the top, it says parent community  
16 input meeting 2/28/00?  
17 A. Yes.  
18 Q. That's February 28th of last year?  
19 A. Yes.  
20 Q. Okay. Were you present at that meeting?  
21 A. Yes.  
22 Q. Do you remember where that took place?  
23 A. I believe it was in an auditorium.  
24 Q. Do you remember what school?  
25 A. No.

1 Q. But it was in Oakland?  
 2 A. Yes.  
 3 Q. Do you remember if it was an elementary school  
 4 or a middle school or a high school?  
 5 MR. VIRJEE: Objection. Assumes facts. She  
 6 hasn't said it was in a school.  
 7 THE WITNESS: No.  
 8 Q. BY MR. ROSENBAUM: Was it in a school?  
 9 A. No.  
 10 MR. ROSENBAUM: Thanks. We're working  
 11 together.  
 12 MR. VIRJEE: We are. We're a team. We're a  
 13 good team.  
 14 Q. BY MR. ROSENBAUM: Do you know what sort of  
 15 auditorium this was at?  
 16 A. District.  
 17 Q. In downtown Oakland?  
 18 A. I don't recall.  
 19 Q. Do you have a tape of this meeting?  
 20 A. Pardon me?  
 21 Q. Was this meeting tape-recorded?  
 22 MR. VIRJEE: Objection. Calls for speculation.  
 23 MS. READ SPANGLER: Join.  
 24 THE WITNESS: Not that I'm aware of.  
 25 Q. BY MR. ROSENBAUM: Is it the practice of CCR to

1 person will have one or two questions. It lasts  
 2 approximately one hour.  
 3 Q. BY MR. ROSENBAUM: How are parents notified  
 4 about the meeting?  
 5 MR. VIRJEE: Objection. Calls for speculation.  
 6 MS. READ SPANGLER: Join.  
 7 THE WITNESS: We ask to see what the  
 8 notification is, and what's verified are newsletters  
 9 that are taken home, and newspaper articles.  
 10 Q. BY MR. ROSENBAUM: Newsletters taken home by  
 11 students?  
 12 A. Yes.  
 13 Q. And newspapers, what did you mean by that?  
 14 A. The Oakland Tribune, an article is produced,  
 15 cut out, given to us.  
 16 Q. Are news reporters permitted to attend these  
 17 meetings?  
 18 A. I need to -- I either need to ask them a  
 19 question or I need to make more of a statement about  
 20 this.  
 21 Q. Go ahead.  
 22 A. This is a practice that doesn't occur anymore,  
 23 a community input meeting.  
 24 MS. READ SPANGLER: That's not what he asked.  
 25 THE WITNESS: So I'm trying to recall. I have

1 tape parent meetings?  
 2 MR. VIRJEE: Objection. Vague and ambiguous.  
 3 THE WITNESS: No.  
 4 Q. BY MR. ROSENBAUM: Do you recall how many  
 5 parents were present, roughly?  
 6 A. I can't recall.  
 7 Q. More or less than 100?  
 8 A. Probably less than 100.  
 9 Q. More or less than 50?  
 10 A. Probably less than 50.  
 11 Q. Okay. Were you the chair of this meeting?  
 12 A. Yes.  
 13 Q. And how did you proceed?  
 14 MR. VIRJEE: Objection. Vague and ambiguous.  
 15 THE WITNESS: There are introductions and  
 16 purposes for the CDE team being there. And generally  
 17 the first question is we want to know what's happening  
 18 in your district, we need you to provide input to us,  
 19 first, what's going well. Anyone can talk. And then  
 20 what's not going well. And, again, anyone can talk.  
 21 And then I have each program person describe  
 22 the program that they are responsible for reviewing and  
 23 have each one of them ask a question that might be  
 24 relevant. It's an input meeting. We generally do not  
 25 answer questions, we just get input. So each program

1 to talk out loud in order to recall.  
 2 MS. READ SPANGLER: If you don't recall, it's  
 3 fine to say you don't recall.  
 4 THE WITNESS: They can attend. Did they? I  
 5 don't remember.  
 6 Q. BY MR. ROSENBAUM: Okay. Why doesn't this  
 7 practice continue any longer?  
 8 A. The team, being the process itself, made the  
 9 decision to do that because we talk to parents at each  
 10 school site and we conduct the same kind of meeting and  
 11 invite them to provide input, but we go more in-depth  
 12 for specific questions that we need to ask of them.  
 13 Another reason we discontinued it was because  
 14 few people are coming out, fewer and fewer each year.  
 15 Q. Okay. Why do you think that is?  
 16 MR. VIRJEE: Objection. Calls for speculation.  
 17 MS. READ SPANGLER: Objection. Calls for  
 18 speculation.  
 19 MR. ROSENBAUM: I'll withdraw that question.  
 20 Q. Do you see the item under comments where it  
 21 says, eighth graders do not have history books, sort of  
 22 in the middle of the different bullets?  
 23 A. Yes.  
 24 Q. Do you see that?  
 25 A. Yes.

1 Q. Do you remember hearing that?  
 2 A. Yes. Uh-huh.  
 3 Q. And did you personally do any follow-up with  
 4 respect to that item?  
 5 A. When we get this kind of comments, the reason  
 6 it's written as you see --  
 7 MS. READ SPANGLER: He asked you, as you  
 8 personally.  
 9 MR. ROSENBAUM: I think she was answering the  
 10 question.  
 11 MR. VIRJEE: She can talk to her client.  
 12 MR. VELEZ: What was the question?  
 13 MS. READ SPANGLER: Could you read back the  
 14 question.  
 15 (Record read.)  
 16 MR. ROSENBAUM: We're talking about the eighth  
 17 graders not having history books.  
 18 THE WITNESS: The entire team did follow-up.  
 19 Q. BY MR. ROSENBAUM: And what was the finding?  
 20 MR. VIRJEE: Objection. Assumes facts.  
 21 THE WITNESS: The finding is indicated on the  
 22 page that you referred to earlier.  
 23 Q. BY MR. ROSENBAUM: That finding -- that's the  
 24 curriculum materials item, is that what you're talking  
 25 about?

1 A. Yes.  
 2 Q. And that included the fact that eighth graders  
 3 didn't have history books?  
 4 A. Yes.  
 5 Q. Did other students besides eighth graders not  
 6 have history books?  
 7 MR. VIRJEE: Objection. Calls for speculation.  
 8 Lacks foundation.  
 9 MS. READ SPANGLER: Join.  
 10 THE WITNESS: Could have been.  
 11 Q. BY MR. ROSENBAUM: Why do you say that?  
 12 A. When we make a finding -- as you see indicated  
 13 on the previous page, there's a feeling that this not  
 14 only happened for what was indicated by a parent -- but  
 15 the direction is for each team to now look for this to  
 16 see if there's a problem, and that's one of the reasons  
 17 why this general statement was made.  
 18 Q. Okay. And to your knowledge, do eighth graders  
 19 now have history books?  
 20 A. I don't know.  
 21 Q. Do you see the item, some schools are operating  
 22 with substitutes? That's right above the eighth grader  
 23 item.  
 24 A. Yes.  
 25 Q. And today, Mrs. Clark-Thomas, are there schools

1 that are operating with substitutes?  
 2 MR. VIRJEE: Objection. Calls for speculation.  
 3 MS. READ SPANGLER: Join.  
 4 MR. VIRJEE: Also vague and ambiguous as to  
 5 "operating with substitutes."  
 6 I'm sure there are substitutes somewhere.  
 7 MR. ROSENBAUM: I'll accept that objection.  
 8 Q. When you heard operating with substitutes, some  
 9 schools are operating with substitutes, what did you  
 10 take that to mean?  
 11 A. That there were not qualified teachers.  
 12 Q. Do you personally know if that's still a  
 13 problem in Oakland?  
 14 A. I don't know.  
 15 Q. Would anyone at CCR?  
 16 MR. VIRJEE: Objection. Calls for speculation.  
 17 THE WITNESS: I'm not sure.  
 18 Q. BY MR. ROSENBAUM: Okay. See the item that  
 19 says, unsafe water fountains, pipes need to be capped  
 20 for water, this has caused health issues for students,  
 21 that is asthma and rashes? Do you see that item?  
 22 A. Yes.  
 23 Q. Is that within the purview of CCR, to check on  
 24 those sorts of facility problems?  
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "purview" and "check."  
 2 THE WITNESS: It's not one of the items under  
 3 safe and drug-free schools. That's the only program  
 4 that would, you know, sort of look at that.  
 5 Q. BY MR. ROSENBAUM: Okay. But that's not  
 6 specifically within its province; is that right?  
 7 A. No.  
 8 Q. Unsafe water fountains, that item, is that  
 9 reflected anywhere in the CCR report?  
 10 A. I don't believe so.  
 11 Q. And playgrounds are unsafe, do you see that  
 12 item?  
 13 A. Yes.  
 14 Q. Okay. Is that within the purview of CCR to  
 15 look into that item?  
 16 MR. VIRJEE: Objection. Vague and ambiguous.  
 17 THE WITNESS: It could be.  
 18 Q. BY MR. ROSENBAUM: It could be if -- explain to  
 19 me the basis of your answer.  
 20 A. One of the reviewers or one of the programs  
 21 that is reviewed, it's called safe and drug free, so  
 22 that reviewer could very well have an item in his or her  
 23 instrument or in that program's instrument that looks at  
 24 safety. It looks at safety, so that could be one.  
 25 Q. But you don't know that for certain?

1 A. No.  
 2 Q. Do you know if there are playgrounds that are  
 3 unsafe today in the Oakland school district?  
 4 MR. VIRJEE: Objection. Lacks foundation.  
 5 THE WITNESS: I don't know.  
 6 Q. BY MR. ROSENBAUM: Do you know if someone at  
 7 CCR does?  
 8 MR. VIRJEE: Objection. Calls for speculation.  
 9 Lacks foundation.  
 10 MS. READ SPANGLER: Join.  
 11 THE WITNESS: I don't know.  
 12 Q. BY MR. ROSENBAUM: Do you see where it says,  
 13 some schools have operated for three to five years  
 14 without books?  
 15 A. Yes.  
 16 Q. Did that come as a surprise to you when you  
 17 heard that item?  
 18 MS. READ SPANGLER: Objection. Assumes facts  
 19 not in evidence.  
 20 THE WITNESS: Not a surprise. Well, yes.  
 21 Q. BY MR. ROSENBAUM: Why is that?  
 22 A. Schools without books? They would have to  
 23 pursue that as we go along with the review, look at  
 24 the --  
 25 Q. What schools had operated for three to five

1 years without books?  
 2 MR. VIRJEE: Objection. Calls for speculation.  
 3 Lacks foundation. Assumes facts not in evidence.  
 4 MS. READ SPANGLER: Join.  
 5 THE WITNESS: That I wouldn't know. It came  
 6 from the parents, all of the community. These are  
 7 comments from parents all over the community, not from a  
 8 particular school.  
 9 Q. BY MR. ROSENBAUM: Okay. More than one parent  
 10 made this comment?  
 11 MR. VIRJEE: Objection. Calls for speculation.  
 12 MR. ROSENBAUM: So far as you recall.  
 13 MS. READ SPANGLER: Objection. Misstates her  
 14 testimony.  
 15 THE WITNESS: I don't recall.  
 16 Q. BY MR. ROSENBAUM: Do you know which schools  
 17 were being complained about?  
 18 A. No.  
 19 Q. Do you know specifically whether or not any  
 20 follow-up was done to find out which schools were being  
 21 referenced here?  
 22 A. No.  
 23 Q. Okay. Do you know what sorts of books?  
 24 A. I don't.  
 25 Q. Does anyone at CCR, so far as you know?

1 A. They might.  
 2 Q. But do you know specifically one way or the  
 3 other?  
 4 MR. VIRJEE: Objection. Asked and answered.  
 5 THE WITNESS: I don't know.  
 6 Q. BY MR. ROSENBAUM: Okay. Mrs. Clark-Thomas, in  
 7 your experience, how could it happen that a school could  
 8 operate from three to five years without books?  
 9 MR. VIRJEE: Objection. Lacks foundation and  
 10 calls for speculation.  
 11 There's no indication that she has any  
 12 experience in that area.  
 13 MS. READ SPANGLER: Join.  
 14 THE WITNESS: I would ask the same question,  
 15 how could it happen. I don't know.  
 16 Q. BY MR. ROSENBAUM: Do you know if that question  
 17 was asked of any principal in Oakland?  
 18 MR. VIRJEE: What question?  
 19 MR. ROSENBAUM: How did that happen.  
 20 MR. VIRJEE: How did what happen?  
 21 MR. ROSENBAUM: That schools operated for years  
 22 without books.  
 23 MS. READ SPANGLER: Objection. Assumes facts  
 24 not in evidence.  
 25 MR. VIRJEE: Objection. Assumes facts not in

1 evidence.  
 2 THE WITNESS: I don't know. I don't recall.  
 3 Q. BY MR. ROSENBAUM: Do you know if any specific  
 4 follow-up was done with respect to this item?  
 5 MR. VIRJEE: Objection. Asked and answered.  
 6 Also, other than what she's already testified  
 7 to?  
 8 THE WITNESS: I don't recall.  
 9 Q. BY MR. ROSENBAUM: Thank you. You see the  
 10 item, the district has failed African-American students?  
 11 A. Yes.  
 12 Q. Do you recall hearing that?  
 13 A. Vaguely.  
 14 Q. To the best of your recollection, what was the  
 15 basis for that statement?  
 16 MR. VIRJEE: Objection. Calls for speculation.  
 17 Lacks foundation.  
 18 MS. READ SPANGLER: Join.  
 19 THE WITNESS: I really don't recall.  
 20 Q. BY MR. ROSENBAUM: To your knowledge, was any  
 21 follow-up done with respect to that comment?  
 22 MR. VIRJEE: Objection. Vague and ambiguous as  
 23 to "follow-up."  
 24 MS. READ SPANGLER: Join.  
 25 THE WITNESS: I don't know.

1 Q. BY MR. ROSENBAUM: You didn't direct anyone to  
2 follow up on that?

3 A. No.

4 MR. VIRJEE: Objection. Vague and ambiguous as  
5 to "follow-up."

6 Please let me make my objection before you  
7 answer and before you ask the next question.

8 Q. BY MR. ROSENBAUM: Why didn't you direct any  
9 follow-up?

10 MR. VIRJEE: Objection. Assumes facts not in  
11 evidence.

12 She says she doesn't recall whether any  
13 follow-up was done. You didn't ask her if she did any  
14 follow-up. Don't assume from his question that you  
15 didn't.

16 Remember, he promised no trick questions.  
17 That's a trick question.

18 MR. ROSENBAUM: That's improper. It's not a  
19 trick question.

20 MR. VIRJEE: Then ask a proper question, Mark.

21 MR. ROSENBAUM: My question is proper.

22 THE WITNESS: You know, follow-up is the  
23 responsibility of each of the program staff, so I can  
24 only assume that they are following up.

25 MS. READ SPANGLER: Don't assume. You can only

1 Q. BY MR. ROSENBAUM: Would that be a concern to  
2 you?

3 A. Yes.

4 Q. Why is that?

5 A. All of their comments on what needs improvement  
6 would be a concern to me.

7 Q. When you say all of the comments, you mean that  
8 are on 23201 under the category "comments"?

9 A. Yes.

10 Q. Why would those be a concern to you?

11 A. You know, we're there to get information and  
12 input of what their concerns are, and we take their  
13 concerns seriously, and if there's anything we can do  
14 about it, we will if it's part of law and regulation.

15 But certainly, because the LEA representatives are not  
16 there, they need to know what the concerns are.

17 Q. Did you or anyone, CCR staff member inquire  
18 whether any of these matters had been brought to the  
19 attention of principals?

20 MS. READ SPANGLER: Objection. Calls for  
21 speculation.

22 MR. VIRJEE: Also vague as to time. Inquire  
23 when?

24 MR. ROSENBAUM: At the meeting.

25 MR. VIRJEE: At the meeting of the parents?

1 talk about things that you know.

2 THE WITNESS: They've been directed to follow  
3 up.

4 Q. BY MR. ROSENBAUM: Did you ever receive any  
5 written report as to this item, the claim that the  
6 district had failed African-American students?

7 A. No.

8 Q. Or any oral report?

9 A. No.

10 Q. Did you ever ask for any oral or written report  
11 to be made?

12 A. I didn't personally.

13 Q. Do you know if anyone did?

14 A. I don't know.

15 MR. VIRJEE: Objection. Calls for speculation.

16 Q. BY MR. ROSENBAUM: See the item, in some  
17 instances, the instructional assistants seem more  
18 intelligent than teachers?

19 A. Yes, I see that.

20 Q. Do you remember hearing that?

21 A. Vaguely.

22 Q. Do you know what the basis of that was?

23 MR. VIRJEE: Objection. Calls for speculation.  
24 Lacks foundation.

25 THE WITNESS: I don't recall.

1 MR. ROSENBAUM: Yes, at the 2/28 parent  
2 meeting.

3 THE WITNESS: You need to repeat your question.

4 Q. BY MR. ROSENBAUM: At the meeting on February  
5 28th, when you're listening to these comments, did  
6 either you or any CCR team member say, have you brought  
7 this item to the attention of the principal?

8 A. Yes.

9 Q. Okay.

10 A. That's a usual question or comment.

11 Q. That's your practice?

12 A. Yes.

13 Q. And do you also, as part of your practice,  
14 inquire, well, have you brought this to the attention of  
15 the local school board?

16 A. Not in those exact words.

17 Q. What words would you use?

18 A. Generally, have you in your parent/council  
19 meetings or with principals or anyone that you can get  
20 their ear, have you talked about these concerns?

21 Q. And do you personally recall what answers were  
22 given when the comment was made have you talked to the  
23 principals about these items?

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

1 She hasn't said she told them that.  
 2 MS. READ SPANGLER: Also compound.  
 3 Are you asking about every single item?  
 4 MR. ROSENBAUM: Any of the items.  
 5 THE WITNESS: When meetings like this occur?  
 6 MR. VIRJEE: He's talking about this particular  
 7 meeting.  
 8 MR. ROSENBAUM: Let her answer the question.  
 9 She's an extremely knowledgeable individual who is  
 10 conversant with these practices.  
 11 MR. VIRJEE: So stipulated.  
 12 MR. ROSENBAUM: So let her answer the question.  
 13 MS. READ SPANGLER: She was answering in  
 14 general.  
 15 MR. VIRJEE: He's asking about this particular  
 16 meeting in Oakland on that day what was said and what  
 17 was done. He's not asking you about practices.  
 18 MR. ROSENBAUM: Go ahead. You were doing fine.  
 19 THE WITNESS: I forgot the question.  
 20 MS. READ SPANGLER: Let's take a break.  
 21 MR. ROSENBAUM: Let's get this question  
 22 answered.  
 23 MS. READ SPANGLER: I have to use the restroom.  
 24 MR. ROSENBAUM: I know. And I'd like to get  
 25 this question answered.

1 Q. Do you recall any responses about whether or  
 2 not any of these items had been brought to the attention  
 3 to the principal at any school?  
 4 MR. VIRJEE: At this particular meeting?  
 5 MR. ROSENBAUM: Yes.  
 6 MR. VIRJEE: Objection. Assumes facts not in  
 7 evidence.  
 8 There has been no evidence indicating that that  
 9 was said at this meeting by anyone on the team,  
 10 including Ms. Clark-Thomas.  
 11 MR. ROSENBAUM: Go ahead.  
 12 THE WITNESS: I don't know.  
 13 MS. READ SPANGLER: Can we take a break?  
 14 MR. ROSENBAUM: Sure.  
 15 (Recess taken.)  
 16 MR. VELEZ: In order to preserve objections,  
 17 I'd like to state the following objections. Number 1,  
 18 on behalf of cross-defendants Fresno and San Francisco  
 19 Unified I want to reserve the right to re-call this  
 20 witness for the reasons set forth in the papers on the  
 21 motion to sever and to examine this witness further  
 22 regarding issues raised by the cross-complaint, such as  
 23 those discussed over the last hour, and re-call her to  
 24 the extent permitted by law and as may be ordered by the  
 25 court.

1 More specifically, as set forth in my letter of  
 2 April 6th and Peter Sturges' letter of April 9, we are  
 3 objecting to today's deposition based on a lack of  
 4 proper notice. Mr. Sturges was available to start this  
 5 deposition. He was told he would be contacted regarding  
 6 new dates, but was not. And now I have been forced to  
 7 attend the deposition and have not had the benefit of  
 8 Mr. Sturges' knowledge of what happened last Thursday.  
 9 In addition, the lack of notice failed to  
 10 provide us adequate time to even file for a protective  
 11 order.  
 12 Go ahead, Mark.  
 13 MS. READ SPANGLER: Before you go, just so it's  
 14 on the record, I want it clear for the record that I did  
 15 call Peter Sturges on Friday. I was told he was on the  
 16 phone. I left a detailed voice mail message and never  
 17 heard back from him.  
 18 It's my understanding that he never objected  
 19 until after he received a letter this Monday the 9th  
 20 from Catherine Lhamon. And he knew that we were trying  
 21 to continue it as soon as possible. It had been noticed  
 22 day to day.  
 23 So I would suggest that you not -- basically  
 24 I'm objecting to your, quote, reserving your right to  
 25 re-call the witness, and would suggest that you ask any

1 questions you want to ask today.  
 2 MR. VELEZ: I specifically sent a letter out  
 3 Friday night objecting to this deposition based on lack  
 4 of notice. We did not receive any further communication  
 5 from anybody until Monday afternoon.  
 6 Mr. Sturges was ready Thursday with his  
 7 calendar in hand ready to set the deposition, which was  
 8 not going to continue on Friday, and somebody at the  
 9 deposition was not ready with her calendar and told  
 10 everybody she would contact and consult with everybody  
 11 regarding the deposition date. That was not done.  
 12 MS. READ SPANGLER: Well, I don't know what  
 13 "her" you're referring to, but I know it's not me.  
 14 Let's go on, because I don't think bickering on  
 15 the record is going to serve any function.  
 16 MR. VELEZ: It will probably be set forth in  
 17 depositions or declarations regarding a protective  
 18 order.  
 19 MR. VIRJEE: Everybody's reserved all their  
 20 rights.  
 21 MR. JORDAN: I'm here, obviously, but my  
 22 understanding was -- and I was here at the last session.  
 23 I asked to be consulted about scheduling also, and I was  
 24 in the sense that I was given a call saying, gee, we've  
 25 set the next session for this Tuesday, but not in the

1 sense that I was consulted before at least a tentative  
2 date was set.

3 Today was not a great date for me, although,  
4 you know, I did my best to be here, and I'll do my best  
5 to go forward. But all of these depositions, frankly, are  
6 because of the judge's order that we have to do our best  
7 to go forward, and as I understand his order, we have to  
8 satisfy him before we get another session of the depositions,  
9 so we are here essentially in protest for all these  
10 depositions, but we'll do our best to proceed.

11 MS. READ SPANGLER: I understand that. I just  
12 think that it's interesting that on Thursday Mr. Sturges  
13 said he wasn't sure that cross-defendants had any right  
14 to have any scheduling preference whatsoever given that  
15 they are cross-defendants, and now there's this big  
16 stink.

17 We did our best to coordinate, and everyone  
18 knew we were going to try to continue it this week.

19 MR. JORDAN. Now, wait a minute. Mr. Virjee,  
20 during the deposition last week, said this week was  
21 unavailable.

22 MS. READ SPANGLER: You're right.

23 MR. JORDAN: It was clear to me leaving the  
24 thing rightly or wrongly that this week was not in the  
25 picture. I didn't join Sturges' statement that the

1 MR. VIRJEE: Wait a second so people can make  
2 their objections.

3 MS. READ SPANGLER: Since she doesn't know what  
4 a written interrogatory is, I'm not sure that her saying  
5 "no" is a very good answer.

6 Q. BY MR. ROSENBAUM: Were you ever given a set of  
7 questions and asked to provide answers with respect to  
8 this lawsuit?

9 MR. VIRJEE: Objection. Invades the  
10 attorney/client privilege.

11 MS. READ SPANGLER: Join. And work product.

12 THE WITNESS: No.

13 Q. BY MR. ROSENBAUM: Were you ever shown a set of  
14 answers and asked, do you agree with these or disagree  
15 with these, these are right, wrong, with respect to this  
16 lawsuit?

17 MR. VIRJEE: Objection to the extent it invades  
18 the attorney/client privilege.

19 MS. READ SPANGLER: Join.

20 THE WITNESS: I don't recall that I was.

21 Q. BY MR. ROSENBAUM: Were you ever asked, could  
22 you designate somebody on your staff to help us answer  
23 some questions with respect to this lawsuit?

24 MR. VIRJEE: Objection to the extent it invades  
25 the attorney/client privilege.

1 cross-defendants are not entitled to notice or whatever  
2 it is you think he said.

3 MS. READ SPANGLER: You weren't here then.

4 MR. JORDAN: Fair enough.

5 MR. VIRJEE: Everybody's got their objections.

6 MR. JORDAN: We've made our record. Let's  
7 proceed.

8 Q. BY MR. ROSENBAUM: Ms. Clark-Thomas, do you  
9 know what an interrogatory is?

10 A. Repeat the question.

11 Q. Do you know what an interrogatory is?

12 A. Interrogatory?

13 Q. Yes.

14 A. I think so.

15 Q. What do you think it is?

16 A. Questioning.

17 Q. Yes. And in law, in a lawsuit, do you know  
18 what written interrogatories are?

19 A. No.

20 Q. Have you ever been shown anything that was  
21 represented to you with respect to this case that was  
22 characterized as a written interrogatory or an  
23 interrogatory?

24 A. No.

25 Q. Were you ever shown --

1 You're not to answer regarding anything  
2 regarding any conversations you had with counsel.

3 MS. READ SPANGLER: Join.

4 MR. JORDAN: Just for the record here, I notice  
5 both counsel making objections. Are you claiming a  
6 joint defense privilege so that --

7 MR. VIRJEE: I'm making my objections for the  
8 record.

9 MR. JORDAN: The witness is a California  
10 Department of Education witness, if I understand  
11 correctly, and so the attorney general's office is the  
12 lawyer for that witness, as I understand.

13 MS. READ SPANGLER: Correct.

14 MR. JORDAN: And so other counsel, me or  
15 anybody else should not be instructing the witness to do  
16 or not do things, unless he also claims to represent the  
17 witness in some fashion. That's the reason I'm  
18 inquiring.

19 MR. ROSENBAUM: I join that.

20 Q. I'm not interested in any contents of any  
21 discussions, I just want to know whether or not you said  
22 to anybody on your staff, could you answer some  
23 questions with respect to this lawsuit?

24 MS. READ SPANGLER: That's a different  
25 question.

1 MR. ROSENBAUM: I understand that.  
 2 THE WITNESS: No.  
 3 Q. BY MR. ROSENBAUM: Okay. So far as you know,  
 4 did anyone at CCR provide answers with respect to this  
 5 lawsuit?  
 6 MR. VIRJEE: Objection. Vague and ambiguous to  
 7 the extent it calls for attorney/client privileged  
 8 information.  
 9 MS. READ SPANGLER: Join.  
 10 THE WITNESS: Not that I know of.  
 11 MR. ROSENBAUM: Let's mark as Exhibit 19 a --  
 12 I'm going to have the document marked first and then  
 13 I'll identify it.  
 14 (Exhibit SAD-19 was marked.)  
 15 Q. BY MR. ROSENBAUM: Mrs. Clark-Thomas, let me  
 16 have placed in front of you what's been marked as  
 17 Exhibit 19. It's a two-page document. It's a copy of a  
 18 letter dated October 27, 2000, and there's a signature  
 19 line for a Stuart Greenfeld, and it is Bates No. DOE  
 20 23441 and 23442.  
 21 Do you have that in front of you?  
 22 A. I do.  
 23 Q. Could you briefly look at that document,  
 24 please.  
 25 You've had a chance to look at the document

1 now?  
 2 A. Yes, I have.  
 3 Q. You've read it over?  
 4 A. I've read it over.  
 5 Q. Are you familiar with that document?  
 6 A. No.  
 7 Q. Do you know who prepared this document?  
 8 MS. READ SPANGLER: Objection -- withdrawn.  
 9 MR. VIRJEE: Vague and ambiguous as to  
 10 "prepared."  
 11 Q. BY MR. ROSENBAUM: Do you know who prepared  
 12 this document?  
 13 A. No.  
 14 Q. You see on the first page, 23441 of Exhibit 19,  
 15 do you see where it says, the school fiscal services  
 16 division has also been notified to withhold \$5,135,619  
 17 of economic impact aid funds until the district achieves  
 18 specific benchmarks of compliance identified under  
 19 separate letter? Do you see that?  
 20 A. I see it.  
 21 Q. Did you know that money had been withheld from  
 22 Oakland?  
 23 MR. VIRJEE: Objection. Vague as to time.  
 24 MS. READ SPANGLER: Assumes facts not in  
 25 evidence.

1 THE WITNESS: I did not.  
 2 Q. BY MR. ROSENBAUM: This is the first you've  
 3 heard of this?  
 4 A. Pardon me?  
 5 Q. Is this the first you've heard of this?  
 6 A. Yes.  
 7 Q. Did you have any discussions with Dr. Greenfeld  
 8 regarding your examination of the Oakland Unified School  
 9 District?  
 10 A. No.  
 11 Q. Okay. Or with any member of his staff?  
 12 A. No.  
 13 MR. VIRJEE: Objection. Vague and ambiguous.  
 14 Q. BY MR. ROSENBAUM: Okay. And are you -- you  
 15 see where it says on the first page of Exhibit 19,  
 16 23441, compliance item and then description, and there's  
 17 a series of items that follow under that and run onto  
 18 the next page?  
 19 A. Yes.  
 20 Q. Okay. Were you aware prior to being shown this  
 21 exhibit that there were items which remained unresolved  
 22 in terms of compliance for Oakland?  
 23 A. No.  
 24 Q. Okay. Do you know the present status -- do you  
 25 personally know the present status of compliance with

1 respect to the items that are designated on 23441 and  
 2 23442?  
 3 A. Do I know the present status right now?  
 4 Q. Yeah.  
 5 A. No.  
 6 Q. Where it says EL, that refers to English  
 7 learner items?  
 8 A. Yes.  
 9 Q. And were you personally aware of what, if  
 10 anything, Oakland had done since the review to deal with  
 11 the items that are designated on 23441 and 23442 of  
 12 Exhibit 19?  
 13 A. No.  
 14 MR. VIRJEE: Objection. Vague as to time.  
 15 Q. BY MR. ROSENBAUM: Would anyone at CCR, as far  
 16 as you know?  
 17 A. Yes.  
 18 Q. Who would that be?  
 19 A. Lauri Burnham.  
 20 Q. That's the person whose name is on the last  
 21 line in the letter on page 23442?  
 22 A. Yes.  
 23 Q. Okay. Does she report to you?  
 24 A. No.  
 25 Q. Okay. What's her relationship to you?

1 A. She and I are both managers under Stuart  
2 Greenfeld.  
3 Q. Are you lateral to her?  
4 A. Yes.  
5 Q. What is her title, as far as you know?  
6 A. Lauri is manager of the -- there's another  
7 name, but it's English learners. There's another  
8 acronym that's used.  
9 Q. Did Dr. Greenfeld ask you about your  
10 observations in Oakland?  
11 A. No.  
12 Q. Or Lauri Burnham?  
13 A. No.  
14 MR. VIRJEE: Did he ask Lauri Burnham?  
15 MR. ROSENBAUM: No.  
16 Q. Did Lauri Burnham ever ask you?  
17 A. Not ask, no.  
18 Q. Did you ever have a discussion with Lauri  
19 Burnham about Oakland?  
20 A. No.  
21 Q. To your knowledge, did anyone on your team?  
22 MR. VIRJEE: Objection. Vague and ambiguous as  
23 to "team." Calls for speculation.  
24 THE WITNESS: Not that I know of.  
25 Q. BY MR. ROSENBAUM: Okay. In your experience

1 has money been withheld from other school districts?  
2 MS. READ SPANGLER: Objection. Assumes facts  
3 not in evidence.  
4 MR. ROSENBAUM: Based on noncompliance items.  
5 MR. VIRJEE: Also asked and answered.  
6 THE WITNESS: I don't recall specifically.  
7 Q. BY MR. ROSENBAUM: Okay. Looking,  
8 Mrs. Clark-Thomas, at description, the items underneath  
9 the description in 23441 and 23442, do you know if there  
10 are State standards with respect to each of those items?  
11 A. Yes.  
12 Q. Yes, there are such State standards?  
13 A. Yes.  
14 Q. Okay. And are they found in the training  
15 manual?  
16 A. Yes.  
17 Q. Okay. Were those standards -- do you know if  
18 those standards were promulgated by the Department of  
19 Education?  
20 MR. VIRJEE: Objection. Vague and ambiguous.  
21 THE WITNESS: Yes.  
22 Q. BY MR. ROSENBAUM: Yes, they were?  
23 A. Yes, they were.  
24 Q. Do you think that was an inappropriate thing  
25 for the Department of Education to do?

1 MR. VIRJEE: Inappropriate?  
2 MR. ROSENBAUM: Yeah, inappropriate thing for  
3 the State Department of Education to do based on your  
4 training and experience.  
5 MS. READ SPANGLER: Objection. Calls for a  
6 legal conclusion.  
7 THE WITNESS: I'm not sure if you said  
8 appropriate or inappropriate.  
9 Q. BY MR. ROSENBAUM: Do you think it was  
10 inappropriate for the Department of Education to do  
11 that?  
12 A. No.  
13 Q. Why is that?  
14 A. Because we have to develop standards in order  
15 to know where we're going to make a judgment of  
16 compliance or noncompliance.  
17 Q. And why is that?  
18 A. Because we've been given the responsibility of  
19 monitoring and overseeing that particular area by the  
20 federal government.  
21 Q. And by the State government?  
22 A. And by the State, state and federal laws and  
23 regulations.  
24 MR. ROSENBAUM: Let's mark as Exhibit 20 a  
25 multipaged document. I'm sorry, it hasn't been Bates

1 numbered. Mr. Jordan supplied us with copies of this on  
2 our last deposition date, but I'll read you the title  
3 page. It says Coordinated Compliance Review Summary of  
4 Findings, 1997-98, Los Angeles Unified School District,  
5 Specially Funded Programs, Technical Support and  
6 Monitoring.  
7 Could I please have this marked as Exhibit 20  
8 and then supplied to the witness, and I think the  
9 attorneys have all been furnished copies.  
10 (Exhibit SAD-20 was marked.)  
11 Q. BY MR. ROSENBAUM: And I'm going to ask you to  
12 just briefly look through this. I'm not going to ask  
13 you to study it at this time.  
14 Are you familiar with this document?  
15 A. Yes.  
16 Q. What is it?  
17 A. It's the Notification of Findings for LA  
18 Unified School District that was conducted in 1997, '98  
19 by the Department of Education.  
20 Q. Okay. And you were part of the process?  
21 A. Yes.  
22 Q. If you turn -- one, two -- three pages in, and  
23 still referring to Exhibit 20, do you see in the upper  
24 right-hand corner where it says page 1 of 40?  
25 A. Yes.

1 Q. Okay. And on that page there's a signature,  
 2 Eleanor Clark-Thomas. Do you see that?  
 3 A. Yes.  
 4 Q. That's a copy of your signature?  
 5 A. That is.  
 6 Q. And it says, team leader?  
 7 A. Yes.  
 8 Q. Were you the team leader for this review?  
 9 A. Yes, I was.  
 10 Q. And going to the prior page, still on Exhibit  
 11 20, do you see where it says phase I validation?  
 12 A. Yes.  
 13 Q. What is that?  
 14 A. LA Unified School District had written a  
 15 proposal to divide their reviews into four phases,  
 16 instead of once every four years, once every year, and  
 17 so this indicates the beginning of -- the first year  
 18 where fewer schools would be self-reviewed, and  
 19 therefore fewer schools would be selected to be  
 20 validated.  
 21 Q. If I took the four-year -- let me see if I  
 22 understand this. Strike that.  
 23 If LAUSD hadn't made that request, you would  
 24 have looked at approximately 10 percent of the LAUSD  
 25 schools every four years; is that right?

1 A. Yes.  
 2 Q. And now if you took the four years together and  
 3 added up the number of schools that were reviewed, would  
 4 that roughly equal 10 percent?  
 5 MR. VIRJEE: Objection. Vague and ambiguous as  
 6 to "review."  
 7 Q. BY MR. ROSENBAUM: I'm trying to figure out if  
 8 you sliced the pie up here. Is that what happened?  
 9 A. I believe so.  
 10 Q. So instead of looking at all 10 percent in one  
 11 year, you spread that process out over four years; is  
 12 that right?  
 13 MR. VIRJEE: Objection. Vague and ambiguous as  
 14 to "looked at."  
 15 THE WITNESS: Yes.  
 16 Q. BY MR. ROSENBAUM: Now, who is Margaret Allen?  
 17 A. Margaret Allen is -- she was considered the LEA  
 18 coordinator.  
 19 Q. Do you know if she's still working with the  
 20 district?  
 21 A. She's retired.  
 22 Q. This review did it to her?  
 23 A. Pardon me?  
 24 Q. Let me ask you, please, to look at -- the pages  
 25 are a little tricky -- page 14 of 40 in the upper

1 right-hand corner.  
 2 A. Okay.  
 3 Q. Could you help me, please, understand these  
 4 various categories.  
 5 In the first column it says, Roman numeral  
 6 II-CON. Do you see that?  
 7 A. Yes.  
 8 Q. What does that mean?  
 9 A. This means that this is a consolidated program.  
 10 The focus is on teaching and learning, that's the Roman  
 11 numeral II. The item or issue to make the judgment of  
 12 noncompliance is No. 12. The --  
 13 MS. READ SPANGLER: He just asked about the  
 14 first column.  
 15 Q. BY MR. ROSENBAUM: And then in the fifth column  
 16 it says district Carver, 28th Street, Budlong and  
 17 Mayall, M-a-y-a-l-l. Do you see that?  
 18 A. Yes.  
 19 Q. What does that mean?  
 20 A. That means those are the -- for the items that  
 21 you see noncompliant in the last column, it's true for  
 22 the district and those schools.  
 23 Q. Okay. And then in the seventh column, that's a  
 24 description of the item of noncompliance; is that right?  
 25 A. Yes.

1 Q. And it says, the district's elementary course  
 2 of study, elementary course of study in italics,  
 3 provides some guidance for English language development,  
 4 ELD, instruction, however, clarification and additional  
 5 guidance is needed to enable schools to fully implement  
 6 a comprehensive ELD program of instruction.  
 7 Do you see that?  
 8 A. Yes.  
 9 Q. Do you know how long that item of noncompliance  
 10 existed for LAUSD?  
 11 A. No.  
 12 Q. How could I find that out, if at all?  
 13 MR. VIRJEE: Objection. Calls for speculation.  
 14 Lacks foundation.  
 15 THE WITNESS: Receive a report from Holly  
 16 Martin.  
 17 Q. BY MR. ROSENBAUM: Okay. And then it says  
 18 below that, at 28th Street, Mayall, and Budlong, the ELD  
 19 curriculum is not clearly defined or consistently  
 20 implemented. At Budlong and Mayall, students do not  
 21 receive ELD instruction which is appropriate for their  
 22 English proficiency level.  
 23 Do you see that?  
 24 A. Yes.  
 25 MR. JORDAN: Could I have a continuing

1 objection, other than those named in the first amended  
 2 complaint and cross-complaint?  
 3 MR. ROSENBAUM: Okay. You certainly --  
 4 MR. JORDAN: Relevance.  
 5 MR. ROSENBAUM: Okay.  
 6 Q. Do you see that item?  
 7 A. Yes.  
 8 Q. That Budlong, 28th Street and Mayall were all  
 9 out of compliance?  
 10 A. Yes.  
 11 Q. Specifically with respect to Budlong, do you  
 12 know how long that item had been out of compliance at  
 13 that school?  
 14 A. No.  
 15 MR. VIRJEE: Objection. Vague and ambiguous.  
 16 Q. BY MR. ROSENBAUM: Could I find out  
 17 specifically with respect to Budlong through any  
 18 documents or records that CCR keeps?  
 19 MR. VIRJEE: Objection. Vague and ambiguous.  
 20 Vague as to time.  
 21 THE WITNESS: No.  
 22 Q. BY MR. ROSENBAUM: Same thing for Mayall?  
 23 A. Yes.  
 24 Q. Same thing for 28th Street?  
 25 A. Yes.

1 Q. Okay. At Budlong, Mayall and 28th Street, can  
 2 I find out from any records or documents that CCR  
 3 maintains how many classrooms that item was one of  
 4 noncompliance?  
 5 A. No.  
 6 Q. The assumption is it's all of them, is that  
 7 right, that's the working assumption for CCR?  
 8 A. That is the assumption.  
 9 Q. Okay. And how about the number of students at  
 10 Budlong, Mayall and 28th Street, could I find out from  
 11 any CCR documents how many students were affected by  
 12 that item of noncompliance?  
 13 A. No.  
 14 Q. Or the race or ethnicity for any of those  
 15 students?  
 16 A. I don't know.  
 17 Q. Okay. You're unaware of any way to find that  
 18 out?  
 19 MR. VIRJEE: Find out the race or ethnicity  
 20 of --  
 21 MR. ROSENBAUM: Students in classrooms where  
 22 the item was one of noncompliance.  
 23 MR. VIRJEE: Objection. Calls for speculation.  
 24 Lacks foundation.  
 25 THE WITNESS: I'm not aware.

1 Q. BY MR. ROSENBAUM: Okay. And do you see where  
 2 it says at Carver a significant number of students have  
 3 not demonstrated sufficient progress in ESL classes?  
 4 A. Yes.  
 5 Q. What do you understand is the meaning of  
 6 "significant number"?  
 7 MR. VIRJEE: Objection. Calls for speculation.  
 8 Lacks foundation.  
 9 MR. ROSENBAUM: Go ahead.  
 10 THE WITNESS: I don't know.  
 11 Q. BY MR. ROSENBAUM: Okay. Still on page 14 of  
 12 40 of Exhibit 20. Do you see where it says LEP students  
 13 diagnosed to need primary language instruction do not  
 14 receive it. At Budlong there is insufficient bilingual  
 15 aide time assigned to assist the students in the entire  
 16 core curriculum?  
 17 Do you see that?  
 18 A. Yes.  
 19 Q. And I take it we would have no way of knowing  
 20 from any CCR documents or materials how long that  
 21 problem's existed at Budlong?  
 22 A. No.  
 23 MR. VIRJEE: Objection. Vague and ambiguous.  
 24 Vague as to time.  
 25 Q. BY MR. ROSENBAUM: Is that right?

1 A. That is correct.  
 2 Q. And same thing for Mayall?  
 3 A. Correct.  
 4 Q. Same thing for all these categories with the  
 5 schools that are designated, we don't have any way of  
 6 knowing from CCR records how long the item of  
 7 noncompliance had existed at those particular schools?  
 8 MR. VIRJEE: Objection. Vague as to time.  
 9 Vague and ambiguous as to "how long."  
 10 THE WITNESS: Correct.  
 11 Q. BY MR. ROSENBAUM: Okay. Do you, based on your  
 12 training and experience, Mrs. Clark-Thomas, think it's a  
 13 serious matter that there's insufficient bilingual aide  
 14 time assigned to students in the entire core curriculum?  
 15 MR. VIRJEE: Objection. Vague and ambiguous.  
 16 Lacks foundation.  
 17 MS. READ SPANGLER: Vague as to "serious  
 18 matter."  
 19 THE WITNESS: Repeat your question.  
 20 Q. BY MR. ROSENBAUM: Based on your training and  
 21 experience, what do you think about the fact that  
 22 there's insufficient bilingual aide time assigned to  
 23 assist students in the entire core curriculum at  
 24 Budlong?  
 25 MR. VIRJEE: Objection. Lacks foundation.

1 There's been no foundation she has any  
 2 experience in that area.  
 3 MR. JORDAN: I'll join that because I wasn't  
 4 around for the background coverage last Thursday.  
 5 MR. ROSENBAUM: Go ahead.  
 6 MS. READ SPANGLER: Join.  
 7 THE WITNESS: I have no experience in the area.  
 8 Q. BY MR. ROSENBAUM: What?  
 9 A. I have no experience in that area.  
 10 Q. Okay. Look, please, at the fourth item, not  
 11 all teachers assigned to provide ELD are authorized or  
 12 participating in training leading towards ELD  
 13 authorization.  
 14 Do you see that?  
 15 A. Yes.  
 16 Q. And that's with respect to Budlong?  
 17 A. Yes.  
 18 Q. Do you have an opinion as to what the  
 19 consequences of that are?  
 20 MR. VIRJEE: Objection. Calls for speculation  
 21 and lacks foundation.  
 22 There's no evidence this witness has any  
 23 background in that area.  
 24 THE WITNESS: No.  
 25 MR. JORDAN: Calls for expert opinion.

1 MS. READ SPANGLER: Join.  
 2 Q. BY MR. ROSENBAUM: Do you know the present  
 3 state of compliance or noncompliance with respect to any  
 4 of the items on page 14 of 40 that have been identified  
 5 here?  
 6 A. Let me ask you to repeat your question.  
 7 Q. Sure. You see on page 14 of 40 the items that  
 8 are designated as areas where there have been  
 9 noncompliance, 12, 13, 14, 22, 23 and 23? Do you see  
 10 that?  
 11 A. Yes.  
 12 Q. Do you know personally, sitting here today,  
 13 what the status of compliance is with respect to any of  
 14 those items?  
 15 A. Not without my report sitting in front of me.  
 16 Q. Which report are you referring to?  
 17 A. A report that I would request from Holly Martin  
 18 as to status.  
 19 Q. Okay. And who was in charge of EL with  
 20 respect -- strike that.  
 21 Do you know who had principal responsibility  
 22 with respect to the items on this page, 14 of 40?  
 23 MR. VIRJEE: Objection. Vague and ambiguous as  
 24 to "principal responsibility."  
 25 You're asking who was the person that did the

1 inspection or verification, or who at the school  
 2 district had responsibility for these items?  
 3 It's vague and ambiguous.  
 4 Q. BY MR. ROSENBAUM: Do you know?  
 5 MS. READ SPANGLER: Join.  
 6 THE WITNESS: I do not know.  
 7 Q. BY MR. ROSENBAUM: And specifically at CCR, do  
 8 you know?  
 9 A. No.  
 10 Q. Do you know if the principal of the schools  
 11 identified on this page, Carver, 28th Street, Budlong  
 12 and Mayall and Curtiss, C-u-r-t-i-s-s, do you know if  
 13 they were aware of the conditions that are listed on  
 14 this page prior to the CCR review process?  
 15 MR. JORDAN: Calls for speculation, unless  
 16 you're asking whether she talked to them about it.  
 17 MR. VIRJEE: Also vague and ambiguous as to  
 18 "prior to the CCR process."  
 19 MR. ROSENBAUM: Go ahead.  
 20 THE WITNESS: I don't know.  
 21 Q. BY MR. ROSENBAUM: Let me ask you to turn to  
 22 page 28 of 40. Do you have that in front of you?  
 23 A. Yes, I see it.  
 24 Q. These items deal with special education?  
 25 A. Right.

1 Q. Was that your area?  
 2 MR. VIRJEE: Objection. Vague and ambiguous.  
 3 Her area of what?  
 4 MS. READ SPANGLER: For this review?  
 5 MR. ROSENBAUM: For this review.  
 6 Q. Did you concern yourself with special education  
 7 compliance issues?  
 8 MR. VIRJEE: Objection. Vague and ambiguous as  
 9 to "concern yourself."  
 10 THE WITNESS: Not this time.  
 11 Q. BY MR. ROSENBAUM: Do you know who did?  
 12 A. It's found on page 3.  
 13 Q. Okay. Thank you. That's the roster page?  
 14 A. Yes, the signature page.  
 15 Q. Okay. And that would be Catherine Conrado,  
 16 C-o-n-r-a-d-o and Shelley Harris?  
 17 A. Yes.  
 18 Q. Are they part of your staff -- strike that.  
 19 Were they part of your staff at that time?  
 20 MR. VIRJEE: Vague and ambiguous as to "staff."  
 21 THE WITNESS: No.  
 22 Q. BY MR. ROSENBAUM: They were part of the  
 23 district, LAUSD?  
 24 A. No, they're part of CDE.  
 25 Q. They're part of CDE. Okay.

1 Now, you have, yourself, conducted reviews of  
 2 school district compliance with special education  
 3 standards though?  
 4 MR. VIRJEE: Objection. Asked and answered,  
 5 and vague as to time.  
 6 MR. ROSENBAUM: Right. In your experience.  
 7 THE WITNESS: Repeat your question.  
 8 Q. BY MR. ROSENBAUM: You've conducted -- you have  
 9 conducted special education reviews of school districts?  
 10 MR. VIRJEE: As part of the CCR process?  
 11 MR. ROSENBAUM: Right.  
 12 MS. READ SPANGLER: Objection. Misstates her  
 13 testimony.  
 14 MR. VIRJEE: Objection. Vague as to time and  
 15 evaluation or whatever the word you used. I'm sorry.  
 16 MR. ROSENBAUM: Go ahead.  
 17 THE WITNESS: Prior to 1994.  
 18 Q. BY MR. ROSENBAUM: Okay. See the item that  
 19 says classroom observations reveal an overrepresentation  
 20 of Hispanic students in special education classes? It's  
 21 the fifth item down.  
 22 A. Yes.  
 23 Q. Okay. In your experience with CCR or with  
 24 special ed prior to CCR, had you observed  
 25 overrepresentation of special racial ethnic groups in

1 special education classes?  
 2 MR. VIRJEE: Objection. Vague as to time.  
 3 THE WITNESS: Yes, prior to 1994.  
 4 Q. BY MR. ROSENBAUM: Okay. How do you determine  
 5 whether or not a classroom is overrepresented with a  
 6 particular racial or ethnic group?  
 7 A. At that time there was a report that was given  
 8 to us prior to our arrival by the district indicating  
 9 numbers of students in special day classes and their  
 10 ethnicity, and we could also determine it by observation  
 11 and then further probing.  
 12 Q. How do you determine if there's  
 13 overrepresentation?  
 14 A. Again, we'd have to have numbers, but there's  
 15 sometimes a red flag when you walk into a classroom and  
 16 you see just African-American students or just Hispanic  
 17 students. And you would -- we would get that  
 18 information from a report, knowing the population of the  
 19 entire school and all of the other ethnic groups.  
 20 Q. There are certain benchmark figures that you  
 21 use?  
 22 A. Yes, there was at the time.  
 23 Q. How about now?  
 24 MR. VIRJEE: Objection. Calls for speculation  
 25 and lacks foundation.

1 MS. READ SPANGLER: Join.  
 2 THE WITNESS: I don't know.  
 3 Q. BY MR. ROSENBAUM: Look, please, at item 4  
 4 down. I guess it's actually designated as numeral and  
 5 program S, item 41, and the site name is the -- that  
 6 means it's a districtwide problem; is that correct?  
 7 A. Did you say 49?  
 8 Q. 41. Do you see where it says district?  
 9 A. Yes.  
 10 Q. That means it's a districtwide problem?  
 11 A. That's right.  
 12 Q. And the item says a disproportionate  
 13 representation exists for racial/ethnic and culturally  
 14 diverse students enrolled in special education.  
 15 Do you see that?  
 16 A. Yes.  
 17 Q. And in the course of your duties as -- you were  
 18 the team leader for this report?  
 19 MR. VIRJEE: Objection. Asked and answered.  
 20 THE WITNESS: Yes.  
 21 Q. BY MR. ROSENBAUM: And I take it that means  
 22 that you reviewed the report before it became absolutely  
 23 final?  
 24 A. Yes.  
 25 Q. What was your understanding of what that meant,

1 disproportionate representation exists for racial/ethnic  
 2 and culturally diverse students enrolled in special  
 3 education for the district?  
 4 MR. VIRJEE: Objection. Calls for speculation.  
 5 Lacks foundation.  
 6 THE WITNESS: What was my understanding?  
 7 MR. ROSENBAUM: Yes, ma'am.  
 8 THE WITNESS: Based upon my knowledge and  
 9 regulations of special education, that there was an  
 10 overrepresentation of a certain racial or ethnic group  
 11 of students that had been identified for special day  
 12 classes, or for all of special education services.  
 13 Q. BY MR. ROSENBAUM: Do you know for how long  
 14 that situation had existed in the district?  
 15 A. No, I don't.  
 16 Q. Do you know which racial and ethnic groups?  
 17 A. No, I don't.  
 18 Q. Do you think that was an important thing for  
 19 the State of California to monitor?  
 20 MR. VIRJEE: Objection. Vague and ambiguous as  
 21 to "monitor" and "important."  
 22 MS. READ SPANGLER: Join.  
 23 MR. VIRJEE: Calls for speculation.  
 24 THE WITNESS: Yes. It is important, yes.  
 25 Q. BY MR. ROSENBAUM: Why is that?

1 A. Again, there had been a history of having  
 2 special ed as a dumping ground for students that  
 3 teachers didn't want to work with, and they were  
 4 generally African-American or Hispanic.  
 5 Q. Let me see if I understand you. That is just  
 6 true of the Los Angeles school district, or districts  
 7 throughout the State of California?  
 8 MR. JORDAN: It assumes that it was related  
 9 specifically to LA Unified.  
 10 MR. VIRJEE: Objection. Assumes facts not in  
 11 evidence. Also calls for speculation and lacks  
 12 foundation.  
 13 MS. READ SPANGLER: Join.  
 14 THE WITNESS: It was a State law.  
 15 Q. BY MR. ROSENBAUM: I'm sorry, what?  
 16 A. It is a State law.  
 17 Q. And it was a statewide problem, so far as you  
 18 knew?  
 19 MR. VIRJEE: Objection. Calls for speculation.  
 20 Lacks foundation. Vague as to time.  
 21 MS. READ SPANGLER: Join.  
 22 THE WITNESS: Yes.  
 23 Q. BY MR. ROSENBAUM: Okay. And what's the basis  
 24 of your answer?  
 25 A. From the beginning of 1974 -- the year 1974

1 public law 94142 had indicated that to be a problem and  
 2 a standard that we needed to look at, not just in this  
 3 state, but I believe it was a national issue.  
 4 Q. When you say "we needed to look at," "we" means  
 5 the State of California?  
 6 A. Yes.  
 7 Q. Why was it important for the State of  
 8 California to look at it?  
 9 MR. VIRJEE: Objection. Lacks foundation.  
 10 Calls for speculation.  
 11 MS. READ SPANGLER: Join.  
 12 MR. VIRJEE: Vague as to time.  
 13 THE WITNESS: Any state, to ensure that just  
 14 because a child is African-American or any other -- or  
 15 precisely Hispanic, was not placed in a special  
 16 education class.  
 17 Q. BY MR. ROSENBAUM: And also on this page 28 of  
 18 40 of what's been marked as Exhibit 20, if you'd look,  
 19 please, at the bottom of the page, do you see where it  
 20 says, interviews with staff and parents show evidence of  
 21 inconsistent access to instructional materials  
 22 appropriate for students with disabilities?  
 23 MR. VIRJEE: I'm sorry, Mark, I'm not finding  
 24 it.  
 25 MR. ROSENBAUM: It's the second one from the

1 bottom. Do you see where item 47 is?  
 2 MR. VIRJEE: Yes, thank you.  
 3 Q. BY MR. ROSENBAUM: And that refers to Budlong,  
 4 Curtiss, Hollenbeck and Banning?  
 5 A. Yes.  
 6 Q. And do you see where it says, interviews with  
 7 staff and parents show evidence of inconsistent access  
 8 to instructional materials appropriate for students with  
 9 disabilities, technical assistance is needed relative to  
 10 the teaching materials and instructional strategy  
 11 resources available for students with special education  
 12 needs?  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. Now, do you know from any record CCR maintains  
 16 at what other schools in the LAUSD that item is an item  
 17 of noncompliance?  
 18 MR. VIRJEE: Objection. Calls for speculation.  
 19 Lacks foundation. The documents will speak for  
 20 themselves.  
 21 THE WITNESS: I do not know.  
 22 Q. BY MR. ROSENBAUM: Or how many classrooms  
 23 outside those schools?  
 24 MR. VIRJEE: Same objection.  
 25 THE WITNESS: I don't know.

1 Q. BY MR. ROSENBAUM: Or how many students?  
 2 MR. VIRJEE: Same objection.  
 3 THE WITNESS: I don't know.  
 4 Q. BY MR. ROSENBAUM: And there was no specific  
 5 inquiry by CCR with respect to any schools outside of  
 6 these four schools, is that correct, with respect to  
 7 this item?  
 8 MR. VIRJEE: Objection. Vague and ambiguous as  
 9 to "specific inquiry."  
 10 MS. READ SPANGLER: Vague as to time.  
 11 THE WITNESS: I don't know.  
 12 Q. BY MR. ROSENBAUM: Okay. What would be the  
 13 consequences, based on your experience in special  
 14 education, with respect to CCR of inconsistent access to  
 15 instructional materials appropriate with students with  
 16 disabilities?  
 17 MR. JORDAN: Calls for expert opinion.  
 18 MR. VIRJEE: Objection. Vague and ambiguous as  
 19 to "consequences." Vague as to time. And join in the  
 20 expert opinion.  
 21 MS. READ SPANGLER: Join in both.  
 22 MR. ROSENBAUM: Go ahead. This woman is an  
 23 expert with respect to this. There aren't many people  
 24 in the State who know more than she does.  
 25 Q. What would be the consequences, in your

1 professional judgment, of students receiving  
 2 inconsistent access to instructional materials  
 3 appropriate for students with disabilities?  
 4 MR. VIRJEE: Same objections.  
 5 MS. READ SPANGLER: Join.  
 6 MR. JORDAN: Repeat.  
 7 THE WITNESS: The same consequences for any  
 8 items that are found noncompliant, and following up on  
 9 through our stage system.  
 10 Q. BY MR. ROSENBAUM: Which are?  
 11 MR. VIRJEE: Objection. Asked and answered.  
 12 MS. READ SPANGLER: Join.  
 13 THE WITNESS: Stage one, stage three, and so  
 14 on.  
 15 Q. BY MR. ROSENBAUM: My question is a little bit  
 16 different. What would be the consequences to the  
 17 students? How would it affect the students?  
 18 MR. JORDAN: Same objections.  
 19 MR. VIRJEE: Same objections.  
 20 MS. READ SPANGLER: Join.  
 21 THE WITNESS: If it's clear that the student  
 22 may be receiving a different curriculum than the  
 23 district's curriculum, than general ed would be  
 24 receiving, then they would not progress at the same  
 25 rate. They probably wouldn't anyway because they've

1 been identified as special ed, but at least they should  
 2 be provided with the appropriate services and materials  
 3 that meet their needs.  
 4 MR. ROSENBAUM: Let's go off the record for a  
 5 minute, please.  
 6 (Discussion held off the record.)  
 7 MR. JORDAN: I can state a belated objection,  
 8 that I think if you were asking for an expert opinion,  
 9 that was an incomplete hypothetical.  
 10 MR. VIRJEE: Which question does that attach  
 11 to?  
 12 MR. JORDAN: Predicting what the effect would  
 13 be on all of these special ed kids who are getting  
 14 inconsistent access to instructional materials.  
 15 MR. ROSENBAUM: Let's mark as Exhibit 21 a  
 16 multipaged document that bears the Bates numbers 28368  
 17 through 28394, DOE. And the first page is entitled  
 18 1998-99, Coordinated Compliance Review, Notification of  
 19 Findings. So I'm going to ask that this be marked as 21  
 20 and distributed to the witness, and I'll make sure  
 21 counsel has copies.  
 22 (Exhibit SAD-21 was marked.)  
 23 MR. JORDAN: Mark, this doesn't appear to be  
 24 complete.  
 25 MR. ROSENBAUM: That's what the State gave me.

1 Why don't you tell me where it's not complete.  
 2 MR. JORDAN: For starters, it refers to pages  
 3 26 and 27, and we don't appear to have 27.  
 4 MS. LHAMON: There will be a couple of times  
 5 when that happens, and we just didn't get the complete  
 6 document from the State.  
 7 MR. JORDAN: Just noting that for the record.  
 8 MR. ROSENBAUM: I will ask that we receive the  
 9 27th page.  
 10 MR. JORDAN: I don't know whether there's a  
 11 difference, but the one that I had given you guys the  
 12 other day had 24 pages, so there's some discrepancy of  
 13 some sort here.  
 14 Q. BY MR. ROSENBAUM: Could you briefly  
 15 familiarize yourself with this document.  
 16 Have you had a chance to look at that?  
 17 A. Yes.  
 18 Q. Are you familiar with this?  
 19 A. Yes.  
 20 Q. What is it, please?  
 21 A. This is the Notification of Findings for LA  
 22 Unified School District for the 1998, '99 academic year.  
 23 Q. Okay. It says CDE CCR team leader on the first  
 24 page, 28368 of 21?  
 25 A. Yes.

1 Q. And there's a Xeroxed signature?  
 2 A. Yes.  
 3 Q. That's your signature?  
 4 A. Yes.  
 5 MR. VIRJEE: You mean this page is Xeroxed, not  
 6 that the signature was Xeroxed.  
 7 MR. ROSENBAUM: Okay.  
 8 Q. That looks like your signature?  
 9 A. That's my signature.  
 10 Q. Okay. You were the team leader for this?  
 11 A. Yes.  
 12 Q. Directing your attention, please, to page 10 of  
 13 27, which is DOE 28378.  
 14 A. Yes.  
 15 Q. You reviewed this report before it became  
 16 final?  
 17 A. Yes.  
 18 Q. And when you review a report, for what purposes  
 19 do you review it?  
 20 A. To ensure that the form has been completed and  
 21 to ensure that the language in the third column is  
 22 understandable to the public.  
 23 Q. The third column, that's the description of  
 24 noncompliance column?  
 25 A. Yes.

1 Q. So you read it from the beginning to end?  
 2 A. Yes, I do.  
 3 Q. Okay. And where it says, noncompliant  
 4 findings, is that a mistake? Should that be  
 5 noncompliance?  
 6 A. Yes.  
 7 Q. And that's for Cohasset, C-o-h-a-s-s-e-t,  
 8 Elementary and Saturn Elementary?  
 9 A. Yes.  
 10 Q. And I don't want to burden your time. You told  
 11 me previously with respect to another item that you  
 12 would be unable to determine other schools within the  
 13 Los Angeles school district where the same item of  
 14 noncompliance existed.  
 15 Would that be true here too?  
 16 MR. VIRJEE: Objection. Vague as to time.  
 17 Q. BY MR. ROSENBAUM: Is that right?  
 18 A. That's true.  
 19 Q. And you're not able -- strike.  
 20 You also can't tell us how many classrooms at  
 21 Cohasset and Saturn where there was noncompliance with  
 22 respect to this item?  
 23 MR. VIRJEE: Same objection.  
 24 THE WITNESS: That's correct.  
 25 Q. BY MR. ROSENBAUM: That's how you read these

1 sorts of documents; is that right? That's a fair  
 2 interpretation of these documents?  
 3 A. Yes.  
 4 MR. VIRJEE: What is?  
 5 MS. READ SPANGLER: What is?  
 6 MR. ROSENBAUM: I don't want to have to do this  
 7 with every entry here. I don't want you to have to go  
 8 through that.  
 9 Q. So when I see a site name, it is a fair  
 10 assumption on my part that you'd be unable to tell us at  
 11 how many other classrooms that condition existed?  
 12 MR. VIRJEE: Objection. Vague as to time.  
 13 Also asked and answered.  
 14 MS. READ SPANGLER: Join.  
 15 THE WITNESS: Yes.  
 16 Q. BY MR. ROSENBAUM: Okay. And that wouldn't be  
 17 recorded in any CCR documents so far as you know?  
 18 MR. VIRJEE: Objection. Vague as to time.  
 19 Also vague as to "CCR documents."  
 20 MS. READ SPANGLER: Join.  
 21 THE WITNESS: I didn't understand your  
 22 question.  
 23 Q. BY MR. ROSENBAUM: Would it be reported --  
 24 that's all right.  
 25 See the phrase, not all English learners

1 receive a clearly articulated English language  
 2 development program appropriate to their level?  
 3 A. Yes, I see it.  
 4 Q. Do you have an understanding of what that  
 5 means, "a clearly articulated English language  
 6 development program appropriate to their level"?  
 7 MR. JORDAN: Calls for speculation.  
 8 THE WITNESS: I can't -- I can't knowledgeablely  
 9 answer that question.  
 10 Q. BY MR. ROSENBAUM: You cannot?  
 11 A. No.  
 12 Q. Can you turn the page, please. Do you have  
 13 page 11 of 28379 of Exhibit 21 in front of you?  
 14 A. Yes.  
 15 Q. Looking at the second item down, it's item No.  
 16 9, do you see that?  
 17 A. Yes.  
 18 Q. Do you have an understanding -- see where it  
 19 says, there are not adequate basic general funding  
 20 sources to provide each English learner with learning  
 21 opportunities in an appropriate program?  
 22 Do you see that?  
 23 A. Yes.  
 24 Q. Do you have an understanding of what general  
 25 fund resources means -- strike that.

1 Basic general funds resources, do you have an  
 2 understanding what that means?  
 3 A. I do not.  
 4 Q. Who would know that at CCR, so far as you know?  
 5 A. Lauri Burnham.  
 6 Q. Do you see where it says, insufficient basic  
 7 ELD materials?  
 8 A. I see it. Yes.  
 9 Q. Do you have an understanding of what that  
 10 means, what those materials would include?  
 11 MR. VIRJEE: Which question do you want her to  
 12 answer? That's compound.  
 13 Q. BY MR. ROSENBAUM: Do you have an understanding  
 14 what "ELD materials" mean in this context?  
 15 A. No.  
 16 Q. See where it says "general fund resources"?  
 17 MR. JORDAN: I'm sorry, what was the question?  
 18 MR. ROSENBAUM: In the first sentence.  
 19 THE WITNESS: I see it.  
 20 Q. BY MR. ROSENBAUM: Do you know what general --  
 21 why general fund is used there, that phrase?  
 22 MR. VIRJEE: Objection. Calls for speculation.  
 23 Lacks foundation.  
 24 THE WITNESS: I don't.  
 25 Q. BY MR. ROSENBAUM: What's a model A classroom,

1 do you know?  
 2 A. I don't know.  
 3 MR. ROSENBAUM: Let's mark as Exhibit 22 a  
 4 multipaged document, DOE 21788 through DOE 21822, and  
 5 I'm going to have that marked and placed in front of you  
 6 and also distribute copies to counsel.  
 7 (Exhibit SAD-22 was marked.)  
 8 Q. BY MR. ROSENBAUM: Have you had a chance to  
 9 look at that?  
 10 A. Yes.  
 11 Q. Are you familiar with this document?  
 12 A. Yes, I am.  
 13 Q. Can you tell me what it is?  
 14 A. It's the 1999, 2000 Notification of Findings  
 15 for LA Unified School District.  
 16 Q. Okay. Do see a signature towards the bottom of  
 17 the first page of Exhibit 22 that says  
 18 Eleanor M. Thomas?  
 19 A. Yes, I do.  
 20 Q. That's your signature?  
 21 A. Yes, it is.  
 22 Q. You were the team leader?  
 23 A. Yes.  
 24 Q. Now, would you please look at page 12, page 12  
 25 of 32, I guess. Do you have that in front of you?

1 A. I do.  
 2 Q. Do you see where it says item 9?  
 3 A. Yes.  
 4 Q. 9a, I guess. Is that what it is? Is it 9 or  
 5 9a?  
 6 A. 9a.  
 7 Q. Okay. And that's for Ann Street Elementary?  
 8 A. That's right.  
 9 Q. Okay. Do you have an understanding of what the  
 10 phrase "ELD materials" means in that item?  
 11 A. I believe so.  
 12 Q. What is that, please?  
 13 A. It's English language development materials,  
 14 and they're finding that there's an insufficient number.  
 15 Q. Those are instructional materials?  
 16 MR. VIRJEE: Objection. Vague and ambiguous.  
 17 THE WITNESS: I believe so.  
 18 Q. BY MR. ROSENBAUM: Would that include  
 19 textbooks?  
 20 MR. VIRJEE: Objection. Calls for speculation.  
 21 Lacks foundation.  
 22 MS. READ SPANGLER: Join.  
 23 MR. JORDAN: Join in speculation.  
 24 THE WITNESS: I believe so.  
 25 Q. BY MR. ROSENBAUM: What's the basis for your

1 answer, please?  
 2 A. In the item IPI I that's part of our training  
 3 guide we talk about instructional materials. It  
 4 includes textbooks, any materials that a child would  
 5 be --  
 6 Q. Can you give me some other examples, please?  
 7 MR. VIRJEE: Of what, of what's in IPI I  
 8 materials?  
 9 MR. ROSENBAUM: Materials that a child would  
 10 need.  
 11 MR. VIRJEE: In the IPI I section?  
 12 MR. ROSENBAUM: With respect to the answer she  
 13 just gave, yes.  
 14 MR. VIRJEE: I'm going to object as asked and  
 15 answered, because we went all through what IPI I and  
 16 instructional materials meant last time.  
 17 MR. JORDAN: I'll object. The answer was not  
 18 that kids necessarily need it --  
 19 MR. ROSENBAUM: You can object, but you can't  
 20 give a speech. Just make an objection.  
 21 MR. JORDAN: Assumes facts not in evidence.  
 22 MR. VIRJEE: I'll object. The question is  
 23 vague and ambiguous.  
 24 I don't know what we're referring to now.  
 25 MS. READ SPANGLER: Join.

1 Q. BY MR. ROSENBAUM: One of the sorts of  
 2 materials we were talking about was textbooks. That's  
 3 what you just told me.  
 4 A. Just supplemental materials.  
 5 Q. Give me some other examples, please.  
 6 MR. VIRJEE: Examples of what?  
 7 MR. ROSENBAUM: Of what materials means.  
 8 MS. READ SPANGLER: In what context?  
 9 MR. ROSENBAUM: The context here, ELD  
 10 materials.  
 11 MR. VIRJEE: That's the problem, because we  
 12 were talking about IPI I, now you're going back to the  
 13 document. Which are you asking her about?  
 14 MR. ROSENBAUM: I'm talking about the document.  
 15 MR. VIRJEE: He's asking what it means in this  
 16 document. He's clarifying.  
 17 MR. JORDAN: Calls for speculation.  
 18 MS. READ SPANGLER: If you know, you can  
 19 answer.  
 20 THE WITNESS: Now I can answer?  
 21 MR. ROSENBAUM: Sure.  
 22 MS. READ SPANGLER: If you know.  
 23 THE WITNESS: I don't know.  
 24 Q. BY MR. ROSENBAUM: Okay. What other IPI  
 25 materials besides textbooks?

1 MR. JORDAN: Same objection. It assumes facts  
2 not in evidence and misstates her testimony.  
3 MR. ROSENBAUM: Go ahead.  
4 MS. READ SPANGLER: And it's an incomplete  
5 question.  
6 MR. VIRJEE: Are you asking what does the IPI  
7 section include when it talks about materials, are you  
8 asking about this document? What are you talking about,  
9 Mark?  
10 Q. BY MR. ROSENBAUM: Do you understand the  
11 question?  
12 A. I can't answer the question.  
13 Q. The CCR would work with the district to get it  
14 into compliance with respect to ELD materials; is that  
15 right? I'm looking at item 9a.  
16 A. Yes, it's -- the program responsible for this  
17 program would.  
18 Q. And you train those persons as to how to work  
19 with districts on getting them into compliance?  
20 MR. VIRJEE: Objection. Vague and ambiguous as  
21 to "you." You mean CCR, Ms. Thomas, the department  
22 they're in, the group they're in?  
23 MS. READ SPANGLER: To the extent you mean her  
24 personally, misstates her testimony.  
25 THE WITNESS: The managers of these programs

1 are responsible for training their staff.  
2 Q. BY MR. ROSENBAUM: Do you know what sorts of  
3 things they recommend in terms of helping getting  
4 districts to go into compliance with respect to the  
5 provision of ELD materials?  
6 A. I can't answer that question.  
7 MR. ROSENBAUM: Let's mark as Exhibit 23 a  
8 document titled 1999-2000 Coordinated Compliance Review,  
9 Proposed Resolution of Noncompliance Findings.  
10 This is material we received in discovery from  
11 the State. It's DOE 22346 through 22388. Actually, we  
12 received it from the Department of Education.  
13 I'm going to have this copy marked and  
14 distribute copies to the witness and counsel.  
15 (Exhibit SAD-23 was marked.)  
16 Q. BY MR. ROSENBAUM: Have you had a chance to  
17 look at this, what's been marked as --  
18 A. Yes.  
19 Q. Can you identify this document?  
20 A. This is one of the forms in the coordinated  
21 compliance review process. It is a corrective action  
22 plan that the district is to complete. It's the  
23 proposed resolution of noncompliant findings.  
24 Q. It's one of the stages you talked to me about  
25 previously?

1 A. Yes.  
2 Q. And do you know are -- pursuant to the practice  
3 of CCR, this compliance, is it a compliance agreement?  
4 A. In this case, no, it doesn't look as if it is.  
5 Q. What is it then?  
6 A. It could be -- it is resolution. They're  
7 indicating here that we have resolved the issue of  
8 noncompliance.  
9 Q. Okay. And to your knowledge -- strike that.  
10 Do you know if schools are permitted to charge  
11 fees for books and materials?  
12 MR. VIRJEE: Objection. Calls for speculation  
13 and lacks foundation.  
14 THE WITNESS: I missed part of your question.  
15 Q. BY MR. ROSENBAUM: Do you know if schools or  
16 school districts are permitted to charge students fees  
17 for textbooks or other materials?  
18 MR. JORDAN: Calls for a legal conclusion.  
19 MS. READ SPANGLER: Join.  
20 MR. VIRJEE: Also overbroad as to "students."  
21 Vague as to time.  
22 THE WITNESS: I don't know.  
23 Q. BY MR. ROSENBAUM: Okay. When CCR conducts  
24 training, does it cover the subject of charging fees to  
25 students for textbooks and other instructional

1 materials?  
2 A. If you're talking about a specific program, I  
3 don't know.  
4 Q. What about the general CCR training?  
5 A. We do not cover it. It's not relevant to our  
6 function.  
7 Q. Why is that?  
8 A. Because the purpose of my unit, CCR, is to  
9 coordinate the activities of the 12 programs so that we  
10 all go in at one time to review a district. And when we  
11 coordinate, we're coordinating training institutes,  
12 scheduling visits, et cetera.  
13 Q. Have you sat in on the training sessions?  
14 MR. VIRJEE: Objection. Vague and ambiguous.  
15 Which training sessions, the CCR training  
16 sessions?  
17 Q. BY MR. ROSENBAUM: Have you sat in on CCR  
18 training sessions?  
19 MS. READ SPANGLER: Ever?  
20 THE WITNESS: I don't understand your question.  
21 Q. BY MR. ROSENBAUM: At the beginning of the  
22 training institute, you give a talk; isn't that right?  
23 A. Yes.  
24 Q. And what do you say in that talk?  
25 A. I give them an overview of the process, you

1 know, welcome them, the usual, and go through the  
 2 process at the beginning. When I'm done with that, I do  
 3 go to the program -- specific program workshops, some of  
 4 them. Can't go to all of them.  
 5 Q. Do you talk about charging fees, whether that's  
 6 appropriate or not?  
 7 A. No.  
 8 MR. VIRJEE: Does Ms. Thomas?  
 9 MR. ROSENBAUM: Yes.  
 10 Q. Have you sat in on some of the workshops from  
 11 time to time?  
 12 MR. VIRJEE: Objection. Asked and answered.  
 13 THE WITNESS: I do.  
 14 Q. BY MR. ROSENBAUM: Have you heard fees  
 15 discussed?  
 16 A. I have not.  
 17 Q. Have you ever heard textbooks discussed?  
 18 A. I have not.  
 19 Q. Okay. The availability of textbooks?  
 20 A. No.  
 21 Q. Okay. Were you involved in the development of  
 22 the training manual?  
 23 A. Yes.  
 24 MR. VIRJEE: Objection. Asked and answered.  
 25 MR. ROSENBAUM: Sometimes when I ask you a

1 question I've asked before, it's not that I didn't hear  
 2 you, I just do it as a predicate to the following  
 3 question. It's just a courtesy to you to tell you where  
 4 I am.  
 5 Q. And the training manual, does it include any  
 6 discussion about availability of textbooks?  
 7 MR. VIRJEE: Objection. Asked and answered.  
 8 The document speaks for itself.  
 9 We went through this all last time.  
 10 MS. READ SPANGLER: Join.  
 11 THE WITNESS: No.  
 12 Q. BY MR. ROSENBAUM: And has there ever been any  
 13 discussion about including an item in the training  
 14 manual to deal with availability of textbooks?  
 15 MR. VIRJEE: Objection. Asked and answered.  
 16 THE WITNESS: No.  
 17 Q. BY MR. ROSENBAUM: Okay. Would it work any  
 18 hardship, so far as you know, to include an item about  
 19 availability of textbooks, about whether students are  
 20 receiving textbooks?  
 21 MR. VIRJEE: Objection. Calls for speculation.  
 22 Lacks foundation. Asked and answered.  
 23 MS. READ SPANGLER: Incomplete hypothetical.  
 24 THE WITNESS: In my opinion, no.  
 25 Q. BY MR. ROSENBAUM: And why is that?

1 MR. VIRJEE: Same objections.  
 2 MR. JORDAN: Calls for speculation.  
 3 MS. READ SPANGLER: Join.  
 4 THE WITNESS: It's a matter of semantics. You  
 5 can change the language, a word.  
 6 Q. BY MR. ROSENBAUM: Okay. Have you been in  
 7 classrooms yourself as part of your -- in the conduct of  
 8 your CCR responsibilities that did not have air  
 9 conditioners?  
 10 MR. VIRJEE: I guess that would call for  
 11 speculation. Lacks foundation.  
 12 MR. JORDAN: I guess it would, actually.  
 13 MS. READ SPANGLER: Join.  
 14 THE WITNESS: I don't know.  
 15 Q. BY MR. ROSENBAUM: Have you been in a classroom  
 16 that, to your knowledge, did have air conditioners?  
 17 A. I don't recall.  
 18 Q. Have you ever been in a classroom where your  
 19 perception was the temperature was quite hot?  
 20 MR. VIRJEE: Objection. Vague and ambiguous as  
 21 to "quite hot."  
 22 THE WITNESS: No.  
 23 Q. BY MR. ROSENBAUM: You conduct reviews in the  
 24 winter?  
 25 A. Yes.

1 Q. Have you ever been in a classroom where there  
 2 weren't heaters?  
 3 MR. VIRJEE: Objection. Calls for speculation.  
 4 Lacks foundation.  
 5 THE WITNESS: No.  
 6 Q. BY MR. ROSENBAUM: Have you ever been in a  
 7 classroom where the heaters didn't function properly?  
 8 MR. VIRJEE: Objection. Calls for speculation.  
 9 Lacks foundation.  
 10 MS. READ SPANGLER: Join.  
 11 MR. JORDAN: Does call for speculation.  
 12 THE WITNESS: I don't recall.  
 13 Q. BY MR. ROSENBAUM: Have there been hearings, to  
 14 your knowledge, in the legislature, the state  
 15 legislature, regarding CCR?  
 16 A. I'm not sure I understand the question.  
 17 Q. To your knowledge, have there ever been  
 18 legislative hearings that have looked at the purpose or  
 19 the performance of CCR?  
 20 A. I don't recall.  
 21 Q. Okay. Or the monitoring that takes place by  
 22 some of these 12 programs?  
 23 MR. VIRJEE: Objection. Vague and ambiguous.  
 24 MS. READ SPANGLER: Objection. Calls for  
 25 speculation.

1 THE WITNESS: I don't know.  
 2 MR. ROSENBAUM: Let's mark as Exhibit 24 a  
 3 document -- several-page document from DOE 27149 through  
 4 DOE 27151, and I'll have this marked as Exhibit 24 and  
 5 furnish it to the witness and counsel.  
 6 (Exhibit SAD-24 was marked.)  
 7 Q. BY MR. ROSENBAUM: Have you had a chance to  
 8 look at what's been marked as Exhibit 24?  
 9 A. Yes.  
 10 Q. Do you know what this is?  
 11 A. No, I don't.  
 12 Q. I'm not asking about Hosler Middle School.  
 13 Do you see where it says Hosler Middle School?  
 14 A. I do.  
 15 Q. I don't care about Hosler, per se, but have you  
 16 seen a document like this in the performance of your  
 17 duties and responsibilities?  
 18 A. I have not.  
 19 Q. Okay. Does CCR inventory districts for the  
 20 numbers of not fully-credentialed teachers?  
 21 MR. VIRJEE: Objection. Vague and ambiguous as  
 22 to "inventory," and asked and answered.  
 23 MS. READ SPANGLER: Objection. Vague and  
 24 ambiguous as to the term "not fully-credentialed  
 25 teachers."

1 THE WITNESS: I don't know.  
 2 Q. BY MR. ROSENBAUM: Not to your knowledge?  
 3 A. Not to my knowledge.  
 4 Q. Okay. Do you see the items that are on what's  
 5 been marked as Exhibit 24, last name, first name,  
 6 subject, grade, EL, and there's a number sign, average  
 7 number of EL, then ELD, SDAIE, L1, BCLAD, CLAD, ELD, and  
 8 emergency credit completion?  
 9 MR. VIRJEE: You missed SB 196.  
 10 MR. ROSENBAUM: I know.  
 11 Q. Do you see that?  
 12 A. Yes.  
 13 Q. As part of the duties and responsibilities of  
 14 CCR, does it ask questions about any of these items, so  
 15 far as you know?  
 16 MR. VIRJEE: Does what ask questions?  
 17 MR. ROSENBAUM: In the reviewing process?  
 18 MR. VIRJEE: Does anybody in the reviewing  
 19 process?  
 20 Lacks foundation calls for speculation.  
 21 MS. READ SPANGLER: Join. Calls for  
 22 speculation.  
 23 THE WITNESS: The program responsible might,  
 24 the program that's responsible for this kind of data.  
 25 Q. BY MR. ROSENBAUM: But you don't know whether

1 it does it or not?  
 2 A. I don't know.  
 3 Q. Okay. In the special ed review, to your  
 4 knowledge, is an analysis made of the status of  
 5 credentials for the teachers who are involved in special  
 6 ed at a particular school?  
 7 MR. VIRJEE: Objection. Vague as to time.  
 8 THE WITNESS: I don't recall.  
 9 Q. BY MR. ROSENBAUM: Okay. Last time we were  
 10 together you talked to me about equal opportunity. Do  
 11 you remember that?  
 12 A. Yes.  
 13 Q. Would it be relevant for purposes of deciding  
 14 whether or not students received equal opportunity to  
 15 look at the credential status of their teachers?  
 16 MR. VIRJEE: Objection. Vague and ambiguous.  
 17 Calls for speculation.  
 18 MS. READ SPANGLER: Join. Incomplete  
 19 hypothetical.  
 20 MR. JORDAN: Calls for expert opinion.  
 21 MS. READ SPANGLER: Join in that one too.  
 22 THE WITNESS: Am I personally?  
 23 MR. ROSENBAUM: Based on your training and  
 24 experience.  
 25 MR. VIRJEE: Lacks foundation.

1 Assumes she has any training or experience in  
 2 the area.  
 3 THE WITNESS: Yes.  
 4 Q. BY MR. ROSENBAUM: Why is that?  
 5 A. As far as credentials?  
 6 Q. Yes.  
 7 A. Every child should have a qualified teacher,  
 8 whether it's a substitute teacher who is qualified or  
 9 one who might have an emergency credential and in the  
 10 process of being qualified. That, to me, is equal  
 11 education opportunities for all students by some access  
 12 to.  
 13 Q. When you say "qualified," what do you mean by  
 14 that?  
 15 A. That's had the proper training and proper  
 16 credential, even if it's an emergency credential, in the  
 17 process of getting the full credential.  
 18 MR. ROSENBAUM: Let's mark as Exhibit 25 a  
 19 two-page exhibit -- two-page document bearing DOE Bates  
 20 numbers 25777 and 25778. I'll have that marked and  
 21 provided to the witness and counsel.  
 22 (Exhibit SAD-25 was marked.)  
 23 Q. BY MR. ROSENBAUM: Have you had a chance to  
 24 look at this?  
 25 A. Yes.

1 Q. Are you familiar with this document?  
 2 A. Yes.  
 3 Q. What's the basis of your familiarity?  
 4 A. This is part of the compliance tracking system,  
 5 where we send a friendly reminder to districts letting  
 6 them know what their status is, and attach the CTS 17  
 7 which tells them where they are over the years. This is  
 8 a stage three.  
 9 Q. Okay. And the second page of what's been  
 10 marked as Exhibit 25, 25778, do you have that in front  
 11 of you?  
 12 A. Yes.  
 13 Q. That's the CTS 17 document?  
 14 A. Yes.  
 15 Q. And that's what you were referring earlier to?  
 16 A. Right.  
 17 Q. And that refers to districts; is that right?  
 18 A. Yes.  
 19 Q. It's not broken down by schools?  
 20 A. No.  
 21 Q. CTS documents are not broken down by schools?  
 22 A. They are not.  
 23 Q. Nor are CTS 14?  
 24 A. That's correct, they're not.  
 25 Q. Okay. So as I look at a CTS document, I would

1 have no way of knowing how many schools were  
 2 noncompliant on a particular item?  
 3 A. You would not.  
 4 Q. Or how many classrooms?  
 5 A. That's right.  
 6 Q. Or how many students were affected?  
 7 A. That's right.  
 8 Q. Or the race and ethnicity of those students?  
 9 A. That's right.  
 10 Q. And the same thing for CTS 14?  
 11 MR. VIRJEE: Objection to the whole line of  
 12 questioning. The documents speak for themselves.  
 13 Q. BY MR. ROSENBAUM: Is that right?  
 14 A. That's correct.  
 15 Q. Now, this letter you refer to as a friendly  
 16 reminder?  
 17 A. Yes.  
 18 Q. Who is Fred Tempes, T-e-m-p-e-s?  
 19 A. He's my previous supervisor who has retired or  
 20 resigned. I think he retired.  
 21 Q. Do you know when?  
 22 A. Stuart Greenfeld has been with us for a year  
 23 and a half. He retired, I think, in 2000, '99. The end  
 24 of '99.  
 25 Q. Was the succession Mr. Tempes and

1 Dr. Greenfeld, is that how it went?  
 2 A. That's right.  
 3 Q. Had you read this letter before today?  
 4 A. This is a form letter that's generated by my  
 5 office.  
 6 Q. Do you see in the first paragraph it says, the  
 7 issue(s) listed on the report have been unresolved since  
 8 March 25, 1994?  
 9 A. Uh-huh.  
 10 Q. You're saying yes?  
 11 A. Yes.  
 12 Q. I see that the date of this letter is December  
 13 1, 1998; is that right?  
 14 A. Actually, the stamp on it is December 1, 1998.  
 15 I don't see a date.  
 16 Q. Let me ask you, please, to turn to page 25778  
 17 of Exhibit 25. That's the next page.  
 18 A. Right.  
 19 Q. And you see in the upper right-hand corner it  
 20 says 11/30/98?  
 21 A. Yes.  
 22 Q. So based on the practices of the Department,  
 23 this letter was drafted and sent out on or about  
 24 December 1, 1998?  
 25 MR. VIRJEE: Objection. Calls for speculation.

1 MS. READ SPANGLER: Join.  
 2 Q. BY MR. ROSENBAUM: And so with respect to the  
 3 issues referenced on the second page, that is, 25778 of  
 4 Exhibit 25, am I understanding, based on the practices  
 5 of CCR, that these items have been out of compliance  
 6 since between March 25, 1994 and 11/30/98?  
 7 MR. VIRJEE: Objection. Overbroad.  
 8 Which items? Are you asking about all of them,  
 9 or just some of them? The document speaks for itself.  
 10 MS. READ SPANGLER: I'll object that it calls  
 11 for speculation. I'm not sure it's clear that this page  
 12 was attached to this letter.  
 13 MR. ROSENBAUM: That's how I got them.  
 14 MS. READ SPANGLER: They weren't stapled  
 15 together.  
 16 MR. ROSENBAUM: I would appreciate it if you  
 17 would make an investigation, because 25777 says at the  
 18 bottom "enclosures," and it also says in the second  
 19 paragraph a copy of program advisory 89/90-4 is  
 20 attached. So if I didn't get everything, I want it,  
 21 please.  
 22 MS. READ SPANGLER: I don't know that you  
 23 didn't get everything, I'm just saying I don't know that  
 24 just because this was next in line, it went with this  
 25 letter.

1 MR. VIRJEE: We had documents last week that  
 2 were out of order, pages that were out of order as well.  
 3 MS. READ SPANGLER: This document on the second  
 4 page of this, the CTS 17, and I don't see that  
 5 referenced, unless I'm missing it, in the body of the  
 6 text.  
 7 Q. BY MR. ROSENBAUM: Mrs. Clark-Thomas, you said  
 8 you've seen letters like this in the past?  
 9 MR. VIRJEE: Like the first page?  
 10 THE WITNESS: Yes.  
 11 Q. BY MR. ROSENBAUM: And typically are CTS 17s  
 12 attached to those letters?  
 13 A. Yes.  
 14 Q. Directing your attention to page 25778. Do you  
 15 see the first item, IPI, and then it says a notification  
 16 date 3/25/94?  
 17 A. Uh-huh.  
 18 Q. Would I be correct in understanding, based on  
 19 the practices of CCR, that means that with respect to  
 20 those items that are listed, there was noncompliance  
 21 since March 25th, 1994, at the time of this letter?  
 22 A. That's correct, for IPI.  
 23 Q. So it was 1711 days past notification? Still  
 24 looking at page 25778.  
 25 A. That's correct.

1 Q. How does that happen?  
 2 A. How does --  
 3 Q. How does something remain out of compliance for  
 4 1711 days?  
 5 MS. READ SPANGLER: Objection. Calls for  
 6 speculation.  
 7 THE WITNESS: The tracking system is time  
 8 driven, and if the district has not responded with a  
 9 corrective action plan and evidence of noncompliance,  
 10 the clock continues to tick.  
 11 MR. JORDAN: For the record, I think --  
 12 MR. ROSENBAUM: I don't want anything on the  
 13 record. The record speaks for itself.  
 14 Q. BY MR. ROSENBAUM: Now, that's with respect  
 15 to --  
 16 MR. VELEZ: Can we please have the last  
 17 question and answer read back, because I'm not sure that  
 18 she answered the question.  
 19 MR. ROSENBAUM: You can take it in  
 20 cross-examination.  
 21 Q. That's with respect to multi-funded students do  
 22 not receive district core curriculum, multi-funded  
 23 students do not receive appropriate supplemental  
 24 services, and multi-funded students do not receive  
 25 coherent coordinated programs?

1 A. Yes.  
 2 Q. And do I understand the practices of CCR that  
 3 the assumption is that that would be all multi-funded  
 4 students in the district?  
 5 MR. VIRJEE: Objection. Question is vague and  
 6 ambiguous.  
 7 MS. READ SPANGLER: Join.  
 8 THE WITNESS: Based upon the schools we  
 9 visited.  
 10 Q. BY MR. ROSENBAUM: Okay. But there's no  
 11 evidence in any CCR document to refute that assumption;  
 12 isn't that right?  
 13 A. Not that I'm aware of.  
 14 Q. Okay. Have you seen days past notification in  
 15 all your experience at CCR longer than 1711 days?  
 16 A. I believe I have.  
 17 Q. Okay. How long?  
 18 A. I don't recall.  
 19 Q. Do you know with respect to what districts?  
 20 A. I can't recall.  
 21 Q. Okay. In reviews that you yourself conducted?  
 22 A. Repeat your question.  
 23 Q. For reviews that you yourself were the team  
 24 leader for?  
 25 A. I don't recall.

1 Q. Okay. Do you know what the present state of  
 2 compliance is with respect to Inglewood as to the IPI on  
 3 the items that are listed here, 1, 2, 3 on page 25778?  
 4 A. I don't know at this moment.  
 5 Q. Okay. Who's in charge of Inglewood, do you  
 6 know?  
 7 MR. VIRJEE: Objection. Vague and ambiguous as  
 8 to the term "in charge of."  
 9 MS. READ SPANGLER: Join.  
 10 MR. ROSENBAUM: I'll reframe that question.  
 11 Q. Does anyone in CCR have responsibility for  
 12 Inglewood?  
 13 MR. VIRJEE: Objection. Vague and ambiguous  
 14 as to "responsibility for."  
 15 THE WITNESS: I don't understand your question.  
 16 Q. BY MR. ROSENBAUM: If I wanted to talk to  
 17 somebody at CCR about Inglewood, who would be the best  
 18 person to talk to?  
 19 MR. VIRJEE: Objection. Vague as to time.  
 20 MS. READ SPANGLER: Join. I think the problem  
 21 we're having is there's team leaders each time, Mark,  
 22 and so --  
 23 Q. BY MR. ROSENBAUM: Who is the person most  
 24 knowledgeable about Inglewood today at CCR?  
 25 MR. VIRJEE: Objection. Calls for speculation,

1 and vague and ambiguous as to "person most knowledgeable  
2 about Inglewood."  
3 MS. READ SPANGLER: Join.  
4 THE WITNESS: If you wanted to know about each  
5 of these program items, there is a person.  
6 Q. BY MR. ROSENBAUM: Do you know the person at  
7 IPI who would be responsible?  
8 MR. VIRJEE: Objection. Calls for speculation,  
9 and vague and ambiguous as to time.  
10 MS. READ SPANGLER: Join.  
11 THE WITNESS: The team leader, initially.  
12 Q. BY MR. ROSENBAUM: Do you know who that is?  
13 MR. VIRJEE: Objection. Vague as to time.  
14 MS. READ SPANGLER: Join.  
15 THE WITNESS: I don't recall.  
16 Q. BY MR. ROSENBAUM: Directing your attention  
17 still on page 25778. Looking here at the second  
18 category. Help me understand this. CON, that's  
19 consolidated; is that right?  
20 A. Yes.  
21 Q. Prog is program?  
22 A. Yes.  
23 Q. And all is all?  
24 A. All programs under consolidated.  
25 Q. Under the noncompliance item, do you see where

1 it says, there are not enough qualified staff to provide  
2 ELD? That's item 22.  
3 A. Yes.  
4 Q. Is there any CCR document that would tell me  
5 how many qualified staff the district is short?  
6 MR. VIRJEE: Objection. Calls for speculation.  
7 Also vague and ambiguous as to "short."  
8 MS. READ SPANGLER: Join.  
9 THE WITNESS: I'm not aware.  
10 Q. BY MR. ROSENBAUM: Okay. So far as you know,  
11 CCR doesn't train team members to actually enumerate the  
12 number of staff, qualified staff that are insufficient?  
13 MR. VIRJEE: Objection. Vague and ambiguous as  
14 to "CCR training."  
15 THE WITNESS: I don't know.  
16 Q. BY MR. ROSENBAUM: Okay. And same thing for  
17 23b, there are not enough qualified staff to provide  
18 SDAIE, all caps? Do you see that?  
19 A. Yes.  
20 Q. Anywhere that I could find in a CCR document or  
21 report or record how many qualified staff are not  
22 present, how many are not -- that's a horrible question.  
23 Directing your attention to item 23b, is there  
24 any record, any CCR report or material that would tell  
25 me how many more qualified staff are needed to provide

1 SDAIE at Inglewood?  
2 MS. READ SPANGLER: Objection. Calls for  
3 speculation.  
4 MR. VIRJEE: Objection. Calls for speculation.  
5 THE WITNESS: I don't know.  
6 MR. ROSENBAUM: Let's go off the record.  
7 (Lunch recess taken.)  
8 Q. BY MR. ROSENBAUM: Over the lunch break did you  
9 discuss this case with Mr. Virjee at all?  
10 MR. VIRJEE: Objection. Attorney/client  
11 privilege.  
12 MS. READ SPANGLER: Join.  
13 MR. ROSENBAUM: Okay. Mrs. Clark-Thomas,  
14 thanks very much. I really appreciate your forbearance  
15 and candor and enjoyed very much meeting you.  
16 THE WITNESS: Thank you.  
17 MR. JORDAN: Mr. Virjee, any questions?  
18 MR. VIRJEE: Nope.  
19 EXAMINATION BY MR. JORDAN  
20 Q. I've got a few before I get to the documents,  
21 Mrs. Clark-Thomas.  
22 By the way, thanks for coming back here today.  
23 I represent Los Angeles Unified School District  
24 and Pajaro Valley Unified School District, some people  
25 would say Pajaro (pronunciation) Unified School

1 District.  
2 I understand you were involved in the  
3 coordinated compliance review for Los Angeles Unified.  
4 A. Yes.  
5 Q. Did you have any involvement with the  
6 coordinated compliance review for Pajaro?  
7 A. I don't believe I served on a -- you know, a  
8 team for Pajaro. I did serve on a team prior to 1994 as  
9 a special education consultant.  
10 Q. But not as part of the coordinated compliance  
11 review?  
12 A. It was part of the coordinated compliance.  
13 When I say 1994, it was that year that I became manager,  
14 and my responsibility is to coordinate all of those  
15 activities. So 1994 up to now I have not served on a  
16 review for Pajaro.  
17 Q. Okay. Have you had any involvement in  
18 reviewing the work done by others for Pajaro?  
19 A. You know, again, my responsibility is to read  
20 their validation report when it comes in as part of how  
21 I reevaluate the staff members for completeness of the  
22 report.  
23 Q. Right.  
24 A. And then just ongoing follow-up of the reviews,  
25 any reviews that have taken place to see where we are

1 with the issues that were found by the team.  
 2 Q. Right. In this lawsuit the plaintiffs have  
 3 alleged some conditions at Watsonville High School,  
 4 which is one of the schools in the Pajaro Valley Unified  
 5 School District.

6 Do you remember any coordinated compliance  
 7 review items regarding Watsonville High?

8 A. I sure don't.

9 Q. Do you remember any outstanding compliance  
 10 items with respect to Pajaro Valley Unified School  
 11 District?

12 A. No.

13 Q. Okay. Let's go to Los Angeles Unified. I want  
 14 to ask you a follow-up question or two before I get to  
 15 my documents.

16 There's one thing you said that was very  
 17 intriguing. You mentioned this morning there were some  
 18 models about curriculum throughout the State where a  
 19 district would run into a problem and your group might  
 20 suggest alternatives based on other districts.

21 Do you have any models that you regard as  
 22 superior to others in providing curriculum to students?

23 MR. VIRJEE: I'm going to object and say that  
 24 mischaracterizes her testimony to the extent it  
 25 indicates there are models of curriculum.

1 internal pagination, or the DOE No. 21790.

2 Does that identify the schools that you were  
 3 looking at?

4 A. Yeah, this identifies the schools and the  
 5 programs who went to those schools or who reviewed those  
 6 schools.

7 Q. And so under the English learner category you  
 8 were looking at 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 or, I  
 9 should say, your team was looking at 11 schools?

10 A. Yes.

11 Q. There was some discussion this morning about  
 12 whether there was any documentation where you could  
 13 identify how many schools were noncompliant in certain  
 14 areas.

15 A. Right.

16 Q. And on this one I'd like you to look under UCP  
 17 on page 3 of 32. Every single school that the team was  
 18 looking at was reviewed for that, weren't they?

19 A. Yes.

20 Q. In fact, for UCP, although this one is not  
 21 terribly legible, do you recall being the leader of the  
 22 team dealing with informal complaint procedures?

23 A. Yes.

24 Q. And if we look at page 8 of 32, am I correct in  
 25 understanding that it was only one of those schools that

1 MS. READ SPANGLER: Join.

2 THE WITNESS: You know, if a district would ask  
 3 me, you know, do you know of any school district whose  
 4 curriculum you believe meets standards, et cetera, and  
 5 they did really well on their review, I could name a  
 6 few.

7 Q. BY MR. JORDAN: Without naming them, can you  
 8 identify anything about their curriculum program that,  
 9 in your view, makes them better than others?

10 MR. VIRJEE: Objection. Overbroad. Also lacks  
 11 foundation and calls for speculation.

12 THE WITNESS: I could probably say that the  
 13 standards, the grade level standards were comprehensive,  
 14 that the curriculum addressed K-12, as well as  
 15 preschool, that the curriculum was developed and  
 16 approved by a group of teachers or a committee, and that  
 17 all students have access to that curriculum, that there  
 18 are not several curriculums for different populations of  
 19 students.

20 Q. BY MR. JORDAN: And that's the sort of thing  
 21 you were referring to when you used the word model this  
 22 morning?

23 A. Yes.

24 Q. I'd like you to look at Exhibit 22, and in  
 25 particular, at page either 3 of 32, if you look at the

1 was noncompliant with respect to that item?

2 MR. VIRJEE: Objection. Calls for speculation  
 3 and lacks foundation.

4 THE WITNESS: Are you still talking about UCP?

5 MR. JORDAN: Yes, UCP. Maybe I misread the  
 6 page number. It's hard to read on this one. It looks  
 7 like 5 of 32 or the DOE number is 21792.

8 THE WITNESS: Yes.

9 Q. BY MR. JORDAN: So in this particular instance,  
 10 just because of the way the report is written, we were  
 11 able to identify that it was only one of the schools  
 12 that you looked at?

13 A. In this particular instance, of all of the  
 14 schools we looked at and applied the UCP items, Ann  
 15 Street School was the only school that was found  
 16 noncompliant, knowing that LA Unified School District  
 17 has a model uniform complaint procedures, they do, and  
 18 so their procedures are in place, and therefore the  
 19 district would be compliant.

20 But the second part of UCP is to see if the  
 21 schools are implementing those procedures and if they  
 22 are aware, and of all the schools that we looked at,  
 23 which was more than 13, Ann Street was the only school  
 24 that's not aware of uniform complaint procedures.

25 Q. Thank you.

1 (Exhibits SAD-26 through SAD-28 were marked.)  
 2 Q. BY MR. JORDAN: Looking at Exhibit 20, which  
 3 was the one that was marked this morning, that's the  
 4 1997, 1998 one. I'd like you to look at page 1 of 40.  
 5 Mr. Rosenbaum asked you about your signature, which  
 6 you've already authenticated.  
 7 Above there's the statement, I certify that a  
 8 complete coordinated compliance review has been  
 9 conducted, each applicable program compliance instrument  
 10 has been applied, the findings in this report are  
 11 complete and accurate and identify all items found to be  
 12 noncompliant.  
 13 Do you see that statement?  
 14 A. Yes.  
 15 Q. With respect to the "I certify," was it your  
 16 understanding that you, as well as Margaret Allen, were  
 17 making that certification?  
 18 A. Yes.  
 19 Q. Okay. And at the time you signed this  
 20 document, I presume you believed that that statement was  
 21 correct?  
 22 A. Yes.  
 23 Q. I apologize if this was covered this morning,  
 24 but on page 3 of 40 there appears to be your signature  
 25 next to integrated program items.

1 A. Uh-huh, as well as Lucille Gonzales'.  
 2 Q. Correct. Did you participate in that part of  
 3 the validation review?  
 4 A. Yes, provided input with her.  
 5 Q. And looking at the following page, which is  
 6 page 4 of 40, did you also participate in the integrated  
 7 program items review?  
 8 MR. VIRJEE: I think three was the integrated  
 9 programs as well.  
 10 THE WITNESS: I see. You know, we had two  
 11 teams.  
 12 Q. BY MR. JORDAN: So you were a member of both  
 13 teams?  
 14 A. We had a team A and a team B.  
 15 Q. You anticipated my next question.  
 16 A. I'm just noticing that. Which meant that I had  
 17 to get input from not only Lucille, but also Vivianne  
 18 Burton and the rest of the team, but for the IPI  
 19 specifically, we get input from all of the team members.  
 20 Q. I'd like you to look at page 33 of 40.  
 21 A. 32?  
 22 Q. 33. I should ask you, did you write this page  
 23 of the report?  
 24 A. Let me kind of review it.  
 25 Q. Take all the time you need.

1 A. Participated in the writing of it?  
 2 Q. Did some editing or reviewing.  
 3 A. Yes. Yes.  
 4 Q. There's a reference in the second paragraph  
 5 under LAUSD's assessment and accountability system to  
 6 Los Angeles pioneering the new coordinated compliance  
 7 review system. Do you see that there?  
 8 A. It's in the second paragraph?  
 9 Q. Yeah. Do you see that?  
 10 A. Yes, I see it.  
 11 Q. Okay. Did you have any involvement with  
 12 helping Los Angeles pioneer the new coordinated  
 13 compliance review system?  
 14 A. Yes, I did.  
 15 Q. Can you describe what your involvement was,  
 16 please.  
 17 A. Well, just reading their proposal -- let me  
 18 make sure. This is phase 1, I believe.  
 19 Q. Correct.  
 20 A. Just reading their proposal and -- which this  
 21 is their proposal, what we have in front of us, phase 1,  
 22 phase 2, phase 3 and phase 4, and trying to really meet  
 23 their needs so that we could do a better job -- that  
 24 they could do a better job of conducting the  
 25 self-reviews.

1 And then, in turn, reading and rating those  
 2 self-reviews at the Department, and then my getting  
 3 together with Margaret Allen and comparing, does she get  
 4 the same thing we did. And so we worked together in  
 5 comparing notes on how did you rate your school as  
 6 compared to how my team rated the schools, and the  
 7 answers basically were the same. So I had preidentified  
 8 which schools we should go to, and she had preidentified  
 9 the exact same schools.  
 10 And then so we worked together again in  
 11 building the institute for the training that was going  
 12 to occur. So that's prior to the self-review because we  
 13 were training them for it, the self-review.  
 14 But, anyway, it was a unique proposal that the  
 15 Department fought, but then, you know, we decided, well,  
 16 let's work with them, and we did. And as a result of  
 17 it, other districts began to do the same thing.  
 18 Q. Okay. Who at LA Unified did you work with?  
 19 A. Basically Margaret Allen, but also Margaret  
 20 Jones and their staff, their support staff.  
 21 Q. Okay. And just generally did you personally  
 22 find them cooperative?  
 23 A. Oh, yes, very much so.  
 24 Q. Okay. There's a section at the end that I  
 25 found kind of interesting. It's in several of these

1 reports called general commendations.  
 2 A. Right.  
 3 Q. You're missing the tabs on the exhibits that  
 4 you have, but it's page 40 of 40.  
 5 Who in your team helped to draft that section?  
 6 MR. VIRJEE: For this particular document?  
 7 MR. JORDAN: For that particular document.  
 8 THE WITNESS: Well, this is a task that I give  
 9 each team member. And if I could explain it to you.  
 10 MR. JORDAN: Please do.  
 11 THE WITNESS: Each team member is to complete  
 12 commendations for their own program, if there are any  
 13 commendations, and then as they're reviewing during the  
 14 two weeks that we are there, they are to each come up  
 15 with some general commendations to bring to the group.  
 16 What I do initially is assign a reviewer who  
 17 then will take the commendations that the team is  
 18 providing and put them together. Sometimes they're  
 19 already written and no editing is needed, sometimes we  
 20 need to discuss it and -- but when they bring it to the  
 21 group, we all have to come to consensus that, yes, this  
 22 is true, in general, for this particular school  
 23 district.  
 24 Q. BY MR. JORDAN: So these commendations all  
 25 reflect a consensus of your team?

1 A. Right. And I assigned a specific team person  
 2 to do the write-up and to read it.  
 3 Q. Okay. Do you happen to remember who you used  
 4 this particular time around?  
 5 A. If I look at these names, I probably could.  
 6 Q. Yeah, feel free.  
 7 A. I wouldn't remember without seeing these names.  
 8 Kind of think it was Vivianne Burton. I'm almost sure  
 9 it was Vivianne Burton.  
 10 Q. I'm sorry, you say you're not sure?  
 11 A. I say I'm almost sure it was Vivianne Burton.  
 12 Q. Let's look at the 1998, 1999 summary of  
 13 findings, which should be marked Exhibit 26. Again, I'd  
 14 like you to look at the initial pages, page 1 of 24 in  
 15 this case.  
 16 Are you there?  
 17 A. Yes.  
 18 Q. Okay. And, again, that's your signature, isn't  
 19 it?  
 20 A. Yes, it is.  
 21 Q. Looking at page 2 of 24 your name appears to be  
 22 in the first two rows in the table.  
 23 Is that your signature in those two rows?  
 24 A. Yes.  
 25 Q. Along with some other people in the first row?

1 A. That's right.  
 2 Q. And, again, did you lead those parts of the  
 3 team?  
 4 A. Repeat that.  
 5 Q. Do you have a terminology you use for each one  
 6 of these groups that deals with, say, integrated program  
 7 items?  
 8 A. Right. So I serve as team leader. And then  
 9 the signatures that you see listed there, those are the  
 10 program people who are responsible for reviewing their  
 11 own programs.  
 12 Q. Okay.  
 13 A. But just know that the integrated program item  
 14 is always the responsibility of the team leader with  
 15 input from the rest of the team and the uniform  
 16 complaint procedures. It's the responsibility of the  
 17 team leader to write it up, but you have to have input  
 18 from the rest of the team, whereas the other programs  
 19 there's no input, they work alone and develop their own  
 20 report.  
 21 Q. That's helpful. Thank you.  
 22 A. Okay.  
 23 Q. I'd like you to look at the next page, which is  
 24 page 3 of 24. Again, these are the schools that the  
 25 team looked at?

1 A. Yes.  
 2 Q. Okay. Now, last Thursday you were saying that  
 3 you remembered a situation where a teacher, I think you  
 4 said a special education teacher, but correct me if I'm  
 5 wrong --  
 6 A. Right.  
 7 Q. -- told you that they didn't think she had  
 8 proper instructional materials and you went to the  
 9 principal and she said, oh, she can get them by asking  
 10 for them, or words to that effect?  
 11 A. Right.  
 12 Q. And then you went back to the teacher.  
 13 Does looking at the list help you recollect  
 14 which school that was?  
 15 MR. VIRJEE: Objection. Assumes facts not in  
 16 evidence.  
 17 MS. READ SPANGLER: Join.  
 18 MR. VIRJEE: Also objection, it misstates her  
 19 testimony from last time.  
 20 THE WITNESS: I don't think I can. I can see  
 21 the principal's face, but I can't recall the name.  
 22 Q. BY MR. JORDAN: Can you describe what he or she  
 23 looked like?  
 24 MR. VIRJEE: The principal?  
 25 MR. JORDAN: The principal, yes.

1 THE WITNESS: I know she retired at the end of  
2 that year. I don't know. I know she retired at the end  
3 of the year and the school was -- I don't remember.  
4 Q. BY MR. JORDAN: I just thought the list might  
5 help.  
6 I'd like you to look at page 16 of 24. This is  
7 integrated program items.  
8 A. Okay.  
9 Q. I take it you were part of that group?  
10 A. Yes.  
11 Q. Do you remember who wrote page 16 of 24?  
12 A. Basically with input from the team. That would  
13 have been Lucille Gonzales.  
14 Q. Did you review and edit as necessary this  
15 section?  
16 A. I did. And the entire team would read it in  
17 order to come to consensus.  
18 Q. Again, I take it the statements in here do  
19 reflect the consensus of the team?  
20 A. Yes.  
21 Q. And that includes you?  
22 A. Yes.  
23 Q. I'd like you to look at the second paragraph on  
24 that page, and in particular the first sentence. It  
25 says, with few exceptions there are materials, resources

1 and texts to support instruction for multi-funded  
2 students.  
3 A. Yes.  
4 Q. Do you happen to remember what the exceptions  
5 were, if any?  
6 A. You know, I think the exceptions were the  
7 schools in parentheses.  
8 Q. I'm sorry, in parentheses, Cohasset and Saturn?  
9 A. Uh-huh.  
10 Q. Thank you. I also notice something about this  
11 particular report which -- no, it wasn't this one.  
12 We'll get to it.  
13 I'd like you to look at Exhibit 27, which is  
14 the 1999-2000 report.  
15 Do you have that in front of you?  
16 A. Yes.  
17 Q. And looking at page 1 of 32, which appears to  
18 have your signature, is that your signature?  
19 A. That's true. Right.  
20 Q. And, again, at the time you signed that, you  
21 believed that the assurance statement was true?  
22 A. Right.  
23 Q. And looking at page 2 of 32, your signature  
24 again appears in the rows with integrated program item  
25 and uniform complaint procedures. Is that your

1 signature?  
2 A. That's correct.  
3 Q. I take it you headed up those two pieces?  
4 A. Yes.  
5 Q. And on page 3 of 32, that's the list of schools  
6 that your team was looking at that time around?  
7 A. That's correct.  
8 Q. How many are there? I take it there were 18  
9 schools that time around?  
10 MR. VIRJEE: Document speaks for itself.  
11 MS. READ SPANGLER: Join.  
12 Q. BY MR. JORDAN: That's all I have for that one.  
13 Let's go to 28, which should be the 2000-2001  
14 report. I'd like you to look at page 1 of 38.  
15 Is that your signature on the first page?  
16 A. That's my signature.  
17 Q. Okay. And, again, I take it at the time you  
18 signed this, you believed that the assurance was  
19 correct?  
20 A. Yes.  
21 Q. That's dated February 2, 2001, which is only a  
22 couple months ago?  
23 A. That's right.  
24 Q. Have you learned anything since then that would  
25 lead you to believe that anything in this report is

1 incorrect?  
2 A. I don't think so.  
3 Q. Look at page 2 of 38. Your signature appears  
4 to be in the first two rows for integrated program items  
5 and uniform complaint procedures; is that correct?  
6 A. That's correct.  
7 (Mr. Rosenbaum entered the room.)  
8 Q. BY MR. JORDAN: Here's the page I wanted to ask  
9 about, page 4 of 38 these are the schools that your team  
10 was looking at?  
11 A. Yes.  
12 Q. Now, on there, there appears to be some private  
13 schools -- I forget the right word for this religious  
14 school.  
15 A. Yes, nonpublic schools, Title 1 nonpublic  
16 schools.  
17 Q. Parochial schools?  
18 MR. ROSENBAUM: Faith-based.  
19 MR. JORDAN: Faith-based.  
20 Q. Do you know why it was you were looking at  
21 those schools as well as schools in the LA Unified?  
22 A. In the consolidated programs document  
23 instrument there are several items that allude to  
24 Title 1 nonpublic schools, and I can't remember the  
25 specific language, but I do know we had a reviewer to

1 go, and I believe that person spent like a half a day at  
 2 each of those schools, but it's embedded in the  
 3 consolidated programs instrument.  
 4 Q. Did you go to any of those schools?  
 5 A. No. That reviewer went alone. You can always  
 6 tell who went by the X's, and so in this case just one  
 7 person went, and that person not only reviewed the  
 8 nonpublic schools part of the consolidated programs  
 9 instrument, but had to review the uniform complaint  
 10 procedures and bring that information back.  
 11 Q. Okay. I may have misled you earlier, and I  
 12 didn't intend to do that. I think I had the wrong year  
 13 when I was asking you about the teacher that you  
 14 remembered.  
 15 This is the 2000-2001 report, which would be  
 16 the right one to look at. Looking at page 4 and the  
 17 list of schools there, does that help you recollect  
 18 which school it was?  
 19 A. Where the special ed teacher --  
 20 Q. Right. I apologize for putting the wrong  
 21 report in front of you before.  
 22 A. For some reason Leland, but --  
 23 Q. Just not sure?  
 24 A. Yeah, I'm just not sure. You know, I go to so  
 25 many districts and they all become one big blur.

1 Q. Your department covers a lot of districts.  
 2 Let's look at the commendation section, in  
 3 particular, page 33 of 38.  
 4 Again, were these prepared by your team  
 5 reaching a consensus?  
 6 MS. READ SPANGLER: Am I missing it on 33? I  
 7 don't see commendations.  
 8 MR. JORDAN: Excuse me, summary of findings on  
 9 this one.  
 10 Q. Let me ask you about that. Accommodations is  
 11 here. There was another section in one of the earlier  
 12 reports that seems to drop out in the later reports, and  
 13 that is compliance trends.  
 14 A. That's the same, the terminology might have  
 15 changed over the years. It once was compliance trends,  
 16 and the terminology changed to summary of findings.  
 17 Q. So what we used to find in compliance trends,  
 18 we would now find --  
 19 A. In summary of findings.  
 20 Q. Looking at page 33 of 38, and in particular at  
 21 the paragraph that starts out, Los Angeles Unified  
 22 School District's fourth year.  
 23 A. Uh-huh.  
 24 Q. It says demonstrated dramatic positive changes  
 25 in the schools' preparation, presentation and compliance

1 status.  
 2 Do you believe that the coordinated compliance  
 3 review process is part of what caused that change?  
 4 A. I do, yes.  
 5 Q. And, again, working with the people at LA  
 6 Unified, did you run into any problems with them  
 7 resisting your efforts to cause the District to come  
 8 into compliance?  
 9 A. Not ever, no.  
 10 MR. JORDAN: Thank you. That's all I have.  
 11 EXAMINATION BY MR. VELEZ  
 12 Q. Ms. Clark-Thomas, I'm Donald Velez, and I  
 13 failed to introduce myself to you earlier. My firm  
 14 represents Fresno Unified and San Francisco Unified  
 15 School Districts. Thanks for your patience.  
 16 I just have a few questions, and I missed the  
 17 first day, so some of this may have been covered, and if  
 18 you can just fill me in quickly, then that's great.  
 19 Your unit is part of compliance and  
 20 consolidated programs management division?  
 21 A. No.  
 22 Q. What's your unit called?  
 23 A. My unit is called coordinated compliance review  
 24 management unit.  
 25 Q. Okay.

1 A. The unit you just mentioned, say the name  
 2 again.  
 3 Q. I'm taking it off this letter from Mr. Tempes.  
 4 Compliance and consolidated programs management  
 5 division.  
 6 A. That was the old terminology for our -- we have  
 7 a new division name now.  
 8 Q. Okay. Is there something else called an  
 9 accountability unit, or something like that?  
 10 A. Yes.  
 11 Q. And what's the official name of that?  
 12 A. It's called local accountability unit. We have  
 13 five units in our division.  
 14 Q. Local accountability unit. You've got five  
 15 units in your division. Is that one of the units in  
 16 your division?  
 17 A. Yes. And they all have accountability in it,  
 18 the name, the word.  
 19 Q. What does the local accountability unit --  
 20 what's the purpose of that unit?  
 21 MR. VIRJEE: Objection. Calls for speculation.  
 22 Lacks foundation. Also asked and answered.  
 23 MR. ROSENBAUM: Can we go off the record for a  
 24 minute?  
 25 (Discussion held off the record.)

1 Q. BY MR. VELEZ: In your unit there are  
 2 approximately five units with the word "accountability"  
 3 in them?  
 4 A. There are four other units with the word  
 5 "accountability" in it, yes.  
 6 Q. Would it be fair to say those units with the  
 7 word accountability in them have a different function  
 8 than your unit?  
 9 A. Oh, definitely.  
 10 Q. For instance, do you know what the local  
 11 accountability unit is for?  
 12 A. Yes.  
 13 Q. Okay. And what do those folks do?  
 14 A. It's a unit whose responsibilities are to  
 15 develop the consolidated programs applications, No. 1,  
 16 and, 2, to look at achievement data and to address  
 17 research-type information related to achievement, to  
 18 look at SAT 9 scores and API scores and provide us with  
 19 that kind of information prior to our conducting on-site  
 20 validation reviews.  
 21 Q. Based on your experience and understanding, can  
 22 you give a generalized description of how your unit  
 23 differs from the accountability unit?  
 24 MR. VIRJEE: From the other five units?  
 25 MR. VELEZ: Yes. How your unit differs from

1 district accountability unit, the name of our division.  
 2 Q. So it sounds like the local accountability unit  
 3 helps you do your job by doing its independent research  
 4 and testing?  
 5 A. And providing us information, yes.  
 6 Q. Great. And the complaints division researches  
 7 complaints from whatever source they may be, whether  
 8 it's parents or teachers, or some other source?  
 9 A. And then provide us with that information so  
 10 that we are aware when we do a review that there's a  
 11 complaint against this district and they need to be  
 12 aware.  
 13 Q. So that's another channel for information to  
 14 get to you through the complaint division?  
 15 A. Right.  
 16 Q. And the EL unit, is that another channel of  
 17 information to your unit to help you do your job?  
 18 A. I believe they join us in conducting  
 19 preidentified districts that have not made progress and  
 20 have been identified as Comite districts. These are  
 21 districts -- and all districts are under the Comite  
 22 settlement, you know, the grievance, the lawsuit against  
 23 the Department.  
 24 But there's certain districts that have not  
 25 made progress, and they get specialized attention from

1 the accountability units, whether there's four or five.  
 2 THE WITNESS: Yes.  
 3 Q. BY MR. VELEZ: Can you please do that for us?  
 4 A. Yes. The best way I can do it is by just  
 5 describing to you what my unit does. I think it will  
 6 become quite clear.  
 7 My unit is responsible for coordinating 12  
 8 programs as it relates to their validation, on-site  
 9 validation reviews, self-reviews, workshops, follow-up.  
 10 There's only one other unit in my division that does my  
 11 work, and that's the consolidated programs  
 12 accountability unit. The other units are not  
 13 specifically involved.  
 14 There's a complaints accountability unit, they  
 15 receive complaints and they may or may not go on a  
 16 review with us. And then there's the EL unit, and I  
 17 cannot think of the acronym for them at this moment, but  
 18 their reviews are done by the consolidated programs  
 19 accountability unit, except when it's a Comite visit.  
 20 The local accountability unit, again, assists  
 21 in providing us with data in order for us to complete  
 22 the IPI, to make the determination -- IPI IV to make the  
 23 determination that students are learning, some students  
 24 are learning, most students are learning.  
 25 The name of our division, the school and

1 that unit, and when they're up for a review on one of  
 2 our four-year cycles, that staff may attend with us and  
 3 they may not. I guess it depends.  
 4 Q. Are there any other units that you know of with  
 5 that accountability sector that we haven't discussed  
 6 yet?  
 7 MR. VIRJEE: Within her division, you're  
 8 talking about?  
 9 MR. VELEZ: I'm talking about one of these four  
 10 or five that you were thinking of to begin with.  
 11 THE WITNESS: There's another unit that has  
 12 just joined our division recently. It's called support  
 13 SS -- I'm sorry, it's new. I think it's called -- it's  
 14 support unit, used to be PQR. That's all I remember.  
 15 I'm sorry about that.  
 16 Q. BY MR. VELEZ: When it was PQR, what did PQR  
 17 stand for?  
 18 A. Program quality reviews. Program quality  
 19 reviews.  
 20 Q. What was your understanding of the function of  
 21 that group?  
 22 MR. VIRJEE: Objection. Asked and answered.  
 23 Also calls for speculation.  
 24 THE WITNESS: Where we reviewed for compliance,  
 25 they reviewed for quality.

1 Q. BY MR. VELEZ: As you understand it, what does  
2 the term "quality" mean with respect to the jobs that  
3 the PQR people were doing?

4 MR. VIRJEE: Objection. Lacks foundation.  
5 Calls for speculation.

6 THE WITNESS: I don't believe I can answer  
7 that.

8 Q. BY MR. VELEZ: Is quality with respect to -- is  
9 it a level of education that is exceeding standards or  
10 is below standards as opposed to just meeting standards,  
11 is that what that refers to?

12 A. I believe exceeding standards. Could be  
13 meeting standards, but opposed to rules and regulations,  
14 which is what CCR is, process, rules, dot the I's, cross  
15 the T's, process oriented. So that's the difference in  
16 those two.

17 PQR wasn't a part of our division nor our  
18 branch, but it was just recently brought in.

19 Q. How recently was that brought in?

20 A. Maybe a year ago.

21 Q. Is it fair to say that one of the goals of the  
22 CCR unit is to ensure the schools are complying with the  
23 self-review process?

24 A. That's part of it.

25 Q. Based on your experience and knowledge in

1 are invited and it's made known that they're coming up  
2 for review and they need to attend, register and get  
3 information in order for them to complete their  
4 self-review and prepare for their on-site validation  
5 review.

6 Q. So the CCR is basically providing training to  
7 the schools or school districts to help them complete  
8 the self-review?

9 A. And prepare for the validation review.

10 Q. Is there, to your knowledge, a legal  
11 requirement for the school or the district to show up at  
12 the institutes?

13 MR. VIRJEE: Objection. Calls for a legal  
14 conclusion. Calls for speculation. Lacks foundation.

15 THE WITNESS: Not that I know of.

16 Q. BY MR. VELEZ: Do you know of any consequences  
17 to a school for not attending an institute?

18 MR. VIRJEE: Objection. Vague and ambiguous as  
19 to "consequences."

20 MS. READ SPANGLER: Join.

21 MR. VELEZ: I'm talking about legal  
22 consequences.

23 MS. READ SPANGLER: Objection. Calls for a  
24 legal opinion.

25 THE WITNESS: I don't know about that.

1 working with the self-review program, is it your opinion  
2 that the self-review program helps the schools meet the  
3 requirements for self-review?

4 A. It's my opinion, yes, it's been a great  
5 benefit.

6 Q. Based on your experience and training in this  
7 area, is it your opinion that the self-review program  
8 for the schools helps them understand where they need to  
9 improve themselves?

10 A. Yes.

11 Q. And in helping the schools understand where  
12 they need to improve themselves, is it your opinion that  
13 the schools have actually made themselves -- made them  
14 better for the students?

15 A. Yes. Exactly.

16 Q. I understand at the last session there was some  
17 discussion of something called institutes?

18 A. Institutes, right.

19 Q. Forgive me if I have a misunderstanding. It's  
20 my understanding that at these institutes, that it's  
21 sort of a CCR review training session or workshop?

22 A. Yes, it is.

23 Q. So some of the school districts attend these  
24 institutes?

25 A. In fact, all of them on the cycle, all of them

1 Q. BY MR. VELEZ: You just don't know?

2 A. No.

3 Q. There was some discussion earlier about how the  
4 CCR reviewers are directed to help the schools bring  
5 certain items into compliance if they're not compliant.

6 Do you remember that line of testimony?

7 A. Yes.

8 Q. Do you have any personal knowledge of reviewers  
9 having done that with school districts?

10 A. Yes.

11 Q. Based on your experience with that process, is  
12 it your opinion that the assistance the reviewers give  
13 to the schools helps them come into compliance with the  
14 rules and regulations?

15 A. Yes.

16 Q. When a reviewer provides assistance to a school  
17 or district, are they supposed to put down in writing  
18 what type of assistance they provided?

19 MR. VIRJEE: Objection. Vague and ambiguous.

20 THE WITNESS: I can answer it in a couple of  
21 ways. We have a debriefing at each school and that's  
22 done verbally, and when we're finished with the  
23 district, we give them verbal support. And every report  
24 that you will review in the summary of findings will be  
25 what we have indicated that they need to do in order to

1 come into compliance with the items that were found  
 2 under the program area.  
 3 Q. BY MR. VELEZ: Would it be fair to say that at  
 4 least, let's say, 20 percent of the assistance post  
 5 review that a reviewer might give might be verbal?  
 6 A. I don't understand that question.  
 7 MS. READ SPANGLER: If you don't understand --  
 8 Q. BY MR. VELEZ: If you take all the assistance a  
 9 reviewer gives a school or district and you try to parse  
 10 out how much of that was verbal and how much of that was  
 11 written, can you give me an estimate of on average,  
 12 based on your experience in talking with the reviewers,  
 13 how much of that might be verbal?  
 14 MR. VIRJEE: Objection. Calls for speculation.  
 15 Lacks foundation.  
 16 MS. READ SPANGLER: Vague as to time.  
 17 THE WITNESS: 50 percent.  
 18 MR. VELEZ: I just need to go over a couple  
 19 notes real quick, but I don't think I have anything  
 20 more. Thank you.  
 21 Q. I'm unclear on some testimony that may have  
 22 come out last time. There was discussion regarding  
 23 sufficiency of textbooks.  
 24 Do you recall that general line of questioning?  
 25 A. Yes.

1 Q. With respect to what the CCR looks for, does  
 2 sufficiency of textbooks mean simply the number of  
 3 textbooks available to the students?  
 4 A. Under the IPI standards and what we look for to  
 5 determine compliance and what we need to do while we're  
 6 out there, we just simply say that appropriate materials  
 7 are available and appropriate supplemental materials  
 8 enable students to learn the district's core curriculum.  
 9 Q. So, for instance, an example of materials might  
 10 be photocopies of educational materials?  
 11 A. Uh-huh.  
 12 Q. Might be other nontextbook materials, such as,  
 13 let's say, journal articles or even magazine articles?  
 14 A. Yes, could be that too.  
 15 Q. And those types of materials that we just  
 16 discussed, those would not necessarily be improper or  
 17 noncompliant?  
 18 A. Not necessarily.  
 19 Q. And in some cases is there some curriculum that  
 20 does not involve textbooks?  
 21 MR. VIRJEE: Objection. Calls for speculation.  
 22 Lacks foundation.  
 23 MS. READ SPANGLER: Join. Calls for  
 24 speculation.  
 25 MR. VIRJEE: Overbroad.

1 Q. BY MR. VELEZ: Have you ever seen a situation  
 2 where a school has a curriculum that does not use  
 3 textbooks?  
 4 A. Let's see. I can't recall.  
 5 Q. Okay. Is there a part of the CCR forms that  
 6 addresses the sufficiency of the textbooks?  
 7 MR. VIRJEE: Objection. Asked and answered.  
 8 THE WITNESS: If it's going to be addressed, it  
 9 would be addressed in IPI I.  
 10 MR. VELEZ: Thank you very much.  
 11 MR. ROSENBAUM: Do you have any?  
 12 MS. READ SPANGLER: No.  
 13 MR. ROSENBAUM: I've got a few redirect  
 14 questions.  
 15 FURTHER EXAMINATION BY MR. ROSENBAUM  
 16 Q. You just answered, if I understood you  
 17 correctly, that the technical assistance that's  
 18 provided, sometimes it's oral and sometimes it's  
 19 written; is that right?  
 20 A. Uh-huh, or a combination of both.  
 21 Q. In your judgment, based on all your training  
 22 and experience, would it work any hardship to require  
 23 that all of the advice be written down so that a record  
 24 be kept of it?  
 25 MR. VIRJEE: Objection. Calls for speculation.

1 Vague and ambiguous. Overbroad.  
 2 MS. READ SPANGLER: Join.  
 3 MR. JORDAN: Join as to speculation.  
 4 MS. READ SPANGLER: Join as to speculation and  
 5 incomplete hypothetical.  
 6 MR. JORDAN: I like the incomplete hypothetical  
 7 objection too.  
 8 THE WITNESS: No hardship because that's our  
 9 practice now, current practice.  
 10 Q. BY MR. ROSENBAUM: Mr. Jordan asked you some  
 11 questions about model curriculum. Do you remember he  
 12 started off his questioning with that?  
 13 A. Yes.  
 14 Q. And he asked you generally what were the  
 15 components of model curriculum, do you remember that?  
 16 A. Yes.  
 17 Q. Now, I believe -- you tell me if I'm wrong, but  
 18 I understood you to say that there were certain  
 19 districts that in your mind did have model curriculum;  
 20 is that right?  
 21 A. Yes.  
 22 Q. Could you name which those districts are?  
 23 A. LA Unified, Poway, P-o-w-a-y, Fresno Unified,  
 24 and I believe Stockton Unified.  
 25 Q. With the exception of Inglewood, could you tell

1 me some districts that you feel do not have a model  
 2 curriculum or are on the other end of the spectrum?  
 3 MR. VIRJEE: Objection. Calls for speculation.  
 4 MR. VELEZ: Objection. Vague.  
 5 THE WITNESS: I really can't, except for  
 6 Inglewood.  
 7 Q. BY MR. ROSENBAUM: Okay. Also in response to  
 8 one of Mr. Jordan's questions, I believe you said that  
 9 you found the Los Angeles District had been cooperative  
 10 in developing an accountability process; is that right?  
 11 MR. VIRJEE: Objection. Misstates her  
 12 testimony.  
 13 MS. READ SPANGLER: Join.  
 14 Q. BY MR. ROSENBAUM: Am I misstating your  
 15 testimony?  
 16 MR. VIRJEE: Objection. Misstating her  
 17 testimony. Her testimony will speak for itself.  
 18 THE WITNESS: You need to repeat.  
 19 Q. BY MR. ROSENBAUM: My understanding was that  
 20 Los Angeles -- you had found Los Angeles cooperative in  
 21 terms of developing an accountability process; is that  
 22 right?  
 23 MR. VIRJEE: Objection. Misstates her  
 24 testimony.  
 25 MS. READ SPANGLER: Join.

1 THE WITNESS: I don't believe I said those  
 2 exact words.  
 3 Q. BY MR. ROSENBAUM: Tell me in sum or substance  
 4 what you did say regarding --  
 5 MR. VIRJEE: Objection. The testimony will  
 6 speak for itself.  
 7 Just ask her the question if you want to ask  
 8 her the question, not what did she say.  
 9 MR. ROSENBAUM: Go ahead.  
 10 MR. JORDAN: The record speaks for itself.  
 11 MR. VIRJEE: Sure does.  
 12 MS. READ SPANGLER: Join.  
 13 MR. ROSENBAUM: Go ahead.  
 14 THE WITNESS: That we report together in making  
 15 their proposal work, as a summary.  
 16 Q. BY MR. ROSENBAUM: "We" includes you; is that  
 17 right?  
 18 A. Yes.  
 19 Q. And you found that Los Angeles welcomed an  
 20 effective accountability process; is that right?  
 21 MS. READ SPANGLER: Objection. Leading.  
 22 MR. VIRJEE: Objection. Misstates her  
 23 testimony. Also vague and ambiguous as to  
 24 "accountability process."  
 25 I don't think she testified as to anything

1 about an accountability process.  
 2 MS. READ SPANGLER: Join.  
 3 MR. VIRJEE: We've been talking about CCR for  
 4 the last two days.  
 5 THE WITNESS: I agree.  
 6 Q. BY MR. ROSENBAUM: Okay. You found that Los  
 7 Angeles welcomed developing an effective self-review  
 8 process; is that right?  
 9 MS. READ SPANGLER: Objection. Leading.  
 10 MR. VIRJEE: Also misstates her testimony.  
 11 MR. ROSENBAUM: Go ahead.  
 12 THE WITNESS: It has been stated that we worked  
 13 together so that they would be successful.  
 14 Q. BY MR. ROSENBAUM: Successful in --  
 15 A. In the self-review process, as well as their  
 16 validation review.  
 17 Q. And they welcomed that assistance?  
 18 A. Yes.  
 19 Q. And did they ever express why they were  
 20 welcoming working cooperatively?  
 21 A. No. No.  
 22 Q. Are they the only district that worked  
 23 cooperatively with you?  
 24 A. No.  
 25 Q. Which other districts?

1 A. San Juan, Oakland, those three.  
 2 MS. READ SPANGLER: I'm going to make a belated  
 3 vague and ambiguous objection as to the word  
 4 "cooperatively."  
 5 In what respect?  
 6 MR. ROSENBAUM: I don't have anything further.  
 7 Thank a lot.  
 8 MR. VIRJEE: Do you want to do some kind of  
 9 stipulation?  
 10 (Discussion held off the record.)  
 11 MR. VIRJEE: When we were off the record, we  
 12 stipulated to relieve the court reporter of her  
 13 obligations under the code, that a copy and the original  
 14 of the transcript will be prepared by the court reporter  
 15 and sent to Cara Read Spangler, and that  
 16 Ms. Clark-Thomas will have 45 days to review the  
 17 transcript, make any changes, and that once those  
 18 changes have been made, if any, the State Department of  
 19 Education will inform us of those changes, if any,  
 20 within 10 days of the 45 day period.  
 21 MS. READ SPANGLER: That's fine.  
 22 MR. ROSENBAUM: And if no changes are made by  
 23 45 days?  
 24 MR. VIRJEE: It will be deemed -- if it's not  
 25 signed, it will be deemed signed, a copy can be used at

1 the time of trial in lieu of the original.  
2 MR. ROSENBAUM: Okay. I'll stipulate to that.  
3 Okay.

4 MR. VELEZ: So stipulated.  
5 MS. READ SPANGLER: That's fine.  
6 (The deposition concluded at 3:13 p.m.)  
7 ---o0o---

8 Please be advised that I have read the  
9 foregoing deposition. I hereby state there are:

10 (check one) \_\_\_\_\_ NO CORRECTIONS  
11 \_\_\_\_\_ CORRECTIONS ATTACHED  
12  
13

14 \_\_\_\_\_  
Date Signed

15  
16 \_\_\_\_\_  
ELEANOR M. CLARK-THOMAS

17 Case Title: Williams vs State of California  
18 Date of Deposition: Tuesday, April 10, 2001  
19 ---o0o---

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25

1 REPORTER'S CERTIFICATE

2  
3 I certify that the witness in the foregoing  
4 deposition,  
5 ELEANOR M. CLARK-THOMAS,  
6 was by me duly sworn to testify the truth, the whole  
7 truth, in the within-entitled cause; that said  
8 deposition was taken at the time and place therein  
9 named; that the testimony of said witness was reported  
10 by me, a duly certified shorthand reporter and a  
11 disinterested person, and was thereafter transcribed  
12 into typewriting.

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

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 this 17th day of April, 2001.  
19  
20  
21  
22

23 \_\_\_\_\_  
TRACY LEE MOORELAND, CSR 10397  
24 State of California  
25

1 DEPONENT'S CHANGES OR CORRECTIONS

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

5 DEPOSITION OF: ELEANOR M. CLARK-THOMAS, VOLUME II  
CASE: WILLIAMS VS STATE OF CALIFORNIA

6 DATE OF DEPOSITION: TUESDAY, APRIL 10, 2001

7 I, \_\_\_\_\_, have the following  
corrections to make to my deposition:

8	PAGE	LINE	CHANGE/ADD/DELETE
9			
10	_____	_____	_____
11	_____	_____	_____
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24	_____	_____	_____

25 ELEANOR M. CLARK-THOMAS \_\_\_\_\_ DATE \_\_\_\_\_