

No. 22-15827

In the United States Court of Appeals for The Ninth Circuit

FELLOWSHIP OF CHRISTIAN ATHLETES, AN OKLAHOMA CORPORATION, ET AL.,
Plaintiff-Appellants,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION, ET AL.,
Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Honorable Haywood S. Gilliam, Jr.
(4:20-cv-02798-HSG)

EXCERPTS OF RECORD VOLUME 9 of 10

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Deposition of:
Jennifer Thomas

June 24, 2021

In the Matter of:

**Sinclair, Elizabeth et alv. San Jose
Unified School District Board of
Education et al**

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH SINCLAIR, CHARLOTTE)
 KLARKE, and FELLOWSHIP OF)
 CHRISTIAN ATHLETES, an)
 Oklahoma corporation)
)
 Plaintiffs)
)
 VS.) CASE NO. 5:20-CV-02798-LHK
)
 SAN JOSE UNIFIED SCHOOL)
 DISTRICT BOARD OF EDUCATION,)
 in its official capacity,)
 NANCY ALBARRÁN, in her official)
 and personal capacity, HERBERT)
 ESPIRITU, in his official and)
 personal capacity, and PETER)
 GLASSER, in his official and)
 personal capacity)
)
 Defendants)
)

REMOTELY CONDUCTED RULE 30(b)(6) DEPOSITION OF
 SAN JOSE UNIFIED SCHOOL DISTRICT
 JENNIFER THOMAS
 San Jose, California (Witness' location)
 Thursday, June 24, 2021

Reported stenographically via videoconference by:
 LYDIA ZINN
 RPR, FCRR, CSR No. 9223
 Job No. PA 4624407
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH SINCLAIR, CHARLOTTE)
KLARKE, and FELLOWSHIP OF)
CHRISTIAN ATHLETES, an)
Oklahoma corporation)

Plaintiffs)

VS.)

CASE NO. 5:20-CV-02798-LHK

SAN JOSE UNIFIED SCHOOL)
DISTRICT BOARD OF EDUCATION,)
in its official capacity,)
NANCY ALBARRÁN, in her official)
and personal capacity, HERBERT)
ESPIRITU, in his official and)
personal capacity, and PETER)
GLASSER, in his official and)
personal capacity)

Defendants)

Remotely conducted Rule 30(b)(6) deposition of
SAN JOSE UNIFIED SCHOOL DISTRICT, JENNIFER THOMAS, taken on
behalf of Plaintiffs, at San Jose, California, beginning at
9:03 a.m. and ending at 5:17 p.m., on Thursday, June 24,
2021, before LYDIA ZINN, Certified Shorthand Reporter
No. 9223.

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1 San Jose, California

2 Thursday, June 24, 2021, 9:03 a.m.

3 JENNIFER THOMAS,

4 called as a witness by the Plaintiffs, having been duly
5 sworn, testified as follows:

6 EXAMINATION

7 BY MR. BLOMBERG:

8 Q. Hi, Ms. Thomas. My name is Daniel Blomberg. We were just
9 talking a minute ago. I just wanted to introduce myself on the
10 record. I'm counsel for the plaintiffs in this case.

11 And before we get started on questions and back-and-forth,
12 I'd just like to -- Amy, to go ahead and memorialize that we
13 have stipulated our consent to this manner of deposition, and
14 that we waive any objection to this manner of deposition.

15 MS. LEVINE: We've stipulated to conduct this by
16 videoconference, so we stipulate to that.

17 MR. BLOMBERG: All right. Thank you.

18 Q. Jen, by this point you've heard all of the ground rules
19 many times. I'll just go through them one more time.

20 A. I can always hear them again.

21 Q. Exactly, exactly. So please provide verbal answers --
22 "yes" and "no" -- and not so much the nodding or shaking your
23 head or saying "uh-uh" or "uh-huh," since it's just hard to
24 make a record with that.

25 If you have any trouble with the technology any difficulty

1 hearing me, any difficulty seeing the exhibits, please just let
2 us know, and we'll get that fixed straightaway.

3 And actually, do we have -- I forgot to ask. Do you have
4 Exhibit Share up on your computer so that you can see the
5 exhibits?

6 A. I do. I have a laptop for the video, and a separate
7 computer with the exhibits folder.

8 Q. Okay. Perfect, perfect.

9 And then as we go through, just like we did yesterday,
10 just click on that Marked Exhibits folder, and it should
11 refresh so you can see the exhibits. And we'll just look them
12 through together.

13 A. Got it.

14 Q. As we were talking about earlier, if you need a break for
15 any reason -- for your back or for something else -- please
16 just let us know, and we'll accommodate that as soon as
17 possible.

18 If we're in the middle of a question or something like
19 that, we might need to finish that out, but we'll definitely,
20 definitely make sure we accommodate you.

21 A. Thank you.

22 Q. As we're going through, if you could please not
23 communicate with anyone other than your counsel, the court
24 reporter, and me during the deposition. If you need to take a
25 phone call or engage in other communication, just let us know,

1 and we can accommodate that.

2 A. Certainly. Everybody knows it's emergencies only, so I
3 should be in good shape.

4 Q. Great. And then as we're going, please don't review any
5 other documents during the deposition, unless you tell me about
6 them first and we get a chance to talk about that. Just focus
7 on the Veritext portal and the documents that we'll be showing
8 through Exhibit Share.

9 A. Got it.

10 Q. And then as we're going, you know, the court reporter just
11 administered the oath. Until we complete the deposition today,
12 you'll be under oath. And so please don't talk with anybody
13 about the substance of your testimony today before we complete
14 the deposition, unless you're talking with your counsel about
15 whether to assert a privilege. Does that make sense?

16 A. Yes, it does.

17 Q. All right. Great.

18 MR. UPTON: I'm sorry to interrupt. I only have the
19 exhibits from yesterday. I'm logged in, but it doesn't show
20 today's. Is there a separate way?

21 MR. BLOMBERG: You know, I was a little confused by
22 it as well. It's actually above the Steven McMahon folder. So
23 if you look up, it goes -- it says "Deposition of School
24 District 6-24-2021." Do you see that one, that folder?

25 THE WITNESS: It's still empty. Right, Daniel? I

1 mean, you haven't posted anything in there?

2 MR. BLOMBERG: That's right. You can just see the
3 folder. There's not any documents in it.

4 MR. UPTON: I just have Steve McMahon. I don't --

5 MR. BLOMBERG: Okay. Well, let's do this. Let's --

6 MR. UPTON: We can work on it. You can go ahead and
7 continue. And if there's someone that can look at it --

8 MR. BLOMBERG: Yes.

9 MR. UPTON: Do we have a tech person on the -- on the
10 call?

11 MR. BLOMBERG: I don't think we have one on the call,
12 but we do have one available to us. And so I'll have our
13 paralegals contact the tech person, and they'll loop you in so
14 we can get that taken care of for you.

15 The only two exhibits we're going to be looking at early
16 on is just going to be the 30(b)(6) notice, and then the
17 defendant's objections to the 30(b)(6) notice. So probably,
18 you know, for a while, that's the only thing we'll be looking
19 at. So you have copies of those already.

20 MR. UPTON: Great. Thank you.

21 MR. BLOMBERG: Absolutely. Thanks for flagging it,
22 Ken. Let's see.

23 Q. Jen, can you please state your name for the record?

24 A. Sure. My name is Jennifer Thomas.

25 Q. And do you understand that you're testifying under oath

1 today, the same as you would if you were testifying in a
2 courtroom?

3 A. I do.

4 Q. Is there anything that would prevent you from thinking
5 clearly or testifying truthfully today?

6 A. No.

7 Q. All right. I'm going to understand that you -- or I'm
8 going to assume that understand my questions unless you tell me
9 otherwise. Is that fair?

10 A. Yes.

11 Q. All right. Have you ever been deposed before?

12 A. Yes. Once.

13 Q. And when was that --

14 A. 2017.

15 Q. -- roughly? 2017?

16 A. Mm-hm.

17 Q. All right. What was the general context? Not the
18 specific subject matter. What was it generally about?

19 A. It was a personnel matter regarding a termination.

20 Q. Okay. And do you understand that you're here today as
21 what's known as a Rule 30(b)(6) witness, that you're here to
22 testify on behalf of the District in this matter?

23 A. I do.

24 Q. And let me -- we'll go ahead and make our first use of the
25 Veritext exhibit portal. So if you go to that Marked Exhibits

1 folder, in just a minute you should -- it's going to pop up
2 with the 30(b)(6) Notice of Deposition.

3 A. Okay.

4 Q. Just let me know when you see it.

5 A. I have it.

6 Q. All right. Can you go ahead and open it for me?

7 A. I did.

8 Q. All right. And you see how it's marked Exhibit 97 on the
9 first page?

10 A. I do.

11 (Deposition Exhibit 97 marked for identification.)

12 BY MR. BLOMBERG:

13 Q. And then if you scroll down to the -- about the third
14 page, there's a document entitled "Exhibit A"?

15 A. I see it.

16 Q. Have you ever seen this document before?

17 A. I have.

18 Q. Have you prepared to testify regarding the topics on this
19 document, with the exception of -- I think it's 8 and 9, topics
20 8 and 9?

21 A. Yes.

22 THE REPORTER: Excuse me, Counsel. Ms. Colby dropped
23 off our call, and she's reentering the room now.

24 MR. BLOMBERG: Okay. Thank you very much.

25 Q. What is your current position at the San Jose Unified

1 School District?

2 A. I'm the manager of risk management and benefits.

3 Q. And what -- what are your duties in that role?

4 A. I oversee a variety of programs for San Jose Unified,
5 including implementation of our Workers' Compensation system,
6 and monitoring the vast majority of our liability cases.

7 Q. And what does that entail for you? What's the kind of
8 day-to-day responsibility of those two things you identified?

9 A. Well, in considering Workers' Compensation, I ensure that,
10 you know, our employees have access to the benefits that
11 they're entitled to, ensure that they move through the system,
12 provide the support they need, work with the vendors, et
13 cetera.

14 In terms of liability, it's the case that's in our office.
15 I work with counsel to make sure -- well, first I make sure
16 that the initial procedures are properly followed if it's a
17 Government Code claim. Work with our insurance companies in
18 terms of coverage. And then work with counsel on issues like
19 discovery and legal strategy. Keep the Board and the
20 superintendent updated as appropriate.

21 Q. Okay. And what do you mean when you say "Government
22 Code"? What does that mean?

23 A. So because we're a public entity, people who are
24 considering suing us must first file a claim with the School
25 Board under the Government Code whose number I don't recall off

1 the top of my head. So in order to seek relief, they must
2 first ask for that from the School Board. And we have a
3 specific procedure that we support members of the public in
4 engaging in. And then we help them follow that.

5 And then the Board makes a decision, and then lets us
6 know if it's been accepted or rejected.

7 And then the party can choose to pursue legal action if
8 they like.

9 Q. And do you just manage that part of the process, or do you
10 manage also if they choose to pursue legal action?

11 A. Depends on the nature of the complaint. If it's, like I
12 said, general liability, well, I manage both ends of it. So we
13 take it from the Board complaint through resolution if
14 there's a lawsuit.

15 Q. How long have you been in this current role?

16 A. Two years.

17 Q. What was your position prior to that?

18 A. I was a senior manager for employee and labor relations
19 for the Portland public schools.

20 Q. In Portland, Oregon?

21 A. In Oregon, yes.

22 Q. All right. And how long were you there?

23 A. Two years.

24 Q. Two years. Okay. And what was your responsibility there?

25 A. I oversaw all aspects of employee and labor relations,

1 including contract management, bargaining, collective
2 bargaining, grievances, arbitrations. I provided advice for
3 supervisors dealing with basic, basic issues of employment.

4 Q. Okay. And before that what positions did you hold?

5 A. Before that I served as president of the San Jose
6 Teachers' Association for the San Jose Unified School District.

7 Q. And what was your responsibility there?

8 A. So I represented all of the teachers, all of the educators
9 in that bargaining unit, managing their working conditions with
10 the San Jose unified School District.

11 Q. And how long were you in that role?

12 A. Five years.

13 Q. Five years. So that was roughly from about 2013, 2017?
14 Something in there?

15 A. 2012.

16 Q. 2012. Okay. Okay. And then before that?

17 A. I was a teacher and instructional coach for San Jose
18 Unified.

19 Q. Any particular schools within San Jose?

20 A. Lincoln High School and Pioneer High School.

21 Q. Okay. And were you at Lincoln and Pioneer at the same
22 time, or were they two separate positions you held?

23 A. Two separate positions.

24 Q. And so when were you at Pioneer?

25 A. I was at Pioneer from 2007 to 2010.

1 Q. And what was -- what teaching did you do at Pioneer?

2 A. I was an English teacher.

3 Q. My wife's an English teacher as well. Immeasurably helped
4 my grammar.

5 A. Sorry.

6 Q. Well, she's sorry, too, because it hasn't helped enough.

7 Did you do anything else at Pioneer besides teach English?

8 A. I did. I was the ELD coordinator, meaning I was
9 responsible for ensuring services were provided to students who
10 were nonnative English speakers. And I also coached the mock
11 trial team.

12 Q. And did you do that the entire -- both of those other
13 roles the entire time you were at Pioneer?

14 A. No. I think I was the ELD coordinator the last two years.
15 And I think I always volunteered with the mock trial team.

16 Q. Gotcha. And was the mock trial team -- is that a student
17 club, or is it something else?

18 A. I think it was a class. I -- I volunteered as a coach. I
19 don't remember quite the specifics, but I think -- I think the
20 students received credit for it. It was certainly supervised
21 by certificated personnel, and then some volunteers.

22 Q. Gotcha. And what did you teach when you were at Lincoln?

23 A. English.

24 Q. Okay. And how long were you at Lincoln?

25 A. So it's a little -- well, I was at Lincoln from 2001 to

1 2005.

2 Q. Mm-hm.

3 A. My husband -- there's a little bit of a gap. My husband
4 and I were in Kansas for two years. So Lincoln, two years in
5 Kansas, and then Pioneer.

6 Q. Gotcha. Where in Kansas?

7 A. Wichita.

8 Q. My brother was there for a while. We were over in
9 Kansas City for a while. Liked it, but glad not to be there
10 anymore.

11 And okay. So -- and then so -- but both stints that you
12 were at Lincoln, you were teaching English?

13 A. Yes.

14 Q. Okay. And then did you -- did you have any other role at
15 Lincoln like you did at Pioneer?

16 A. Sure. No. I wasn't the ELD coordinator, but I did coach
17 mock trial.

18 Q. Okay. And was that through the entirety of your time
19 there, just like at Pioneer, volunteering?

20 A. Actually, I think I was the teacher of record for mock
21 trial, I think, the last three years that I was there.

22 Q. Okay. And do you recall if the mock trial team at Lincoln
23 was a student club or if it was something else?

24 A. It was a class. It was an extracurricular activity, but
25 it was for course credit.

1 Q. Okay. And I apologize. When I'm looking over here, it's
2 not because I'm not listening to you. That's just where my
3 document is. You know, you have your screen here and laptop
4 there. That's what's going on. So...

5 A. No problem.

6 Q. Okay. Who do you work with within the District office
7 in your current role?

8 A. I work with a variety of directors and assistant
9 superintendents. Jacqueline Murphy is our director of HR.

10 I work with -- Dominic Bejarano is the superintendent for
11 administrative services.

12 There have been some changes, so I'm trying to remember
13 the correct roles.

14 Steve McMahon is the deputy superintendent.

15 I occasionally report to the superintendent,
16 Nancy Albarrán, on projects and information, and as the Board
17 liaison.

18 I occasionally work with Jodi Lax, depending on where my
19 work overlaps.

20 I do a lot of work with our facilities staff, Denny Pini
21 and Marty Herrera. A lot of those folks are on the operations
22 and warehouse team, because a lot of my role also involves
23 hazardous materials and safety.

24 Q. Hazardous materials in the School District?

25 A. Sure. You know, we have a lot of hand sanitizer right

1 now. Formaldehyde we store the frog parts in. That's all --
2 our stormwater system is highly regulated. Where we are store
3 our buses, we store gasoline. So we are extremely compliant in
4 all those areas.

5 Q. Good. Good. That's good to hear.

6 So I think you mentioned earlier you managed the case side
7 of things, you know, when things are moving through, and
8 there's a case that you're kind of overseeing within your
9 division. Who are you reporting to when you're managing the
10 case side of your -- your role?

11 A. It depends on what the need is.

12 Sometimes, you know, if we're just talking about settling
13 a case, if I report it to Dominic Bejarano, he'll need to
14 report to the Board on open litigation.

15 If it's about strategy or how we proceed, I may definitely
16 convene with Steven McMahon and Dominic, sometimes with the
17 Board, depending on how they would like to proceed, based only
18 the case.

19 So I report a lot what's happening. I have some authority
20 to -- to make some strategic decisions myself, and then get
21 guidance from various members of Supe's Council.

22 Q. Okay. And so, for instance, in the context of the action
23 that brings us here today, who were the people you were
24 regularly talking with about the FCA matter?

25 A. It depends what element of the -- where we are.

1 So, you know, initially when the matter was filed, you
2 know, I get direction on what our approach is going to be from
3 the superintendent and the deputy superintendent, but basically
4 whether or not we choose to proceed.

5 Then sometimes I need to consult on certain -- certain
6 factual issues for discovery purposes. That might be
7 Dominic Bejarano, Dane Caldwell-Holden, those folks. But
8 generally just that team.

9 Q. Now, when you say "for discovery purposes," is that for
10 your own internal, you know, investigation of the situation, or
11 is it like responding to discovery requests that you've
12 received from the plaintiffs?

13 A. Just responding to discovery requests. And part of my
14 role isn't necessarily to conduct additional investigation.

15 Q. Okay. Okay. And so then on the first section of things
16 that you were talking about, kind of talking through the
17 strategy and direction of how you were going to manage the
18 situation -- that was with the superintendent and with the
19 deputy superintendent?

20 A. Yes, but not anything terribly complex. We've received
21 the lawsuit. And we're represented by DWK. We're proceeding.

22 You know, at that point somebody could say -- I don't know
23 what they could say to interrupt the regular flow of things,
24 but a lot of it's just acknowledging that we've received it,
25 we're represented by counsel, and we'll proceed like we

1 normally do.

2 Q. Okay. And were you involved at all with managing the --
3 kind of the controversy before there was a lawsuit?

4 A. Can -- there was -- there was, I think -- a lot of things
5 happened prior to the lawsuit. So do you mean from the initial
6 Pioneer site issues, or when CLS became involved? Do you
7 want -- can you narrow the scope for me a little bit?

8 Q. Yeah, yeah. Absolutely. So just kind of taking it step
9 by step, in -- I think it was, you know, kind of March to May
10 2019 where some of the original controversy arose -- April or
11 May of 2019 when the original controversy arose.

12 And then in May 2019 when FCA at Pioneer was derecognized
13 from the ASB program, were you involved in any of that at that
14 point?

15 A. If I recall correctly, the calendar's a blur, and not just
16 because of the pandemic. I -- it's not my favorite, but I
17 don't think I became involved at all until the decision had
18 already been made to derecognize FCA. And that -- that -- that
19 decision wouldn't be something that somebody in my office would
20 generally be involved in.

21 I believe that I started supporting Katie Chang a little
22 bit when she was doing a public records request for CLS. And I
23 think all of that was after the derecognition. So I'm going to
24 say probably starting around the public records request time,
25 and then moving forward as we --

1 Q. Okay.

2 A. -- kind of engaged more on the legal side.

3 Q. Okay. And so -- and so the derecognition decision for
4 Leland and Willow Glen -- you wouldn't have been involved in,
5 you know, discussions about those?

6 A. No. That really --

7 Q. Okay.

8 A. -- isn't my purview for sure.

9 Q. Okay. And so then your recollection is that your first
10 significant involvement was about the time that the public
11 records request came in from CLS, and you were helping
12 Katie Chang with responding to those?

13 A. Yes, in that I -- she was going to be leaving the
14 District. So I think she wanted to make sure I had the
15 documents. I don't think I actually was much involved in the
16 production of the documents.

17 Q. Okay. So did she provide the documents to you, and then
18 she also provided them to CLS? Is that how it worked?

19 A. She did --

20 Q. Okay.

21 A. -- make sure that we had them, you know, in case of
22 pending litigation or if there were additional questions.

23 Q. All right.

24 A. I became the lucky public records officer.

25 Q. That's part of your job, too?

1 A. No. Just in case they came -- just in case they came
2 back. Fortunately, no, we have a public information officer,
3 should anybody like to request additional records.

4 Q. Gotcha, gotcha. Okay. And then from that time on, were
5 you involved in the discussions about what was going on with
6 FCA and CLS and the District's response?

7 MS. LEVINE: Objection. Vague.

8 THE WITNESS: I would say intermittently. In seeing
9 some of the documents that were produced, I can see some that I
10 was aware of and some that I was not aware of. So I do have --
11 I was involved, but I wouldn't say in every single aspect.

12 BY MR. BLOMBERG:

13 Q. One thing I should have mentioned earlier is that Amy,
14 your counsel, will make objections to the questions or concerns
15 she has about how it's coming up. That's, of course, totally
16 fine.

17 Unless she instructs you not to answer the question,
18 though, you can just go ahead and answer the question after
19 she's made her objection.

20 THE WITNESS: Great. Thank you.

21 BY MR. BLOMBERG:

22 Q. All right. Let's see. Did you have any direct
23 interaction with Principal Espiritu regarding the FCA matter?

24 MS. LEVINE: Vague.

25 THE WITNESS: I -- I will say yes, but not -- the

1 only part of --

2 MS. LEVINE: Objection. I was just going to say, you
3 know, to the extent it calls for attorney-client-privileged
4 communications or if it was something where you were
5 communicating with him at our behest, then don't answer that.

6 But you can otherwise answer.

7 THE WITNESS: Okay. It is hard to separate, you
8 know, talking to Herb Espiritu about some of the machinery of a
9 lawsuit and what was going to happen, from times I might have
10 asked him for basic documentation, probably all around the
11 discovery process.

12 But in terms of the decision making, no, I wasn't -- I
13 didn't advise him on any of that.

14 (Reporter requested clarification.)

15 THE WITNESS: I didn't advise him on any of that.

16 MR. BLOMBERG: Lydia, you're good?

17 THE REPORTER: We're good. Thanks. Sorry for the
18 interruption.

19 THE WITNESS: I'm told I'm too loud, so I will try to
20 remember to be loud enough.

21 BY MR. BLOMBERG:

22 Q. Did you have any direct interaction with Mr. Glasser
23 regarding the FCA situation?

24 MS. LEVINE: The same instruction. So to the extent
25 that you were interacting with him because of the direction of

1 counsel, then don't answer that. But you can otherwise answer.

2 THE WITNESS: I would say other than to advise him of
3 how this would work, what a deposition is, et cetera,
4 everything else was under the -- under the purview of
5 conversations with counsel.

6 BY MR. BLOMBERG:

7 Q. And so you spoke with him about how to prepare for a
8 deposition?

9 A. No.

10 Q. Okay.

11 A. What a lawsuit -- what a lawsuit is, and that he'd be
12 represented. Some of the basics of employment coverage under
13 our insurance policies and basic practices.

14 Q. And so other than conversations with counsel, you don't
15 recall interactions with Peter Glasser previous to that
16 conversation you just mentioned about how the lawsuit was
17 managed?

18 A. I don't recall any, no. I will say I've known Peter for a
19 long time. So I can't say that, in passing, we might not have
20 spoken of it. But we didn't have any substantive conversations
21 that I recall.

22 Q. All right. And you don't recall him coming to you and
23 asking for guidance on how to manage the situation or deal with
24 any of the things going on with the FCA?

25 A. "Any of the things" seems like a really kind of broad

1 thing. I -- certainly not in terms of what he was going to say
2 or do, no. I don't recall giving him any advice in that
3 regard.

4 Q. And you don't recall him asking for advice from you
5 directly about, you know, how to -- how to interact with FCA on
6 this issue?

7 MS. LEVINE: Vague. And overbroad as to time.

8 THE WITNESS: I -- I don't recall him asking for
9 advice on how to engage with FCA, no. No, I don't.

10 BY MR. BLOMBERG:

11 Q. Did you have any interaction with Dane Caldwell-Holder
12 [sic] regarding this -- the FCA matter?

13 A. Just to clarify, it's Holden, H-o-l-d-e-n.
14 Dane Caldwell-Holden.

15 Q. Thank you. Thank you.

16 A. Sure. No problem.

17 Intermittently, yes, I've spoken with Dane. He was
18 involved in some of the preliminary issues to get information
19 from him generally, again, for discovery purposes.

20 Q. And setting aside any conversations that you had with him
21 pursuant to counsel, what did you talk to him about regarding
22 the FCA matter?

23 A. Initially I discussed with him the procedure for the
24 Uniform Complaint, the Uniform Complaint procedure, what we
25 needed to do to address that, and who would handle that. That

1 was a pretty substantial conversation he and I had.

2 Subsequent to that we talked about his involvement in
3 ensuring that the protest was safe at Pioneer. I asked him to
4 describe to me what happened, because I didn't know the facts.

5 Q. And -- so did you tell him what the -- the UCP procedure
6 would be, and who should handle that?

7 A. No. I -- I asked him. He's our coordinator for that
8 procedure. So --

9 Q. Okay.

10 A. -- I inquired of him.

11 Q. And roughly when did you have that conversation with him?
12 Can you recall?

13 A. Sure. I believe that the complaint from CLS to the CDE
14 saying -- stating that we had failed to respond to the UCP was
15 in April. I think we were shut down. So April of 2020.

16 Q. So shut down for COVID?

17 A. Yes.

18 Q. Okay. And do you recall any other conversations with
19 Mr. Caldwell-Holden regarding the UCP process?

20 A. I think I did follow up kind of asking for a status check
21 on whether or not we had met the obligation to complete the
22 investigation. I'm a little vague about it, but I think I was
23 still looking for the report subsequent to that first inquiry.

24 Q. Did he tell you that a report had been issued regarding
25 the UCP investigation?

1 A. He did not.

2 Q. Did he indicate whether one was forthcoming?

3 A. He indicated that the response to the CDE had identified a
4 different investigating officer.

5 Q. A different investigating officer other than him?

6 A. Yes.

7 Q. And who was that other alternative investigating officer?

8 A. Dominic Bejarano.

9 Q. And so he was the one responsible for seeing the UCP
10 process through to the end?

11 A. That's what Dane said he had identified in his letter to
12 the CDE.

13 Q. And do you recall if Mr. Bejarano completed the UCP
14 investigation?

15 A. You know, I don't have any indication that he didn't. I
16 haven't seen the report, but he wouldn't necessarily have
17 shared it with me.

18 Q. Okay. But you haven't had any conversation with him about
19 the UCP investigation?

20 A. I think I did follow-up with him once, asking for the
21 information, but he didn't respond to me, which is not unusual,
22 necessarily, given that I'm not the UCP officer.

23 Q. And roughly when was that inquiry to Mr. Bejarano?

24 A. I'm going to say probably in alignment with some of our
25 discovery process. I think in the late summer/early fall of

1 2020.

2 Q. And do you know why the switch from

3 Mr. Dane Caldwell-Holden to Mr. Bejarano?

4 A. I -- my understanding is under the UCP, different --
5 different investigators are responsible depending on the nature
6 of the allegation.

7 So I understand that Mr. Bejarano was identified because
8 it would be more appropriate. The subject of the investigation
9 more appropriately sat in his department.

10 Q. Okay. And then since that inquiry that you sent to
11 Mr. Bejarano, have you had any more visibility into the UCP
12 process? Do you know anything further about, you know, how it
13 turned out?

14 A. The UCP process or in this -- in this matter?

15 Q. Oh, thank you. Yes. The UCP process per this particular
16 matter.

17 A. I don't. My effort was to respond -- be responsive to, I
18 think, a discovery request.

19 And when I didn't -- was unable to unearth anything, I
20 didn't -- I didn't make additional inquiries.

21 Q. Okay. And did -- was -- did you get any information or do
22 you have any understanding of why this particular investigation
23 was more appropriate for Mr. Bejarano?

24 A. I believe it involved an allegation about the behavior of
25 an employee rather than necessarily student to student, which

1 sits in Student Services.

2 Q. Okay. Okay. So Mr. Bejarano would be more responsible
3 for allegations regarding employees, and Mr. Caldwell-Holden
4 would be responsible for ones regarding students?

5 A. That's how the UCP process was explained to me. And --
6 and that's -- that's my understanding of what happened here.

7 Q. Okay. So I'd like to ask you some questions about student
8 groups more generally. And so, just so that we understand each
9 other, when I'm talking about student groups, I'm talking about
10 student organizations that meet at District schools. Does that
11 make sense?

12 A. Yes.

13 Q. So I'm referring to a pretty broad swath, you know. The
14 ASB-approved student clubs, student interest groups, athletic
15 teams. Those are the ones I have in mind. Does that make
16 sense to you?

17 A. Sure. So are you excluding community groups who may --
18 like the Boy Scouts or people who may access our facilities
19 under kind of our community use? I mean, do you consider
20 those?

21 Q. Yes, ma'am. That's exactly right. So, to my mind, I'm
22 thinking of those kind of internal student groups that are
23 meeting within -- on campuses, not an external group like the
24 Boy Scouts who are accessing it in -- you know, like you said,
25 under a different legal avenue.

1 A. I got it.

2 Q. So are you aware of any other types of student groups,
3 other than the ones I mentioned: The ASB-approved student
4 clubs, student interest groups, and the athletic teams?

5 A. I mean, not that come to mind. I'm sure there are
6 informal gatherings of students that don't really fall under
7 any -- a formal process, but those seem to be the biggest
8 categories. Yes.

9 Q. Okay.

10 MS. LEVINE: Sorry, Daniel. You were going to
11 identify or mark our objections to the Notice. So I just
12 wanted to say that we did have some objections to the -- to the
13 scope and the definition of student groups. So I wanted to
14 just make clear that these are all subject to our -- our
15 objections as set forth in our written objections.

16 MR. BLOMBERG: Great. Thank you for that reminder,
17 Amy. Yes, we will introduce that as an exhibit here in just a
18 moment. It should pop up, I think, as Exhibit 98.

19 (Deposition Exhibit 98 marked for identification.)

20 MR. BLOMBERG: And, Jen, we won't -- I'm not going to
21 use that document for us to talk about, you know, back and
22 forth. But it will be here in case Amy wants to talk with you
23 about it later. That one's a little bit longer. So to the
24 extent we need to go back and look at the topics we'll, stick
25 with Exhibit 97.

1 But we should have Exhibit 98 popping up here shortly,
2 Amy, just so we have that taken care of. Yeah. It's up there
3 now.

4 MS. LEVINE: Thank you.

5 MR. BLOMBERG: All right. Okay.

6 BY MR. BLOMBERG:

7 Q. What is your office's responsibility, Jen, with regards to
8 student groups?

9 A. My office doesn't have any direct responsibility for
10 student groups.

11 Q. And so when you are interacting with a student group
12 issue, how is that coming to you?

13 A. Generally speaking, if a student group issue comes to our
14 office, there's been an issue of a safety concern.

15 I mean, it's -- it hasn't happened, but say there was an
16 accident, and we need an accident report. There was an issue
17 that -- that might lead to a claim being filed as a liability
18 issue. Those are -- those are really the only areas where we
19 might interact with them?

20 Q. Okay.

21 A. The concept of student groups on campus.

22 Q. Gotcha. Gotcha. Have you had any interactions with
23 student-group-related matter other than this one, the FCA
24 matter?

25 A. Not that I can think of, no.

1 Q. Why do some student -- excuse me. Sorry. Why do some
2 student groups receive ASB approval?

3 MS. LEVINE: Vague. Overbroad.

4 THE WITNESS: Well, student groups request ASB
5 approval. And if they meet the criteria, they'll receive ASB
6 approval.

7 BY MR. BLOMBERG:

8 Q. And why would a student group request ASB approval?

9 A. I believe that they like recognition by the ASB -- ASB.
10 And it comes with a certain benefits or certain elements of
11 assistance that they would find useful.

12 Q. What are some of those benefits?

13 A. One that's key is the ASB clerk makes sure to manage the
14 students' bank accounts, manage their fundraising. You know.
15 Makes sure everything is in compliance with the law. Help kids
16 learn how to run a budget, run a fundraiser. Keep everything,
17 you know, appropriate, clean.

18 I'm sure students appreciate, you know, being recognized
19 as an official club in their community, perhaps appearing in
20 the yearbook, holding fundraisers and supporting the things
21 that the club finds of value.

22 Q. And what were the -- I think you mentioned some assistance
23 that's available in addition to the benefits. What would be
24 some of those -- the types of assistance that an ASB-approved
25 student group would have access to?

1 A. I was really thinking of that --

2 MS. LEVINE: Jen, let's slow down so I can get my
3 objection.

4 THE WITNESS: Sorry.

5 MS. LEVINE: Vague. And it calls for speculation.
6 Go ahead.

7 THE WITNESS: When I say "assistance," I think I'm
8 thinking of that support from the ASB clerk in managing the
9 funds from a fundraiser.

10 BY MR. BLOMBERG:

11 Q. Okay. Okay. And in addition to the yearbook and the --
12 the value of recognition itself, and the kind of support from
13 the ASB clerk, is there anything else that you can think of
14 that is a benefit provided uniquely to ASB-approved clubs?

15 A. No, nothing that I can think of.

16 Q. Do you know roughly what percentage of students groups in
17 the District are ASB-approved?

18 A. I don't.

19 Q. Do you know roughly what percentage are ASB-approved at
20 Pioneer?

21 A. I'm sorry. I don't.

22 Q. And same question for Leland and for Willow Glen.

23 A. I don't.

24 Q. What steps does the student group have to take to receive
25 ASB approval?

1 A. They have to submit their constitution. They need to
2 ensure that they have a faculty advisor. They need to follow
3 any other requirements as established by their ASB at their
4 site. Those are -- those are the big ones. And then they
5 regularly meet.

6 Q. Okay. So the constitution. The -- have a faculty
7 advisor. And then meet any other requirements that the
8 location-specific ASB body has -- has placed on them?

9 A. If -- if any. Yes.

10 Q. Okay. Do they have to submit kind of a charter form to
11 get approval?

12 A. I'm not sure there's a significant difference between a
13 charter form and a constitution, but they need to have a
14 constitution. And I believe that the constitution also
15 requires bylaws.

16 Q. Okay. And do you know if there's any specific elements
17 that the constitution has to have in it?

18 MS. LEVINE: Vague as to time, and scope.

19 THE WITNESS: The constitutions, generally speaking,
20 describe the structure of the clubs, the leadership of the
21 clubs, membership requirement for the clubs, meeting dates.

22 I pause because they're not always consistent from site to
23 site. And it's something that we are -- that we're working on.

24 But all of the ones I've seen do have leadership
25 requirements [sic], membership requirements. I mean leadership

1 structure and membership requirements. And then, of course,
2 what the purpose of the club is.

3 BY MR. BLOMBERG:

4 Q. How often do ASB approval matters end up going to the
5 District for review?

6 A. My understanding is it's exceptionally rare.

7 Q. Are you aware of any situations where a ASB approval
8 matter has gone up to the District level, other than the FCA
9 matter we're talking about today?

10 A. I'm not.

11 Q. Is there any difference between a student group having ASB
12 approval, and then being kind of "officially" recognized?

13 A. No. I would consider those terms, as I apply them,
14 interchangeable; that ASB approval confers, as far as student
15 groups goes, kind of an official status for -- for the site.

16 Q. What are student interest groups, as distinct from
17 ASB-approved clubs?

18 MS. LEVINE: Vague. Vague and overbroad.

19 Go ahead.

20 THE WITNESS: Student interest groups are -- are
21 clubs that don't have ASB recognition, but are permitted to
22 meet on campus, and may have an advisor. They're permitted to
23 use space on campus, but they aren't officially ASB clubs.

24 BY MR. BLOMBERG:

25 Q. And what steps do they need to do to be able to kind of

1 organize and meet on space -- sorry -- meet on campus?

2 A. It seems that student interest groups are -- are really
3 collections of like-minded individuals. They don't need to
4 have an ASB constitution. They don't need official ASB
5 recognition, but they might get some support from the site in
6 terms of, like I said, a faculty advisor.

7 Oftentimes if a club does not meet the requirements for
8 ASB recognition, they are recognized as a student interest
9 group. And so it's almost like if you -- if you didn't receive
10 ASB recognition, you're still authorized to meet as a student
11 interest group. So it seems to be the route a lot of sites
12 take.

13 Q. Okay. And who is it who's making that decision on -- you
14 know, if they apply to be an ASB-recognized group, but they
15 don't get it, and so they become a student interest group,
16 who -- who makes that kind of determination for the District?

17 A. It's generally -- that is a --

18 MS. LEVINE: Misstates the testimony. Go ahead.

19 THE WITNESS: -- site-level decision.

20 (Reporter requests clarification.)

21 MS. LEVINE: I said "Misstates the testimony."

22 THE WITNESS: To the extent that that distinction is
23 explicitly made, it would be made at the site level based on
24 whether or not the individual clubs had met the criteria for
25 being ASB-recognized organizations. So probably the activities

1 directors, if necessary, in conjunction with the principal.

2 BY MR. BLOMBERG:

3 Q. Okay. Okay. So when you say "on-site," you mean the
4 specific school. Like Leland, when they're making a decision,
5 it's going to be the activities director, and maybe in
6 conjunction with the principal?

7 A. That's about accurate. Yes.

8 Q. Okay. You know about how many student interest groups
9 there are, as compared to how many ASB-approved groups there
10 are?

11 A. I don't.

12 Q. Do you have any sense of whether there's more ASB-approved
13 groups or less?

14 A. My understanding is from -- from a review of some of the
15 documents we've produced, is that it really depends on the
16 site. So some of our sites have an abundance of student groups
17 applying for ASB recognition. And they don't -- some of them
18 don't meet the criteria. For example, there's not a strong
19 community interest in having a group, which is, for example, an
20 important one at Leland versus a site like perhaps Gunderson,
21 where they have fewer clubs requesting recognition, and maybe
22 more -- more of the standard clubs, like Key Club or Interact
23 that generally receive ASB approval.

24 So it really depends on the culture of the site and the
25 context of the -- of the applications, and what the students

1 are looking to do. So it's hard to say. I think it varies
2 quite a bit.

3 Q. Thank you. For the 2020 through 2021 school year, did
4 some schools in the District have ASB-approved clubs?

5 A. Yes.

6 Q. Do you know which schools those were?

7 A. So it varied. A lot of clubs -- while we were not on
8 campus, clubs were not authorized for ASB approval mostly
9 because they -- they didn't need to have access to, for
10 example, the ASB account clerk, because we couldn't participate
11 in fundraisers when we weren't on site.

12 So my understanding is that as clubs returned to campus,
13 they were -- there was no prohibition that any club would --
14 sorry. There was no -- no expectations that clubs, when
15 returning to campus, would not be permitted to apply for ASB
16 recognition. So I'm not aware of any site that prohibited
17 that -- that application process when we reopened for in-person
18 instruction.

19 Q. And what sites are you familiar with that did, in fact,
20 end up with having an active ASB-approved clubs on campus
21 during the 2020/'21 school year?

22 A. I know that Lincoln High School did. I imagine that
23 Leland did. I'm really not certain. I haven't done an
24 assessment of what's happened since we reopened for in-person
25 instruction just in April. I know that Lincoln and Leland were

1 certainly moving in that direction. And I wouldn't be
2 surprised if the rest of our high schools were as well. Value.

3 Q. Oh, sorry. I spoke over you. Can you repeat that? I
4 missed it.

5 A. They know that that's something that students -- that it
6 was important to students.

7 Q. Do you know if Pioneer had any ASB-approved student clubs
8 operating during the 2020/'21 school year?

9 A. I don't have a section to the ASB-approved list, but I
10 know that the advisors were all sending some preliminary
11 documentation to the clubs, including the affirmation statement
12 which would have been expected for ASB approval. So I -- I can
13 infer that they were going the route of -- of ASB recognition.

14 Q. Okay. Switching gears slightly to just kind of record
15 keeping, how does the District keep track of records, you
16 know, employee records regarding emails and text
17 communications? Sorry. Let me re-ask that. That was a little
18 confusing.

19 How does the District keep track of its employees'
20 emails and text communications, if at all?

21 MS. LEVINE: I'm going to object to it being outside
22 the scope, as I understood it, because I think we had a
23 meet-and-confer before the Notice was sent that the plaintiffs
24 were interested in learning about record keeping that pertained
25 to redactions of student records, and not student -- not

1 District record keeping in general.

2 So as we understood, the scope of the deposition notice
3 was regarding student privacy interests and the documents.

4 MR. BLOMBERG: So topic number 15 is the District's
5 policies and practices regarding the use of maintenance of
6 records, including emails and text communications. So are you
7 saying that you didn't prepare your witness to testify on that
8 topic?

9 MS. LEVINE: Well, in our -- in our meet-and-confer
10 prior to that, the discussion was regarding student records.
11 And so we construed it in our objections to request information
12 regarding the redaction of records on the basis of student
13 privacy. So she can answer the questions as an individual, if
14 you want to proceed in that way.

15 MR. BLOMBERG: But you're just saying that you didn't
16 prepare her to answer the questions that I'm asking regarding
17 keeping employee emails and text communications?

18 MS. LEVINE: Correct.

19 MR. BLOMBERG: Okay. All right. Well, I'll ask the
20 questions. Just answer them as best you can, Jen.

21 THE WITNESS: Okay.

22 MR. BLOMBERG: And then we can talk about it, Amy,
23 afterwards regarding, you know, how we'll approach that. Okay.
24 Q. Okay. So can you -- I'm sorry. Let me just rephrase, you
25 know, restate the question. And this shouldn't take very long.

1 And then if your -- especially if your back would appreciate
2 it, we can take a short break. That would be good.

3 A. I'm doing okay. Thank you.

4 Q. Excellent. Great. So how does the District keep track
5 of employee emails and text communications?

6 A. The employee emails -- we have a records-retention policy.
7 For employee emails, we store them for three years.

8 If we have a text-retention policy, I'm not aware of it.

9 Q. Oh. And so all emails that are sent using the
10 District's email software will be kept for three years?

11 A. That's correct.

12 Q. All right. And you're not aware of any policy that
13 relates to keeping text communications?

14 A. I'm not explicitly, no.

15 Q. When a matter comes before you, like a case that you're
16 managing, is there any instruction to District employees to
17 make sure they keep relevant communications, and don't destroy
18 them?

19 A. If -- if given to us by counsel, yes. Sometimes it's --
20 sometimes there's a litigation hold. We'll share it with
21 employees, certainly.

22 Q. Well, other than that, there's not anything that you'll
23 send out other than the litigation hold?

24 A. Not in -- not in my experience, no. Not yet.

25 Q. And does the District require its employees to provide

1 access to personal emails when conducting District business?

2 A. Can you say that again?

3 Q. Yeah. If somebody's using their personal email address to
4 conduct District affairs, does the District ask them to keep
5 track of those emails as well, under its document-retention
6 policy?

7 A. I haven't seen a document-retention policy that addresses
8 personal email addresses -- addresses. My understanding is
9 the District expectation is that all District business be
10 conducted via the official District channels.

11 Q. How does the District keep track of its student groups?

12 A. You mean centrally, does our central office keep track of
13 student groups?

14 Q. Both central and then, you know, kind of the satellite
15 schools. So is there any mechanism for the District itself
16 at the District level for keeping track of student groups?

17 A. No, there isn't.

18 Q. All right. So are all records related to student groups
19 housed at the site level, at the high schools and things like
20 that?

21 A. As far as I know, yes.

22 Q. Okay. Are you aware of any other place that they would be
23 housed?

24 A. I am not. No.

25 Q. Oh. When applications are submitted for new or existing

1 groups, that goes to the -- to the sites, and not to the
2 District?

3 A. That's correct.

4 Q. Is submitting applications an annual process?

5 A. It is.

6 Q. And how are those records kept when the applications are
7 submitted?

8 A. My understanding is a little bit -- it depends.

9 So some of our sites have been a little more -- a little
10 more modern in their application collection, and they're
11 keeping them electronically. Leland is an example.

12 And some of our sites still rely on a kind of
13 pencil-and-paper application process. And they keep them in a
14 filing cabinet at their site.

15 Q. And what's the document-retention policy for those? Do
16 they keep them for three years, five years, or is there any set
17 period of time?

18 A. Well, I think the document-retention policy we expect for
19 clubs is just probably year to year, but I don't think that
20 it's been communicated very clearly to the sites. I think
21 oftentimes the sites keep them until they don't have room for
22 them, or perhaps if there's a change in activities directors,
23 it seems sometimes those documents have been -- have been
24 destroyed as a result.

25 Q. So is there a formal policy for retaining student group

1 applications and constitutions?

2 A. There isn't currently. I had some -- some recommendations
3 about document-retention policy from the -- from the -- you
4 know, from CASBO, but they don't necessarily refer to student
5 groups. So not currently, no.

6 Q. And did a litigation hold go out for this case to preserve
7 student group constitutions after the case started?

8 A. Not that I recall.

9 Q. And do you know if anyone destroyed any of the
10 constitutions that would have been at issue since the, you
11 know, FCA was derecognized in 2018?

12 A. I want to say, back to the litigation-hold question, yeah,
13 I honestly don't remember. I honestly don't remember what the
14 litigation-hold requirements were for this case, so I
15 apologize.

16 In speaking with the activity -- activities directors
17 during the discovery phase, I don't have any indication that
18 there was a -- a conscious destruction of student constitutions
19 outside, perhaps, their standard record keeping.

20 Q. Do you know if there was a conscious preservation by those
21 same directors that you talked to?

22 A. If we directed them to preserve them, I'm certain that
23 they would have preserved them.

24 Q. And -- but you're not aware whether they were ever
25 directed to preserve them?

1 A. I don't recall.

2 Q. And if they had been directed to preserve them, how would
3 they have been directed?

4 A. Likely via email.

5 Q. And would that email are have come from you or from
6 somewhere else?

7 A. Likely from me.

8 Q. All right. But you don't have any recollection of sending
9 that email?

10 A. I do not.

11 Q. And if you had sent it, it would be in your email outbox
12 and it would be, you know, preserved?

13 A. And we -- yes. And we likely would have produced it,
14 since I included myself in all of our email searches.

15 Q. Who at the District is responsible for maintaining student
16 records?

17 MS. LEVINE: Vague. Overbroad.

18 THE WITNESS: Let me -- I will ask a clarifying
19 question, because it is -- there's a lot in that question. Can
20 you -- can you narrow it for me? Because it depends.

21 BY MR. BLOMBERG:

22 Q. Sure. So who's responsible for maintaining student
23 records for purposes of FERPA?

24 MS. LEVINE: Still vague and overbroad. Calls for a
25 legal conclusion.

1 THE WITNESS: I can take you briefly through the life
2 cycle of a student record.

3 BY MR. BLOMBERG:

4 Q. Please. Yeah. Go for it. That would be helpful.

5 A. A cumulative report -- a cumulative file is created for a
6 student when they enter the District. It goes with them
7 through their high school. The high school cum. files remain
8 at the site for four years after -- I think it's four years
9 after a student graduates. And then they're sent to be housed
10 centrally, under the Government Code or the Education Code that
11 mandates the amount of time we need to keep a student's paper
12 record. We scan them to make sure they're also available
13 electronically. And then any -- any items applying to a
14 student with an IEP -- that element of their records sits with
15 Special Education.

16 Q. And so the -- the student records are created, and housed
17 initially at the site location. Is that what I understood you
18 to say?

19 A. I think --

20 MS. LEVINE: Vague. Overbroad.

21 Go ahead.

22 THE WITNESS: I don't know who makes the folder for
23 the -- for the children when they enter pre-K, but they do
24 certainly live at the site through the student's pre-K-12
25 years.

1 BY MR. BLOMBERG:

2 Q. Okay. And so then that folder -- does it kind of follow
3 them as they go to each successive, you know, middle school and
4 high school?

5 A. It does.

6 Q. And then does -- at any time does the folder -- is it
7 duplicated so it's both at the elementary school and at the
8 District, or is it just -- just at the elementary school?

9 A. It's just at the site.

10 Q. Okay. Okay. And you mentioned that it was -- they
11 created an electronic copy. So there's a physical folder, and
12 there's an electronic file as well?

13 A. That's correct. We also maintain some records in our
14 online system, Infinite Campus: Student grade reports, et
15 cetera.

16 Q. And that -- and that file -- is that -- who is that
17 maintained by? Is that on site, or is that District level?

18 A. Maintained -- Infinite Campus, it depends.

19 Initially, for example, students -- the teachers will
20 upload grades. IEP teams will upload pertinent information.
21 Guidance counselors may include information about, you know,
22 college needs or graduation needs. But when the student file
23 stops being active, it's -- you know, it can be accessed or
24 viewed by somebody in Student Services.

25 So maintained -- I mean, added to -- most likely, the

1 sites, again, until the file is no longer active, in which case
2 it just kind of sits, unless the student needs access to the
3 information.

4 Q. Okay. And then when someone needs access to the
5 information, does the District or the site keep record of
6 requests for access?

7 A. I can't say about the site.

8 Generally speaking, a student who goes to the site will
9 need a copy of their transcript perhaps for college or for
10 career purposes. I don't know that they keep transcript
11 requests at the site. We, of course, are subject to subpoena.
12 But generally speaking, once we've produced the documents, I
13 think how long that those subpoenas are kept are dependent upon
14 the Department. So sometimes yes, sometimes no.

15 Q. Can anyone just request access for a student's records?

16 A. Is it --

17 MS. LEVINE: Calls for a legal conclusion. Calls for
18 a legal opinion.

19 Go ahead.

20 And it's also vague and overbroad.

21 Go ahead.

22 THE WITNESS: No. The answer is no.

23 BY MR. BLOMBERG:

24 Q. And who can request access?

25 MS. LEVINE: Same. Same objections.

1 THE WITNESS: A student can request access to their
2 own records. An attorney can subpoena the records pursuant to,
3 you know, a legal proceeding. And then, of course, if a
4 student or former student cedes authority for records request
5 to somebody representing them, then that person can act on
6 their behalf.

7 BY MR. BLOMBERG:

8 Q. And so generally speaking, other than those categories you
9 mentioned, others folks can't access student records?

10 MS. LEVINE: Calls for a legal conclusion. Vague and
11 overbroad.

12 THE WITNESS: If a -- if a student's file is
13 available on campus and somebody has legitimate need to review
14 the file, they might have access to those files.

15 BY MR. BLOMBERG:

16 Q. And what kind of legitimate need might they have to access
17 somebody -- another student's files?

18 A. I'm referring to an adult who might, not another student.

19 Q. Okay. Okay. So an adult might have a legitimate need to
20 access a student's files?

21 A. Certainly.

22 Q. And what -- other than the -- like, the attorney example
23 you gave, and parental examples, what might that be?

24 A. A guidance counselor working with a student who's
25 struggling might want to review grades of the student in

1 previous years. A teacher may want to look at a student's test
2 scores, State test scores, or perhaps review an IEP. Those --
3 that information is housed in the cum. file.

4 Q. Does it -- you mentioned transcripts that are in the file.
5 What other types of documents are kept in that file?

6 A. I'm not even certain that transcripts are kept in the file
7 anymore, given the -- given the change to online recordkeeping.

8 The files are pretty basic. There's always photos of the
9 children on the inside, from kindergarten as they move through.
10 Sometimes grades. It's been a while since I've reviewed a cum.
11 file in this new electronic system. Notes sometimes about a
12 504 or IEP -- those are generally kept separate. College and
13 career planning. Again, State test scores. Just some basics
14 of the student's kind of educational journey.

15 Q. Disciplinary records?

16 A. No.

17 Q. Does every email by a District employee that mentions a
18 student by name -- is that put into the file?

19 A. No. I don't think we -- no. We don't have a practice of
20 uniformly printing out emails about students and putting them
21 in their cum. files. That's not the purpose of the file.

22 Q. And would, like, a sign-in sheet for a club event that had
23 student's name on it -- would that go into the file?

24 A. No.

25 Q. What about --

1 A. Let me clarify. That's not the expectation. I can't
2 imagine -- I can't conceive of a reason why that would be
3 necessary or useful in a student's file.

4 Q. Gotcha. As a standard matter, it wouldn't be going in
5 there?

6 A. Correct.

7 Q. And what about emails with students? A professor a
8 teacher is emailing a student just on, you know, typical
9 pedagogical matters. Is that going to go into the file?

10 A. I'm not aware of any procedure that requires that or
11 recommends it.

12 Q. And you've never seen that done before?

13 A. I have not.

14 Q. What records did the -- did the District keep regarding
15 teacher misconduct? Is that maintained at the site level, or
16 is that maintained at the District level?

17 MS. LEVINE: Overbroad and vague.

18 THE WITNESS: It depends. If -- most principals keep
19 their own site -- that's my understanding -- keep their own
20 site file for records of conversations. If there was concern
21 about a teacher behavior, and if it rises to a higher level,
22 then the records might be kept here.

23 BY MR. BLOMBERG:

24 Q. And what would be -- what would make it rise to a higher
25 level?

1 A. It would depend on the nature of the -- of the alleged
2 misconduct, or whether or not it was repeated misconduct.
3 If -- if the supervisor or any employee felt the need to follow
4 up on repeated misbehavior, for example.

5 Q. Since 2018 has the District conducted any investigations
6 or formal review of teacher misconduct as it relates to the FCA
7 matter?

8 MS. LEVINE: Objection. I'm going to object on the
9 basis of employee privacy. Can you narrow that question so we
10 can deal with it case by case?

11 BY MR. BLOMBERG:

12 Q. Sure. Since 2018 did the District investigate or
13 formally review Peter Glasser's conduct toward FCA and its
14 student leadership to determine if he had violated District
15 policies or federal law?

16 MS. LEVINE: And I'm going to object on the basis of
17 employee privacy. And I'm going to instruct the witness not to
18 answer.

19 BY MR. BLOMBERG:

20 Q. Are you aware of any investigations done by the -- the
21 District into any teacher's behavior as it relates to the FCA
22 matter? Without identifying the teachers' names, are you aware
23 of any such investigation that was performed?

24 MS. LEVINE: And I'm going to object to the extent
25 that the question pertains to potential misconduct or

1 violations of policy.

2 If the question is about investigations into the FCA
3 matter generally, then she can answer that.

4 But to the extent it was an investigation with the purpose
5 of determining whether there has been employee misconduct
6 potentially leading to discipline, then I'm going to object on
7 the basis of employee privacy, and instruct her not to answer.

8 So if you can answer it without getting into anything that
9 might have been potential investigation into employee
10 misconduct or whether or not it occurred, then you can answer
11 that.

12 BY MR. BLOMBERG:

13 Q. Well, let me reask the question, and then see if it -- you
14 know, if you can answer under what Amy just told you.

15 So are you aware of any District investigation or review
16 of the FCA situation regarding the way that teachers handled
17 it? Not misconduct. Not violation of policy. Just an
18 investigation or review of how the teachers handled that
19 situation.

20 A. Which situation? It's become a very broad question, so
21 it's -- it's hard to -- which situation?

22 Q. So just -- just speaking -- speaking broadly, the FCA
23 situation at Pioneer. Any aspect of it since 2018.

24 A. Can you -- can you -- can you explain what you mean by
25 "investigation or review"? Can you explain what you mean by

1 "investigation or review"? Would it have generated a report,
2 or did people investigate by discussion?

3 Q. Yeah. So at this point, just broadly asking: Was there
4 anything that -- that the District did to understand what the
5 teachers had done as regards the FCA matter?

6 MS. LEVINE: Still vague and overbroad.

7 But you can answer that if you know.

8 THE WITNESS: Sure. Okay. I think the answer is
9 yes. I think there were a lot of reviews. I don't know if I
10 would characterize them as investigations in terms of what was
11 happening with staff members and the concerns raised by the FCA
12 and other members of staff at Pioneer.

13 BY MR. BLOMBERG:

14 Q. And who was involved in doing the investigation or review?

15 A. Since I wasn't personally involved in it, it's -- it's
16 not -- I don't know how everyone was involved, but I know that
17 Dominic Bejarano informed me that he worked on some of the
18 concerns. I don't know that anybody else was.

19 Q. So the only one you're aware of who looked into it was
20 Mr. Bejarano?

21 A. Yes.

22 Q. And do you know if he created a report about his, you
23 know, conclusions?

24 A. I don't know that -- I don't know that he didn't, but if
25 he did, I don't have a copy of it.

1 Q. Sorry. Say that last part again.

2 A. If he did, I don't have a copy of it.

3 Q. Thank you. And are you aware of the aspects of the
4 investigation or review that he did as regards to talking to
5 specific people or looking at specific documents?

6 A. I'm sorry. Did you ask me if I'm aware of that?

7 Q. Mm-hm. Yeah. Do you have any awareness of the -- the
8 specifics of the investigation or review that he did?

9 A. I don't.

10 Q. And you don't know if he reached the conclusions there
11 were any -- any violations of District policy?

12 MS. LEVINE: So if the question is does she know,
13 then I guess she can answer that "Yes" or "No."

14 MR. BLOMBERG: That's what I'm asking. Yeah. I'm
15 asking does she know.

16 MS. LEVINE: Okay.

17 THE WITNESS: With regard to personnel at Pioneer?

18 BY MR. BLOMBERG:

19 Q. With regard to the investigation or review that
20 Mr. Bejarano did.

21 A. Sorry. I think I -- I think I -- I've gotten lost in the
22 question. Can you tell me, am I --

23 BY MR. BLOMBERG:

24 Q. That's okay. Not a problem. Not a problem.

25 Do you know if Mr. Bejarano's investigation yielded the

1 conclusion that a violation of policy had occurred?

2 MS. LEVINE: I'd just object to the extent it's
3 calling for the content of that conclusion.

4 If you can answer "Yes" or "No" whether or not you know
5 about it, that's fine.

6 THE WITNESS: Yes.

7 BY MR. BLOMBERG:

8 Q. Yes, you do know that he reached a conclusion?

9 A. Yes. I paused because it's -- what I know is very broad,
10 and I'm inferring from my understanding. So I don't want to
11 misstate what Mr. Bejarano might have done or said. So I'm
12 just trying to be cautious, so I don't -- you know, don't do
13 that.

14 Q. Okay. So just to make sure I understand that, you -- you
15 do have an understanding that he reached a conclusion?

16 A. Yes. At least, on one element of one issue that was
17 involved in -- at Pioneer with the FCA matter as it pertains to
18 staff. Not as it pertains to whether or not the club itself
19 was violating the policies.

20 Q. All right. So you're saying he reached a conclusion on
21 his investigation or review of staff conduct. And you're just
22 saying that you -- you have awareness that he reached a
23 conclusion?

24 A. Yes.

25 MR. BLOMBERG: And then, Amy, your instruction is

1 that -- that Jen can't answer what his conclusion was?

2 MS. LEVINE: Right. I can talk with her about that
3 more over a break, and we can see if it's something that we can
4 disclose, because I'm not sure I know the answer to that next
5 question. But at this point I'm going to instruct her not to
6 answer.

7 MR. BLOMBERG: Okay. We'll circle back on that after
8 the next break, then.

9 Q. Do you know if the District ever investigated student
10 misconduct as regards the FCA matter we've been discussing?

11 A. When you say "the District," do you mean somebody at the
12 central office or somebody at the site?

13 Q. Either. Just what -- what -- what do you know of?

14 A. I believe that there was an investigation into student
15 misconduct with -- regarding a particular incident with a
16 student at Pioneer.

17 Q. And do you know if that investigation was conducted at the
18 District level or at the Pioneer level?

19 A. I don't know. I believe -- I understand if the student
20 had an IEP or the student is receiving Special Education
21 services, things get incredibly complex when attempting to
22 determine whether or not an inappropriate behavior is a
23 manifestation of the disability. So likely a combination of
24 site level, with strong support from Special Education. That's
25 the standard practice.

1 Q. Okay. And are you aware of only that one investigation
2 into the -- this particular situation that you were just
3 referring to?

4 MS. LEVINE: Objection. Vague as to the term
5 "investigation."

6 Go ahead.

7 THE WITNESS: That's the only specific example I
8 have.

9 I am aware that there were kind of ongoing conversations
10 about student behavior at Pioneer in light of concerns raised
11 from other students during the protests, you know, and whether
12 or not staff were assessing if student behaviors conformed to
13 expected behaviors at the site.

14 BY MR. BLOMBERG:

15 Q. And do you know if any conclusions were reached about
16 whether student behaviors were conforming to expectations at
17 the protest?

18 MS. LEVINE: That's vague and overbroad.

19 Go ahead.

20 THE WITNESS: I haven't seen any documents that
21 indicate there was widespread disciplining of students. I
22 think there was a lot of conversation to monitor the situation.
23 I haven't seen anything that indicates there was an outcome of
24 student discipline as a result.

25

1 BY MR. BLOMBERG:

2 Q. So are you aware of any student discipline that took place
3 as a result of involvement in protesting the FCA meetings?

4 A. I don't know if the original student was ever disciplined
5 for his alleged behavior. But aside from that, I'm -- I'm not
6 aware of any, no.

7 Q. Okay. And just to be clear, setting aside that one
8 particular incident with the student that may have had, you
9 know, some disability associated with it, I'm just asking:
10 You're not aware of any disciplinary action that was taken
11 regarding other students who were protesting the FCA meetings?

12 A. Correct.

13 Q. Do you know who was involved in conducting those
14 investigations?

15 MS. LEVINE: Vague.

16 THE WITNESS: To the extent that there were concerns
17 raised about behaviors at Pioneer, any -- any of those
18 behaviors would have been reviewed by a staff at Pioneer;
19 likely Principal Espiritu, but I'm -- I don't know if he also,
20 you know, involved any of the assistant principals.

21 BY MR. BLOMBERG:

22 Q. Do you have any awareness of whether Dane Caldwell-Holden
23 was at all involved in the investigation?

24 MS. LEVINE: Vague.

25 THE WITNESS: I -- I don't.

1 BY MR. BLOMBERG:

2 Q. And were there any -- do you have any awareness of
3 investigations into any misconduct by FCA students?

4 A. I don't.

5 Q. And was there any investigation or concern about
6 misconduct by FCA students at Willow Glen or Leland that you're
7 aware of?

8 MS. LEVINE: Vague and compound.

9 THE WITNESS: I don't have any documentation to
10 indicate that there was. So I -- I'm not aware of any, no.

11 BY MR. BLOMBERG:

12 Q. Okay. And no such investigation was ever reported to you,
13 and no one's ever told you about anything like that?

14 A. That's correct. It's not -- it's not come up in any
15 subsequent conversation.

16 Q. Okay. Do you know about how many ASB-approved student
17 groups there are in the District?

18 A. I'm afraid I don't.

19 Q. Any idea about how many are at Pioneer?

20 A. Gosh. You know, in thinking about the sheets that I've
21 seen, they all start to blend together. I mean, probably -- I
22 mean, less than 20, as compared to Leland, where I think
23 sometimes they have 50. So 10, 15. But that's really just me
24 taking -- taking a guess.

25 Q. That's totally fine.

1 Do you have any sense at all about how many students are
2 participating in ASB-approved student groups at Pioneer?

3 MS. LEVINE: Vague.

4 THE WITNESS: No. That would be hard to say.

5 BY MR. BLOMBERG:

6 Q. And why -- what would make it hard to say?

7 A. Just knowing that -- the nature of the way clubs sometimes
8 get formed, and students participate, and then stop
9 participating. It's hard to tell, you know, whether or not the
10 clubs are very large to begin with. So I think just the
11 natural ebb and flow of student interest in things makes it
12 hard to guess.

13 Q. Okay. And you don't have any -- there's no official
14 number that the District has about how many student groups
15 are involved -- or sorry -- how many students are involved in
16 ASB-approved student groups?

17 A. No. We don't track that information centrally.

18 Q. Why does the District have ASB-approved student groups?

19 MS. LEVINE: Asked and answered.

20 THE WITNESS: Well, I think there are several reasons
21 why the District has ASB-approved student groups. One is
22 that our -- our School Board believes that the ASB is an
23 appropriate venue for students to learn how to be leaders; how
24 to engage with some of the democratic principles that align
25 with their own personal interests; how to be members of a

1 community; how to be welcoming and inclusive.

2 Additionally, of course, the District has a fiduciary
3 responsibility to the community to ensure that fundraising is
4 done appropriately, in compliance with all laws, and to help
5 students learn how to do that, as well.

6 So there's a -- there's a functional aspect, and then a
7 kind of an aspirational aspect to the ASB.

8 BY MR. BLOMBERG:

9 Q. So that's -- that's kind of the District's reasons for
10 having ASB. I think earlier you had talked to me about why
11 students and student groups would want to be, you know,
12 recognized as student groups. But the District's interests
13 are the ones that you've just described?

14 A. In broad strokes, yes.

15 Q. And what is -- what is the District's interest in making
16 sure that fundraising is conducted in an appropriate manner?

17 A. Well, one, not only is it important that we be role models
18 for, you know, careful financial decision making and tracking
19 when it comes to using money that I'm asked by students for
20 particular purposes. We also are subject to certain
21 regulations regarding how fundraising is done, and how the
22 money is tracked and spent.

23 Q. So are -- is the fundraising that's performed on campus
24 pretty strictly regulated, then, to make sure it's going to
25 meet those requirements?

1 A. That's the expectation, yes.

2 Q. So could a student group just go hold a fundraiser, apart
3 from going through the ASB process?

4 A. They would not be permitted to, no. The ASB process sets
5 the parameters for authorized fundraising, who may, and what
6 they may do.

7 Q. Uh-huh. And so a student group that isn't ASB approved
8 couldn't just go set up a table in the cafeteria, and try to do
9 a fundraiser?

10 A. That's correct. That's the expectation.

11 Q. And so the expectation would be: If you want to do
12 fundraising on campus, you have to be ASB-approved, and you
13 have to follow the ASB-approved procedures?

14 A. Yes.

15 Q. How does a student join an ASB-approved student group?

16 A. I think it would depend on the membership requirements for
17 the individual groups. Students can -- some are, you know,
18 show up and participate in the meetings. And some have some
19 admission criteria.

20 Q. So do different groups can have kind of different
21 standards for becoming a member?

22 A. They can have different requirements. The overall
23 standard is they must abide by all District policies and any
24 other ASB procedures established by their site.

25 Q. But the -- there's at least some degree of variation on

1 how one would become a member of the Key Club, as opposed to --

2 I think it was Interact that you were talking about earlier?

3 A. Or the Anime Club. Yes, they definitely vary.

4 Q. Okay. And the student groups have some discussion in
5 setting, you know, what it means to be a member of the Anime
6 Club, as opposed to what it means to be a member of the Key
7 Club?

8 A. They have some discretion. Yes.

9 Q. All right. And does -- does any specific office within
10 the District, either at the District level or the site level,
11 monitor the admission of new members?

12 MS. LEVINE: Overbroad.

13 THE WITNESS: On an individual basis?

14 BY MR. BLOMBERG:

15 Q. Mm-hm.

16 THE WITNESS: Did you say something?

17 MS. LEVINE: I said it's overbroad and vague.

18 THE WITNESS: So I'm sorry, Daniel. So can you
19 repeat the question?

20 MR. BLOMBERG: Yeah, absolutely.

21 Q. Does -- is there any office within the District, either
22 at the District level or at the site level, that monitors the
23 admission of new members to a student group?

24 A. No. Generally speaking, we get involved or the site might
25 get involved when there's a question about membership

1 privileges, or student has a concern, or there's an issue that
2 arises.

3 Q. And so unless a question is raised by a student, the --
4 the office won't be aware necessarily of what the student
5 admissions, day to day, looks like?

6 A. We do expect that the activities directors, you know, are
7 aware of the requirements for the clubs, and that things are --
8 you know, they run according to District policies and ASB
9 procedures. But on a day to day, we expect those systems to
10 run smoothly. And we provide support if there's a problem.

11 Q. So the activities director on the front end will review
12 the admissions requirements -- the membership requirements --
13 to make sure they comply with Board policies? Is that right?

14 A. Ideally, yes.

15 Q. And then -- but then later, when the clubs are
16 implementing their membership requirements, is there any active
17 monitoring that's being done by the activities directors?

18 A. No, not as far as I know.

19 Q. And so in those situations, if there was, you know, some
20 group that wasn't allowing equal access to membership or
21 benefits or something like that, you would find out about it
22 because a student would raise the issue with the activities
23 director?

24 A. That's one way, sure.

25 Q. Are there any other ways that you'd be familiar with?

1 A. No. The student themselves might, like you said, raise it
2 with the activities directors, or another group of students
3 might flag the problem, or the, you know, club leadership may
4 share the concern. Sometimes a parent or another community
5 member might raise a concern.

6 Q. Okay. But the activities director isn't, like, going to
7 the meetings and, you know, monitoring to make sure they're --
8 you know, the Key Club or the Anime Club is following every jot
9 and tittle of their membership process?

10 A. No, they're not.

11 Q. Does the District require the student groups turn in an
12 attendance list after each meeting?

13 A. The District doesn't require it.

14 I believe that the activities directors at the sites --
15 one of the requirements is that the students do keep attendance
16 information. I believe that they do -- at least one of the
17 sites, I know, requests that those logs are sent to them fairly
18 regularly. But in terms of a uniform requirement, I don't
19 think so.

20 Q. So you're not aware of a District-level policy that says,
21 you know, all sites -- all ASB-approved student groups need to
22 keep lists for every meeting?

23 A. That's correct. We don't have a District-level policy
24 about the kind of day-to-day running of that.

25 Q. Okay. But you are aware of at least one site that does

1 say, you know, all ASB-approved student groups on the site need
2 to keep those lists, and turn them into the activities
3 director?

4 A. I believe they have to turn them into the activities
5 director. I do know that there is the expectation, at least at
6 one site -- and my understanding is multiple sites -- that
7 students keep a list of who attended meetings.

8 Q. And what's the one site that you're aware of?

9 A. Leland.

10 Q. Leland. Are there any other sites that you're aware of an
11 expectation by the site that they keep attendance lists at
12 ASB-approved student meetings?

13 A. I think they all have an expectation that students sign in
14 when they attend meetings. Leland comes to mind automatically.
15 I've seen it. But my understanding is that, that all of the
16 sites have that same expectation.

17 Q. What's the purpose for having the attendance list?

18 A. I don't know. I think there's one way to ensure whether
19 or not the club is --

20 Let me back that up. One of the -- one of the assessment
21 evaluations that we've seen for granting ASB status is whether
22 or not it's a club that is needed on campus or that contributes
23 to the community on campus. If nobody's attending the club, it
24 might be a question about the -- a conversation with the ASB
25 about whether or not the club should be officially recognized

1 if nobody goes.

2 Other than that, I don't think there's an additional
3 expectation or additional purpose for keeping attendance
4 rosters.

5 Q. And I think you mentioned that the activity directors end
6 up in possession with at least some of those lists. Do you
7 know if anybody else is expected to keep them?

8 A. Anybody else on site or at the central office?

9 Q. Sorry. Yeah. Anybody else on-site.

10 A. No, not that I'm aware of.

11 Q. Do you know if the faculty advisor would be holding those
12 at all?

13 A. I -- I do believe that some of the faculty advisors may
14 store those documents for the student clubs.

15 I also understand that the faculty advisors often rely on
16 the students to maintain their own records. Often the students
17 -- the secretary, the president -- may keep those records
18 themselves.

19 Q. Okay. So there might be at least three different types of
20 recordkeeping. And correct me if I'm getting any of this
21 wrong, but one is the student leadership might have the
22 records, another is the faculty advisor might have the records,
23 and the last is the activity director might have the records?

24 A. Correct.

25 Q. And then could there be, like, some amalgamation of that,

1 where the activities director has it for some time, and then
2 turns it over to -- sorry. The faculty advisor has it for some
3 time, and then turns it over to the activities director at some
4 point?

5 A. I mean, that's -- that's possible. I think it depends on
6 how they -- do the recordkeeping at the site.

7 Q. Okay. And that's just a site -- site-level, discretionary
8 matter on how they're going to set that up?

9 A. Correct.

10 Q. Does the District want ASB-approved student groups to
11 have student leadership?

12 MS. LEVINE: Vague.

13 THE WITNESS: Want?

14 I think it's -- the District views it as an essential
15 process, that -- that clubs need to be led. Even if the club
16 is a simple club, that somebody needs to be identified as the
17 leader, in case there's a question. And, of course, they need
18 somebody, if they're going to do fundraising, to keep track of
19 the fundraising. So, yes, I think it's important that clubs
20 have leaders, no matter the scope of the leadership
21 requirement.

22 BY MR. BLOMBERG:

23 Q. And so the -- there's a requirement that the clubs have
24 leaders. And so the club can interact with the District on
25 matters of the -- I think the funding was the one you

1 mentioned. Is that right?

2 A. And, just to clarify -- yes. Just to clarify, more
3 likely, somebody at the site. Yes.

4 Q. Okay. Okay. Yes. Thank you. Thank you. That's right.

5 So it's a requirement that the clubs have leaders so that
6 they can interact with the site activities director or faculty
7 advisor regarding issues like funding or something like that?

8 A. And when you say "club," I'm operating from the
9 ASB-recognized clubs.

10 Q. Yes. Exactly. That's exactly what I'm talking about, you
11 know, setting the other types of student groups aside. Just
12 the ASB-approved student clubs for which the District has that
13 expectation that the leaders -- there is a student-leadership
14 component to that.

15 So part of what's going on there is that the District
16 needs -- the school needs a student leader to interact with on
17 these kind of practical issues of funding and things of that
18 nature?

19 A. That's a fair assessment, yes.

20 Q. Are student leaders important for kind of setting the
21 direction and tenor of the group?

22 A. Of course.

23 Q. So, for, like, the Anime Club, you know, you want a
24 student leader who is interested in keeping the group focused
25 on anime?

1 A. We don't want a student leader. So, I mean, we -- we need
2 a student leader for the kind of functionary purposes that you
3 mentioned, and, of course, if there's an issue. But we expect
4 the clubs to decide what they value in their student
5 leadership.

6 Q. Okay. And so -- but the -- so the clubs should pick
7 leaders based on what they value in their student leadership?

8 A. That -- that is sensible. In a club that is -- and part
9 of the democratic process that we expect students to learn to
10 engage in.

11 Q. Do student leaders help communicate kind of the message
12 and purpose of a student club?

13 A. I would say that --

14 MS. LEVINE: Calls for speculation. It's vague and
15 overbroad.

16 Go ahead.

17 THE WITNESS: Do they? I imagine that they often do.

18 BY MR. BLOMBERG:

19 Q. Do you find any reason to think they wouldn't?

20 A. That would be unusual. I would certainly -- that is a
21 fairly typical manifestation of leadership of a club certainly.

22 Q. And when they -- the on-site personnel from the school are
23 communicating with the -- the student group, the ASB-approved
24 student group, are they primarily communicating with those
25 student leaders?

1 A. I -- I expect that that's pretty practical. Yeah.

2 MS. LEVINE: Daniel, could we take a short bathroom
3 break?

4 MR. BLOMBERG: Absolutely. Definitely. Ten minutes
5 good? Fifteen minutes? You all tell me.

6 MS. LEVINE: Yeah. Ten minutes is fine.

7 MR. BLOMBERG: Does that work for you, Jen?

8 THE WITNESS: Amy's bathroom must be closer than
9 mine.

10 MS. LEVINE: Mine is right here.

11 THE WITNESS: Why don't we do 15? And, Amy, maybe we
12 can check in on the other issue that I think was still pending.

13 MS. LEVINE: Okay. Sure.

14 MR. BLOMBERG: Sounds great. Be back in 15 minutes.
15 (Recess taken from 10:29 a.m. until 10:45 a.m.)

16 MR. BLOMBERG: Okay. Amy, Jen, did you all get a
17 chance to talk regarding the investigation that we had paused
18 on earlier?

19 MS. LEVINE: We did, but I think it's going to
20 require a little bit more sorting through. So I think we
21 should be able to revisit it after the lunch break when we have
22 a little bit more time to --

23 MR. BLOMBERG: Okay. That's fine. That's fine.

24 MS. LEVINE: Okay.

25 THE WITNESS: I would like to clarify something --

1 MR. BLOMBERG: Yeah. Go for it.

2 THE WITNESS: -- with the student interest groups.

3 So at least one of the questions had to do with the
4 difference between a student interest group and an
5 ASB-recognized club regarding, I think, what the differences
6 are in terms of what they have access to.

7 So at at least one of our sites, student interest groups
8 can be ASB recognized, without -- they just don't participate
9 in the banking piece of it. But they have any other benefits
10 that are -- that are granted to other ASB-recognized clubs.
11 So...

12 BY MR. BLOMBERG:

13 Q. Okay. Okay. So -- and so there's kind of two types of
14 ASB-approved groups. And then there's the ASB-approved groups
15 with the funding component of it. And then ASB-approved groups
16 that don't have the funding component. Is that what you're
17 saying?

18 A. Yes. And, just to clarify, they're not funded by the ASB.
19 They have a bank account. So I may be -- I might get my
20 yearbook picture in, in a club at the school. But we just
21 don't bother to take part in the banking piece of it.

22 Q. Okay. Okay. And then so what would be -- what would be
23 the benefit, then? You know, if someone's going through the
24 extra step of becoming an ASB-approved student group without
25 access to the budgeting side that you were just talking about,

1 what would be the benefit they would get?

2 A. We may be entitled to any other benefits conferred by the
3 ASB of that site. I think oftentimes it's a photo in the
4 yearbook; the ability to participate in a club rush; put fliers
5 up on campus for their meetings; put on their college
6 applications that they were, you know, president of this club.
7 Everything but having to deal with banking.

8 Q. Okay. And -- but those things that you identified -- club
9 rush and things like that -- those would be things they
10 wouldn't get as just a regular student group. They'd have to
11 be an ASB-approved student group?

12 A. I think it varies a little bit by site.

13 I think I also understand that some of our high schools
14 permit non-ASB groups to participate in club rush. So
15 certainly at the site I'm thinking of, which is Leland, that
16 that is the case.

17 Q. At Leland they'll allow a non-ASB-approved student group
18 to participate in club rush?

19 A. No. I'm sorry. At Leland my understanding is you have to
20 be ASB-approved. That's why they have the kind of two
21 different options to be involved in anything kind of officially
22 supported by the site.

23 Q. Okay. Okay. Gotcha. Gotcha. So at Leland you couldn't
24 participate in club rush, unless you were one of the two types
25 of ASB-approved?

1 A. That's my understanding, yes.

2 Q. Okay. All right. And then -- and that's a site-by-site
3 determination, where they get to decide how much benefits there
4 will be for distinctly for ASB approval?

5 A. Currently, yes.

6 THE REPORTER: Counsel, I'm sorry to interrupt you.
7 it looks as if Mr. Schweikert has dropped off the call. I
8 don't know if that's significant to you, or if you want to
9 proceed.

10 MR. BLOMBERG: Yeah. We can proceed. As long as the
11 four of us are still on, everything else can go just as --
12 without stopping. But thank you for letting us know, Lydia. I
13 appreciate that.

14 Q. Sorry. Let's see. Is there a plan to make it uniform as
15 to what benefits there are for ASB approval?

16 A. There's a plan to discuss it.

17 Q. Okay.

18 A. So as part of the -- plan to plan.

19 As part of the larger conversation about organizing
20 student groups and making sure, you know, that things run
21 smooth, and it's transparent and fair, we kind of made
22 identified areas where we will discuss whether or not it makes
23 sense to kind of align them District wide, or if it makes sense
24 to still allow that to be a site-driven decision.

25 Q. And then do you know when that discussion is planning to

1 take place?

2 A. Summer. July. So any -- any time.

3 Q. So there's going to be discussion next month about whether
4 to change the benefits for ASB approval?

5 A. I was conferring with the director of educational equity.
6 She oversees the activities directors. And I know that's
7 definitely on their agenda: Aligning constitutions, helping
8 train students on -- students on the guidelines that we'd like
9 to implement so the students are clear on the expectations.

10 And then, I think as a corollary to that, what does it
11 mean to be a recognized student club? Student interest group?

12 And then the discussion about whether or not that's a site
13 decision, or it's something we do kind of the same way from
14 site to site; the pros and cons of that.

15 Q. And who all is involved in that conversation?

16 A. The director of educational equity, with the activities
17 directors. I don't know that she has a mandate to consult with
18 anyone else, but she will lead that conversation.

19 Q. All right. So you're aware that sometime in the month of
20 July a conversation will take place with her and the activities
21 directors of the various sites in the District?

22 A. That's my understanding of how she intends to proceed.

23 Yes.

24 Q. Okay.

25 A. All of our activity directors are on summer holiday, so it

1 may be August, but early is the goal.

2 Q. Gotcha. And do you know what's motivating the change in
3 or reconsideration?

4 A. Well, I think that the -- the controversy at Pioneer and
5 the frustration and -- that were expressed, and -- really
6 brought some these different approaches to the fore.

7 You know, we haven't really felt the need before to do a
8 review of how some of these systems work there was an obvious
9 opportunity to do that. And then when you review a system, you
10 do it from top to bottom.

11 Q. And do you know if part of that conversation is going to
12 be looking at the ASB approval affirmation form that was
13 circulated in February? And we'll talk about that more in a
14 little bit. But just kind of off the top of your head, do you
15 know if that's part of what they're going to be deciding, or if
16 it's more of the benefits side?

17 A. They don't have authority over that decision. So --

18 Q. Okay.

19 A. -- they'll have the discussion, but that's not in their
20 sphere of authority.

21 Q. Okay. Do you know if there are any particular
22 ASB-approved club benefits that are uniform across all sites?

23 So, for instance, does an ASB-approved student group have
24 access to meeting space at all sites in the District?

25 MS. LEVINE: Counsel, just to clarify, I think the

1 notice was restricted to Leland, Pioneer, and Willow Glen for
2 these questions. Is it with those parameters?

3 MR. BLOMBERG: Well, I'm asking about District
4 policy, too. Is their District policy setting the expectations
5 for ASB approval for all sites?

6 THE WITNESS: Is it policy?

7 MS. LEVINE: Objection. Vague.

8 Go ahead.

9 THE WITNESS: It -- is it policy, or administrative
10 regulation, or practice?

11 So the standard procedure is that if you are an
12 ASB-approved club, you receive access to the bank account, to
13 that -- to that support from the ASB clerk to manage your
14 fundraising needs.

15 I think that the -- the concept, for example, of the
16 student interest group being ASB recognized but declining that
17 support is an iteration that comes from maybe a student
18 interest group saying, "We don't want a bank account."

19 So it's not that every ASB-approved club has to have
20 certain things. There are kind of standard things.

21 So when you talk about a meeting space, for example, you
22 can't be a club -- an ASB-approved club -- unless you have an
23 advisor who agrees to supervise you while on campus. And you
24 likely use their room.

25 So it would be very difficult to be approved by the ASB

1 without -- you can't be approved without a faculty advisor.
2 Faculty advisors all have rooms. So they're kind of
3 inextricably intertwined.

4 Q. Gotcha and then what about with a student interest group
5 that is not ASB-approved? What does -- how do they get access
6 to a room, since they don't have that faculty advisor
7 component?

8 A. Sure.

9 MS. LEVINE: Vague and compound. Go ahead.

10 THE WITNESS: Generally, student interest groups just
11 request to meet in a classroom of a teacher that they like.
12 I've always had kids in my room, you know, playing games or
13 meeting together in whatever little, you know, chess-club thing
14 they had built.

15 So I don't know, from my experience, that -- and in
16 reviewing these issues that it is a significant problem, where
17 student interest groups have been unable to secure a location,
18 such that we needed to ensure in policy that they have one
19 separate from the ASB process.

20 BY MR. BLOMBERG:

21 Q. What about priority access? Right? So you have a group
22 of students that come want to get together and play in your
23 room, but you also have your ASB-approved club. Who gets
24 priority access for the -- you know, if they both want to meet
25 at lunchtime on Tuesdays?

1 MS. LEVINE: Calls for speculation. And it's vague
2 and overbroad. Are you -- Dan, are you restricting this to
3 those three sites?

4 MR. BLOMBERG: I'm asking about District policy, and
5 those three sites, and your personal knowledge.

6 THE WITNESS: I don't think we have District policy
7 kind of at that granular level of dealing with, like, a
8 scheduling conflict.

9 But of course, if a -- if a staff member has made a
10 commitment to an ASB club and they meet on Tuesdays, it is
11 likely that the staff member will work with the student
12 interest group, perhaps, to meet on a different day, just to --
13 just to -- just recognizing that the commitment you make to an
14 ASB-sponsored club is significant. I mean, just practically
15 speaking, the most likely outcome.

16 BY MR. BLOMBERG:

17 Q. Are athletic teams within the District ASB approved?

18 A. No. Athletic teams aren't approved if you mean, like, do
19 -- we're the softball team. Do we need to go be approved by
20 the ASB? I guess I should clarify.

21 Q. Mm-hm. Yeah. That's what I mean.

22 A. No, they don't go through that process.

23 Q. Do they have -- is there a process for being ASB approved
24 for purposes of getting ASB accounts?

25 A. No, not separate from the constitution of the program at

1 the site level. That -- that -- because athletic teams often
2 have fundraiser or they need to purchase equipment or supplies,
3 they -- they -- that program, when approved by the Board or
4 started by the school, comes up with a bank account managed by
5 the ASB clerk.

6 Q. So there is a bank account that's managed by the ASB clerk
7 for each athletic team that's been approved?

8 A. Likely.

9 MS. LEVINE: Misstates the testimony.

10 Go ahead.

11 THE WITNESS: That would be -- I may be being, like,
12 overly specific, but if it was a -- if they are an -- a
13 site-approved or District-approved athletic program, they
14 likely need to purchase things. They would go through an ASB
15 account.

16 I can't say for certain that there isn't, like -- like a
17 club -- like a -- sorry -- like a sports team that is approved
18 that doesn't have one, but that would be the most likely
19 practice, yes.

20 You're the lacrosse team. You're going to fundraise and
21 buy -- I don't know why I picked lacrosse, because I don't know
22 anything about lacrosse. You're going to buy lacrosse sticks.
23 You're going to need to fundraise. Here's your account.

24 BY MR. BLOMBERG:

25 Q. I think you know as much about lacrosse as I do. So...

1 but -- but the account they're using is an ASB-approved
2 account?

3 MS. LEVINE: Misstates the testimony.

4 THE WITNESS: Well, I -- no. Because the ASB -- the
5 Associated Student Body -- when you say "ASB-approved," I hear
6 that as the -- the president of -- the class presidents and the
7 group of elected students approve the softball team. And
8 that's not how -- that's not how that works.

9 So the account is run through the ASB, with the ASB clerk
10 as kind of the official record keeper and financial person for
11 the -- for the sports team. But they don't require approval
12 from the ASB -- the ASB group of student representatives in
13 order to exist. So no.

14 BY MR. BLOMBERG:

15 Q. All right. And so that is the -- kind of the school
16 softball team that you were talking about, the example that you
17 were giving.

18 If there was a -- an ultimate Frisbee club that wasn't the
19 school softball team, but it was a group of students that were
20 meeting on campus, they would have to go through the normal ASB
21 approval process?

22 A. If meeting as a club and not -- right -- and not an
23 authorized school sport -- however we authorize new sports --
24 correct. They then become a student club, even though they are
25 an athletic activity.

1 Q. And what is the -- for that softball team, what is the
2 approval process that they have to go through to be recognized?

3 MS. LEVINE: Misstates the testimony calls for
4 speculation.

5 Go ahead.

6 THE WITNESS: I'm sorry, Daniel. Recognized by whom?

7 BY MR. BLOMBERG:

8 Q. Sorry. I think you mentioned there was an alternate
9 recognizing body for the -- for the softball team. Is that
10 right?

11 A. If -- so if -- if they -- if the school wanted to
12 implement a new sport, for example, under the auspices of
13 our -- our athletic competitions, CIF or the BVAL, if, you
14 know, all of a sudden we had enough students to field, let's
15 say, a softball team, and one of our sites doesn't have it, I
16 actually don't know what the procedure is, because I don't
17 think we've added a new sport -- a new District-sanctioned
18 sport -- in a long time.

19 But I -- I -- I think it might be like adding a new
20 course, you know, where the request goes to a central body here
21 at the District office. If it's a high school, maybe our
22 director of secondary curriculum and instruction, with some
23 input from the athletic director providing the FTE, the, you
24 know, the personnel to staff it, and then actually making it
25 part of our course catalog so that students, you know, can

1 choose it, because we often give PE credit for athletics. I
2 think it's more like adding a class to a school body of
3 offerings than it is adding a club, if that makes sense.

4 Q. Okay. Do you know of any student groups currently meeting
5 at Pioneer that are not ASB-approved? So these would be the
6 student interest groups that are not ASB-approved student
7 interest groups?

8 A. I -- I don't have any information about the clubs that are
9 currently meeting at Pioneer. So, no, I don't.

10 Q. Are you -- do you have any awareness about any
11 ASB-approved -- or sorry. Do you have any awareness of any
12 non-ASB-approved student interest groups that have met at
13 Pioneer since 2018?

14 A. Do I have -- let me run -- let me parse that. Do --

15 Q. Sure?

16 A. Do I have any information about -- I -- I don't in
17 particular, no. '18, '19, '20. You know, the shutdown kind of
18 throws everything off. I don't have any reason to believe that
19 there weren't ASB-approved student interest groups meeting at
20 Pioneer. We make a lot of effort to ensure that kids who want
21 to meet, you know, can do that under the Equal Access Act. But
22 I don't have any specific information, no.

23 Q. Okay. You just don't know one way or the other whether
24 there were any student interest groups at Pioneer since 2018?

25 A. I don't. I'm curious. In all the documents I've

1 reviewed, I think we've produced a lot of information on that.
2 But unfortunately, it's gone right out of my head. I'm sorry.

3 Q. Not a problem.

4 And the same with Leland. Do you not know one way or the
5 other?

6 A. I -- I remember Leland a little differently, because of
7 the sheer volume of clubs and interest groups on their
8 spreadsheets. I -- I would -- I would say that that was
9 extremely likely at Leland, but I can't say for sure.

10 Q. And Willow Glen -- can you say for sure one way or the
11 other?

12 A. No.

13 Q. And do you know of any student groups have been denied ASB
14 approval since 2018 at Pioneer?

15 MS. LEVINE: Objection. Vague.

16 THE WITNESS: I -- I don't.

17 BY MR. BLOMBERG:

18 Q. Are you aware of any that have been denied at Pioneer
19 since 2018?

20 A. Not -- not specifically, no.

21 If they were denied, it didn't become an issue that was
22 brought to -- to -- to my attention. And I'm not aware.

23 Q. Other than -- other than FCA?

24 A. Are we talking about the derecognition or -- I don't know
25 if FCA applied for ASB approval this year. And, of course, in

1 the last year, we weren't --

2 So -- so other than FCA, I'm not aware of any group that
3 was denied recognition or had a concern about it. I mean,
4 perhaps there were issues of recordkeeping or applications. So
5 I don't have that information, though.

6 Q. So the only ones that you are aware of in Pioneer since
7 2018 was FCA?

8 A. The only ones I'm aware of where there was any kind of
9 issue, yes.

10 Q. Is that true as well for Leland? Are you aware of any
11 other specific groups since 2018 that have been denied ASB
12 approval, other than FCA?

13 MS. LEVINE: Misstates the evidence.

14 You can answer.

15 THE WITNESS: I don't have a list.

16 I am aware from, again, looking at some of those records
17 that -- that Leland regularly denies ASB recognition. My
18 understanding is generally on the basis of -- of a clerical
19 errors or failure to comply with some of the basic
20 document-keeping requirements.

21 I believe there was a club that was derecognized at
22 Pioneer -- or at Leland several -- it could have been longer
23 than 2018, having to do with some behavior of the club members.
24 So I could put them in that group, but I think that might have
25 been a little over.

1 BY MR. BLOMBERG:

2 Q. And you said some -- it had something to do with what of
3 the club members?

4 A. Behavior of the club members. I believe there was some
5 inappropriate behavior at a club rush; some comments that they
6 made that were inappropriate enough to -- to have their -- that
7 recognition denied. I don't have the details.

8 Q. Okay.

9 A. Again, it's extremely rare. So these individual instances
10 kind of stick in the memory.

11 MR. BLOMBERG: So I'm going to show you a document
12 entitled Exhibit -- I think we're at Exhibit 99 now --
13 (Deposition Exhibit 99 marked for identification.)

14 THE WITNESS: Okay.

15 MR. BLOMBERG: -- which is a master list of clubs
16 from Pioneer, Leland, and Willow Glen. It should be up in just
17 a minute. Okay. It should be up now.

18 THE WITNESS: All right.

19 BY MR. BLOMBERG:

20 Q. Can you just let me know when you can see it?

21 A. I will. It's thinking about it. There we go.

22 MS. LEVINE: I can't get at the site yet. It's still
23 spinning.

24 MR. BLOMBERG: Okay. Just let me know when you've
25 got it up.

1 If you want, Jen, while you're waiting you can just scroll
2 through the document. We'll wait to talk about it until Amy
3 has it up.

4 THE WITNESS: It's taking a moment to load, too. But
5 I will do that as well.

6 MS. LEVINE: Okay. I've got it up, but it's --
7 actually, I guess I could make it bigger on my end. It's hard
8 to read some of it.

9 THE REPORTER: Counsel, it is possible to download
10 it, if that helps. There's a button in the upper right, I
11 think, that says "Download."

12 MS. LEVINE: Oh, yeah. Looks like I was able to zoom
13 in a little bit.

14 THE WITNESS: Yeah. It is hard to read the second --
15 the additional pages. Let's download.

16 BY MR. BLOMBERG:

17 Q. Can you see it now, Jen?

18 A. Not all of the pages are loading. It's just loading
19 really slowly, so I'm downloading. But I'm only maybe a third
20 of the way through.

21 Q. Okay. Great. Just let me know when it's there. No rush.

22 A. You can count how many clubs Pioneer has.

23 Okay. Looks like I got it to download. So I can see, oh,
24 God. I think the scan is just a problem. All right. So as
25 long as you don't ask me about some of the words in some of

1 these clubs, we should be okay.

2 BY MR. BLOMBERG:

3 Q. That is fine. So let's start at the top.

4 A. Okay.

5 Q. I think you mentioned -- do you know what that document
6 is? The first two pages of Exhibit 99?

7 A. It's just looking at some of the names of the advisors. I
8 know these are Pioneer teachers. I'm assuming these are
9 Pioneer clubs.

10 Q. And so would this be a list of the ASB-approved clubs at
11 Pioneer? Do you know?

12 MS. LEVINE: Calls for speculation.

13 THE WITNESS: I -- I don't know if they're
14 ASB-approved and student interest groups. I don't -- I don't
15 know what the list is composed of.

16 BY MR. BLOMBERG:

17 Q. Okay. So you just don't know, one way or the other,
18 looking at the document?

19 A. Right. There doesn't seem to be anything indicating a
20 distinction.

21 I do see, given that there are advisors, there's a chance
22 that they are ASB-approved clubs, since that is a requirement
23 for ASB approval, but that's just me taking an educated guess.

24 Q. Okay. And -- but you don't recognize those first two
25 pages? You haven't seen them before?

1 A. Honestly, it's likely that I produced them, since I
2 collected most of the documents for discovery, and they just --
3 after the volume, it doesn't look familiar.

4 Q. Looking at the -- these first two pages, do you see FCA on
5 the list?

6 A. I do not.

7 Q. And then looking at the second page, do you see the
8 Satanic Temple Club on the list?

9 A. I do.

10 Q. Does that give you a sense of what the time period would
11 be, and what this list depicts?

12 MS. LEVINE: Calls for speculation.

13 THE WITNESS: I -- if -- assuming that we can infer
14 accurately from this list, it sounds like it might be some time
15 between the derecognition of the Fellowship of Christian
16 Athletes Club and the approval of the Satanic Temple Club.

17 BY MR. BLOMBERG:

18 Q. Okay. So scrolling through the next page after that,
19 where the font gets a little smaller, do you -- do you see that
20 list there?

21 A. I do.

22 Q. Do you know what that list is?

23 A. Again, I could just use the same logic to infer, as the
24 other list, that I see some Leland. I see Leland referred to
25 in the club email contacts list. So this is likely a list of

1 clubs at Leland. Whether they are student interest groups or
2 ASB-approved clubs, I don't see anything to distinguish between
3 the two.

4 Q. Okay. And you don't have any independent knowledge of
5 whether this is a list of ASB-approved Leland clubs?

6 A. Just from recollection of this list, I see some lists that
7 I believe are indicative of ASB approval. But again, knowing
8 the student interest groups overlap, it could also include
9 student interest groups.

10 Q. Okay. So it -- you think this was -- could include
11 ASB-approved groups, but you don't know if it's exclusively
12 ASB-approved groups at Leland?

13 A. That's a fair summary. Yes.

14 Q. Okay. And then scrolling down to the last page, do you
15 recognize what that document is?

16 A. Again, looking at some of the names of the teachers, a
17 list of clubs at Willow Glen High School.

18 Q. But it's not one that -- that you are familiar with?

19 A. Again, I probably produced it, but it doesn't look
20 familiar at this moment. No.

21 Q. Okay. Do you know who compiles these -- compiles lists of
22 ASB-approved student groups at the various sites?

23 MS. LEVINE: Calls for speculation.

24 THE WITNESS: That was something that would be
25 something that would rely on the activities directors to keep

1 track of.

2 BY MR. BLOMBERG:

3 Q. So would the activities directors be the ones that compile
4 the lists, or would the activities directors be the ones who
5 know who compiles the lists?

6 A. I would expect that the activities directors compiled the
7 lists themselves.

8 Q. Okay. So if these were lists of ASB-approved student
9 clubs, they would have been compiled by the activities
10 directors?

11 MS. LEVINE: Calls for speculation.

12 THE WITNESS: I would call the activities directors
13 if I had questions about these lists.

14 BY MR. BLOMBERG:

15 Q. And they would be the one to be able to tell us one way or
16 the other what they are?

17 A. I -- I would certainly hope so.

18 MR. BLOMBERG: Okay. I'd like to go to what's going
19 to be labeled as Exhibit 52. Hopefully this won't take quite
20 so long to load, but this was introduced previously. That's
21 why the numbering is a little different.

22 (Deposition Exhibit 52 marked for identification.)

23 THE WITNESS: Okay.

24 BY MR. BLOMBERG:

25 Q. Just let us know when you can see it, and have it open.

1 A. I refreshed, but I can't see 52.

2 MR. BLOMBERG: Yeah. Same here. Not quite there
3 yet.

4 THE WITNESS: Egnyte is having a hard time today.

5 MR. BLOMBERG: It's up for me now.

6 THE WITNESS: Okay. I can see it. Let's see if I
7 can get it to open.

8 BY MR. BLOMBERG:

9 Q. Okay.

10 A. Okay. I have it.

11 Q. Great. Yes. So this is Exhibit 52. And do you see that
12 bolded section kind of in the middle right that says
13 "Defendant's Amended Responses to Plaintiff's First Set of
14 Interrogatories"?

15 A. I do.

16 Q. If you could scroll to page 11, and let's see.

17 A. Okay. I'm on page 11.

18 Q. And see on line number 5 there's a list of numbers on the
19 left-hand side?

20 A. Uh-huh.

21 Q. Line number 5 -- it says "On or around May 2nd, 2019,
22 Pioneer created the status of student interest group."

23 A. I see that.

24 Q. Do you see that language?

25 A. I do.

1 Q. And that's a non-ASB-approved student organization. Is
2 that right?

3 A. Yes. Mm-hm.

4 Q. Okay. Was the District involved in Pioneer's decision
5 to make the student interest group category?

6 A. If by "the District" you mean the central office, not as
7 far as I know, no. No.

8 Q. And so who would have been the ones to have made the
9 decision to create a student interest group category at
10 Pioneer?

11 A. Likely, the principals in conjunction with the activities
12 directors. I'm not saying that there was no possibility that
13 there was a discussion perhaps with our director of educational
14 equity or, you know, get input about how clubs might -- might
15 function if they're not ASB related. Somebody here certainly
16 might have advised them, but I don't think that that
17 conversation -- or that decision is made at the district level.

18 Q. Why did Pioneer create this separate category on May 2nd,
19 2019?

20 A. That, I don't know. I can only infer that they thought
21 that they needed something; needed a different category; and
22 that perhaps they got some other options from other -- other
23 personnel who also worked with clubs.

24 Q. Do you know when FCA was derecognized -- the date?

25 A. I'm sorry. Like, the dates? Do I know the date that FCA

1 was derecognized? I know -- I believe I know. Wait. Oh, no.

2 MS. LEVINE: Vague and as to which schools. Maybe
3 you could ask her which school site.

4 BY MR. BLOMBERG:

5 Q. Do you know which day the Pioneer FCA was derecognized?

6 A. I'm going to say sometime in the spring of 2019.

7 Q. Do you know if it was May 2nd, 2019?

8 A. I do not.

9 Q. Do you know if there was any connection between Pioneer
10 creating the -- a non-ASB-approved student interest group
11 category, and derecognizing FCA?

12 A. I don't have any information about that decision.

13 Q. Do you know what benefits are available to student
14 interest groups? These are the non-ASB-approved student
15 interest groups.

16 MS. LEVINE: Vague. Overbroad.

17 THE WITNESS: Sorry, Daniel. At which school? All
18 of the three schools, or...

19 BY MR. BLOMBERG:

20 Q. Mm-hm. Do you know if there's a standard benefits package
21 of benefits that are available to non-ASB-approved student
22 interest groups?

23 A. I -- I don't know that there's a standard.

24 In looking at these interrogatories, it appears that we
25 are moving in that way, given that the Pioneer student interest

1 group -- the formation of those seems to cleave rather closely
2 to what the students at Leland have access to. But I can't
3 say, like, from a District expectation, that there is a
4 standard package currently.

5 Q. Do you know what the benefits that are available to a
6 Pioneer non-ASB-approved student interest group is?

7 A. Well, sure. I mean, it's helpfully outlined in the
8 interrogatories. So I will say that this certainly helps to
9 clarify that they can, in fact, participate in club rush; hold
10 campus-wide events; use school meeting space; meet on campus
11 during noninstructional time; post announcements, you know;
12 even have announcements about meetings on bulletin boards using
13 a PA. So quite a range of opportunities available to
14 non-ASB-approved student interest groups.

15 Q. And that's consistent with your understanding of the
16 practice at -- at Pioneer?

17 A. I don't have anything to indicate that that's -- that's
18 not the practice. Right.

19 Q. And can you read the next sentence after the one that you
20 were just reading from?

21 A. Sure. Kind of on 11? Line 11?

22 Q. Mm-hm. Yeah.

23 A. "However, not all ASB-approved clubs have an ASB financial
24 account or fundraiser."

25 Oh, I think actually I was on 9.

1 "A student interest group at Pioneer may not have an ASB
2 financial account or engage in fundraising."

3 Q. So this would go back to what you were saying about -- if
4 you're going to do fundraising on campus, it has to be
5 ASB-approved?

6 A. Yes. That's the mechanism.

7 Q. And then the -- down at the bottom of this document, the
8 second-to-last page.

9 A. Okay.

10 Q. It's page 27. Is that your signature on the document?

11 A. It is.

12 Q. Okay. So this would be consistent with your
13 understanding -- your best understanding of the facts?

14 A. Yes.

15 Q. Okay.

16 A. Probably a little clearer in May of 2021, or a little
17 closer to the top of my memory.

18 Q. Who is responsible for making the determination of whether
19 someone is a student interest group, as opposed to an
20 ASB-approved club?

21 MS. LEVINE: Vague.

22 THE WITNESS: The sites establish the criteria for
23 ASB approval and alignment with District expectations.

24 And, again, some sites have additional requirements,
25 hopefully clearly expressed to students, and, of course,

1 nondiscriminatory, in which case the ASB organization -- the
2 ASB, itself -- determines whether or not an ASB club is
3 ASB-approved.

4 And then I imagine that the activities directors and
5 principals would also work with clubs if they didn't receive
6 approval, but wanted to be a student interest group. So that
7 decision making is definitely held at the local level.

8 Q. And so after FCA was derecognized at Pioneer, it was no
9 longer allowed to have an ASB account or fundraise on campus.
10 Is that right?

11 A. That -- that would have.

12 MS. LEVINE: Misstates the evidence.

13 THE WITNESS: Given the relationship between ASB
14 recognition and the ASB account and fundraising, that would
15 have been -- that would have been a consequence of that
16 derecognition, yes.

17 BY MR. BLOMBERG:

18 Q. Okay. And would that have been true at -- for the Leland
19 FCA as well? When it was derecognized, it would no longer have
20 an ASB account, and could no longer fundraise on campus?

21 MS. LEVINE: Same objections.

22 THE WITNESS: It should have been consistent, yes.

23 BY MR. BLOMBERG:

24 Q. Okay. Do you have any reason to think it wouldn't be
25 consistent?

1 A. No.

2 MR. BLOMBERG: Okay. We'll go back to the exhibits
3 folder. And we're going to look at the -- I think this one
4 will be Exhibit 100 when it comes up.

5 (Deposition Exhibit 100 marked for identification.)

6 BY MR. BLOMBERG:

7 Q. Just let me know when you see it and when you have it
8 open, please.

9 A. Okay.

10 Do you have it? Do you see it? Is it posted?

11 Q. Not yet. No.

12 A. Oh.

13 Q. So it's not just the California side.

14 A. That would be unusual, for it to not just be California.

15 Q. While we're waiting for this to load, let me just go back
16 up for a second to the policy where -- of the document we were
17 just in --

18 A. Okay.

19 Q. -- which is Exhibit 52. And then we can go to -- I think
20 it's page 14. And just let me know once you're there.

21 A. Okay. I'm there.

22 Q. Okay. And so at the end of that first paragraph about
23 Leland High School, it says "Only clubs may have an ASB account
24 and engage in fundraising." So does that confirm what you were
25 saying earlier, that the -- the Leland FCA, when it was

1 derecognized, would not have been able to have an ASB account
2 and engage in fundraising?

3 MS. LEVINE: Misstates the evidence.

4 THE WITNESS: In looking at the referent language in
5 the rest of the paragraph, it's clear "only clubs" -- right? --
6 refers to ASB-approved clubs.

7 And then if the FCA were not recognized as an ASB-approved
8 club, and became a student interest group, then, right, they
9 would not have an ASB student interest account and would not be
10 authorized to fundraise.

11 BY MR. BLOMBERG:

12 Q. Great. Thank you.

13 A. I see Exhibit 100 now.

14 Q. Perfect. And just let me know once you have it up.

15 A. I do have it up.

16 Q. Okay. Great. Do you see -- do you know what this policy
17 is?

18 A. I do.

19 Q. And what is it?

20 A. It's our Board-adopted equity policy.

21 Q. And what is the equity policy?

22 MS. LEVINE: The document speaks for itself.

23 THE WITNESS: The equity policy is kind of the -- the
24 written document that affirms our Board's commitment to
25 ensuring that -- that students get what they need; that

1 resources are given to students based on need -- based on need;
2 our commitment to that concept of equity through education.

3 BY MR. BLOMBERG:

4 Q. And what are the categories of protected classes that are
5 identified in paragraph 1?

6 A. Well, paragraph 1 really deals with how we look at groups
7 of students. Right? So how we disaggregate data. And we do
8 that under the equity policy by race, ethnicity, gender, sexual
9 orientation, language, disability, and socioeconomic status.

10 Q. And then scrolling down to the second page of the policy
11 to number 7, do you see that?

12 A. I do.

13 Q. And what is -- what is that, in your own words? What is
14 that portion of the policy doing?

15 A. Number 7 is a District commitment to -- to hire -- to
16 staff, hire, train, and retain educational teachers and staff
17 that reflect the diversity of our student community.

18 Q. And so, practically speaking, what does that require?

19 MS. LEVINE: I'm going to object that this is outside
20 of the scope of the notice. So she can answer in her personal
21 capacity, if she knows.

22 MR. BLOMBERG: This is pursuant to topic number 6,
23 all district programs, policies, activities, funding
24 arrangements, or events that include a requirement or
25 preference on the basis of the categories that we've already

1 discussed.

2 MS. LEVINE: Programs and activities doesn't really
3 pertain to employment, but I don't know that this is really
4 within the scope.

5 MR. BLOMBERG: There's no funding associated with
6 hiring employees?

7 MS. LEVINE: You're asking me, or are you asking her?

8 MR. BLOMBERG: I'm -- you're -- you're trying to
9 construe the topic number 6. And I'm saying you're talking
10 about programs and activities.

11 MS. LEVINE: Right.

12 MR. BLOMBERG: But funding arrangements or events.

13 MS. LEVINE: Right. So...

14 MR. BLOMBERG: So all that's included in the
15 objection, and agreed to produce a witness who can testify on
16 that topic.

17 MS. LEVINE: On employment I don't think we agreed
18 to -- produce a witness, based on --

19 MR. BLOMBERG: Funding activities.

20 MS. LEVINE: Funding activities?

21 MR. BLOMBERG: Funding arrangements. Sorry. Funding
22 arrangements was the agreed-upon topic.

23 MS. LEVINE: Funding arrangements is -- I mean, we
24 did, subject to our objections. If "funding arrangements"
25 means employment, I think that's an incredibly broad and vague

1 term if the intent was to include employment. Probably I might
2 have designated another witness to address employment issues.
3 But we can see on a case-by-case basis whether she can answer
4 those questions. But I'm not sure that she's prepared to talk
5 about employment practices within the District at this time.

6 BY MR. BLOMBERG:

7 Q. All right. So if you can let me know, practically
8 speaking, what number 7 means on a day-to-day basis in the
9 District.

10 A. On a day-to-day basis? So actually hard to say on a
11 day-to-day basis.

12 The equity policy is, again, our commitment to practices
13 that support high-quality outcomes for students based on a
14 number of factors that we believe may influence students'
15 ability to be successful in the system.

16 Number 7 affirms our commitment to ensuring that we, I
17 think, again, practically speaking, make efforts to reach out
18 to communities that -- that more accurately reflect our student
19 community demographically. So, you know, we may -- we may
20 recruit more bilingual educators. We may, you know, engage
21 with partners who look at training and providing more educators
22 of color. We look for social workers who may have more
23 experience dealing with students who are living in poverty, and
24 teachers who are bilingual.

25 So, practically speaking, it's about our desire to have

1 our staff and our students have significant and usually
2 personal knowledge about the students that they serve.

3 Q. Okay. Let me move to the next exhibit.

4 A. Okay.

5 Q. And this will pop up as Exhibit 101.

6 A. Okay.

7 (Deposition Exhibit 101 marked for identification.)

8 THE WITNESS: Okay. I have it.

9 BY MR. BLOMBERG:

10 Q. All right. So I know actually I think this is the wrong
11 exhibit this came up. Give us one second.

12 A. Yes.

13 Q. The right one will come up momentarily. Okay. So if you
14 click on what's now marked as Exhibit 101.

15 A. Okay. That's the same thing that popped up for me last
16 time.

17 Q. Okay. Okay. Well, it was different from the one that
18 popped up for me.

19 A. The Latino mentorship article.

20 MS. LEVINE: It's also labeled Exhibit 140. It says
21 101, Exhibit 140. So I'm not really sure.

22 MR. BLOMBERG: Yeah. Try clicking on "Marked
23 Exhibits" again, and see. There should be an Exhibit 101, and
24 then it's dash Exhibit 100, dash, and then a number of letters,
25 and Leland.

1 MS. LEVINE: Okay. I've got a new one.

2 THE WITNESS: Okay.

3 BY MR. BLOMBERG:

4 Q. Okay. Does that -- so when you're looking at that, do you
5 see a document that's entitled "Leland Approved -- Denied
6 Clubs.PDF"?

7 A. I do.

8 Q. All right. Have you ever seen this document before?

9 A. It's possible. I know that I produced -- was part of the
10 production of a lot of documents about clubs from those three
11 schools.

12 Q. Do you know what information the document depicts?

13 A. I can infer that it is a list of clubs that were either
14 approved or denied at Leland High School.

15 Q. Okay. And how do we know which ones were approved?

16 A. Well, I can't see the top row. It looks like there's a
17 key. But again, common sense would indicate that the "D"
18 perhaps stands for "denied," and the "A" perhaps stands for
19 "approved."

20 Q. And then do you know what the "M" stands for?

21 A. No, I don't. Sure wish I could open that row, that column
22 at the top.

23 Q. You and me both.

24 And so your understanding is that this is a list of
25 approved and denied clubs from Leland. Do you know what year

1 that would be?

2 A. I don't.

3 MS. LEVINE: Calls for speculation.

4 THE WITNESS: I don't. I imagine sometime
5 potentially in the last three years. I think those are the
6 only documents that we collected for discovery, assuming this
7 came from that.

8 BY MR. BLOMBERG:

9 Q. And do you have any knowledge of why the denied groups
10 were denied?

11 A. In these particular instances, no. I understand that they
12 have a very careful process that had a lot of steps to it. But
13 I don't have specific information about these clubs, no.

14 MR. BLOMBERG: Okay. Let's do this. Let me take a
15 ten-minute break to clean up the technical difficulties. And
16 then we'll come back on in about 2:50. Does that work for you
17 all, which is, I guess, 11 --

18 MS. LEVINE: No. That was your first offer. 2:50 is
19 fine for me.

20 THE WITNESS: Sounds good to me. Clearly, I need a
21 break.

22 MR. BLOMBERG: All right. Thank you much. We'll see
23 you in a few minutes.

24 THE WITNESS: Okay. Thank you.

25 (Recess taken from 11:38 a.m. until 11:51 a.m.)

1 MR. BLOMBERG: So thank you for bearing with me. We
2 actually -- we got our internal files mixed up. And so that's
3 why, when you look in your Marked Exhibits folder, you'll see
4 one that's marked "Ignore," because it was not the right
5 document.

6 So anyway, you can click on the Marked Exhibits folder.
7 And you should see the next one is Exhibit 102. And once you
8 have that up, you can click on it. And just -- we'll take a
9 look at it.

10 THE WITNESS: I've got it.

11 (Deposition Exhibit 102 marked for identification.)

12 BY MR. BLOMBERG:

13 Q. Okay. And can you tell us what this document is?

14 A. Sure. This is another component to our equity plan that
15 describes our voluntary integration plan.

16 Q. Okay. And how is this different from the other equity
17 policy that we were looking at a moment ago?

18 A. The other equity --

19 MS. LEVINE: I'm not -- mine hasn't loaded yet.

20 MR. BLOMBERG: Oh, okay. Just let us know when
21 you're up.

22 MS. LEVINE: Okay. Go ahead.

23 BY MR. BLOMBERG:

24 Q. You were saying how this is different from the other
25 equity policy we were just looking at.

1 A. Sure. I mean, obviously, they're all related. They're
2 components of our equity policy.

3 The -- the other document talks about how we will
4 disaggregate data by certain components to look at where we
5 need to allocate additional resources based on student need in
6 alignment with some of those indicators.

7 This document talks about something called our "voluntary
8 integration plan," which deals with how we provide families
9 choice in terms of schools that they wish to attend, and how
10 that's a key component in attempting to establish diverse
11 school communities.

12 Q. And what's difference between the BP and AP designation on
13 the two equity policies that we've been looking at?

14 A. I think -- is it BP and AR?

15 Q. Sorry. Thank you very much. Yes. BP and AR.

16 A. No problem. So "BP" is Board policy, which talks about,
17 you know, our -- our vision and our -- our guiding principles.

18 And then an "AR" is an administrative regulation, which is
19 how we tell our administrators to implement those guiding
20 principles. So AR tends to be a little more action oriented
21 and prescriptive implementation of the Board's position on --
22 on key -- on key issues.

23 Q. And looking at the second paragraph of Exhibit 102, when
24 it says "in order to eradicate institutional bias of any kind,"
25 and then it goes on to talk about eliminating disparities in

1 educational outcomes for students from historically underserved
2 and underrepresented populations, can you just, you know, read
3 that paragraph, and let me know in your own words what that
4 means?

5 MS. LEVINE: Calls for a legal conclusion.

6 THE WITNESS: What it means -- I'm -- I don't mean to
7 be glib, but what it means outside of what it says?

8 BY MR. BLOMBERG:

9 Q. Yeah. Yeah. Just, like, practically speaking, what does
10 it mean to implement the eradication of institutional bias and
11 eliminating disparities in educational outcomes for students
12 from historically underserved and underrepresented populations?

13 MS. LEVINE: Vague and overbroad. The document
14 speaks for itself. And it calls for a legal conclusion.

15 You can answer.

16 THE WITNESS: What it would mean would be to overcome
17 the most significant challenges of our time in ensuring that
18 every student has access to a high-quality education.

19 Looking at what we do as an institution, what kids coming
20 to us may have experienced. Attempting to make sure that we
21 don't -- that we don't bring elements of bias into the
22 classroom. To understand how students from underrepresented
23 populations may have experienced classism, racism, and really
24 how all students may have been impacted by the world outside of
25 the classroom. How do we then make sure that we don't amplify

1 and expand those practices in the classroom in a way that
2 interferes with the students' right to learn.

3 So if we can -- we can achieve -- we can eradicate
4 institutional bias by focusing on these elements, we will have
5 probably solved the most significant impediment to public
6 education systems of the modern era.

7 Q. That's a big goal.

8 A. We're working on it.

9 Q. How do you identify who historically underserved and
10 underrepresented populations are?

11 A. I think the District recognizes that it has to do
12 demographically for us -- if we look in the -- in the -- in our
13 District, we look at students who generally underperform other
14 groups of students.

15 So, for us, specifically second language learners. In --
16 in our District, Hispanic students, particularly Latino males.

17 As we look at whatever benchmarks and indicators are set
18 for us by state and federal legislation and by our own internal
19 expectations, who's doing well? Who's not doing well? Is
20 there -- are there certain components we can look at in order
21 to target appropriate resources?

22 So oftentimes students, of course, with disabilities are
23 sometimes in that category. And students living with
24 experiencing poverty and homelessness.

25 Q. Okay. And so -- and would that go to the -- the first

1 sentence of the next paragraph, where it says, "the Board
2 shall make decisions with a deliberate awareness of the
3 impediments to learning faced by students of diverse cultural,
4 ethnic, linguistic, disability and/or socioeconomic
5 backgrounds?"

6 MS. LEVINE: The document speaks for itself. Calls
7 for a legal conclusion.

8 MR. BLOMBERG: Sorry. I didn't hear what you said.

9 MS. LEVINE: I said the document speaks for itself
10 and it calls for a legal conclusion.

11 MR. BLOMBERG: Sorry. I heard you, Amy.

12 MS. LEVINE: It's my fault. I can't look at the
13 document and the people at the same time. They're on different
14 screens.

15 THE WITNESS: Well, and it's my fault because I don't
16 wait for Amy to say things. I'm sorry Amy.

17 So, Daniel, you asked if the -- the contents of the second
18 paragraph really lead to the first sentence of the third. And,
19 yes, we do make decisions with a deliberate awareness of
20 impediments to learning faced by students of diverse
21 cultural -- to the extent that they exist.

22 We never assume that simply because students come from
23 diverse ethnic, linguistic, disabilities, or socioeconomic
24 backgrounds, that they come underprepared or disadvantaged in
25 some way.

1 But to the extent that we can identify systemic issues
2 that contribute to different learning outcomes for students
3 related to these things, absolutely.

4 BY MR. BLOMBERG:

5 Q. That makes sense. And then so when you were talking,
6 like, for instance, about the challenges faced in certain areas
7 by Latino males, does that go to the next sentence right after
8 the one we were just talking about, where the Board shall
9 consider whether its decision addresses the needs of students
10 from racial, ethnic, and indigent communities?

11 MS. LEVINE: The document speaks for itself. Calls
12 for a legal conclusion.

13 THE WITNESS: I think that that is, on its face, what
14 the effort is, for sure.

15 BY MR. BLOMBERG:

16 Q. In order to identify these barriers, impediments for
17 racial and ethnic communities, does the District consider
18 such factors as race and ethnicity and gender in trying to
19 tailor its services to student needs?

20 MS. LEVINE: Vague. Vague and overbroad.

21 Go ahead.

22 THE WITNESS: -- that question.

23 What I would say that we do is we start with the key
24 performance indicators of student success. And then if
25 students are not successful, we may look at whether or not

1 those students share any commonalities that may be a reflection
2 of our failure to serve a particular student group.

3 So I'm not sure I answered the question. But we don't
4 start with a group of students, and, again, build out
5 curriculum or interventions or support simply based on the fact
6 that they may belong to a particular group.

7 We look at what's happening, and try to make better
8 decisions. And sometimes those decisions may change, you know,
9 from different periods of time, because the students in front
10 of us have different needs, despite being, again, members of
11 groups that we recognize may be considered underserved in the
12 broader context of education.

13 MR. BLOMBERG: Okay. Can we go to -- back to the
14 Marked Exhibits folder? And we will get Exhibit 103 here in
15 just a minute.

16 THE WITNESS: Okay. I never get to talk about the
17 equity policy anymore. You sure you don't want to?

18 MS. LEVINE: Okay. Wait for the question, Jen.

19 THE WITNESS: Sorry.

20 (Deposition Exhibit 103 marked for identification.)

21 BY MR. BLOMBERG:

22 Q. Okay. It's coming up for me as Exhibit 103.

23 A. Mine's still loading.

24 Q. Just let me know once you have it. And it will probably
25 take a moment to load up once you click on it, too.

1 A. So my 103 title says "Latino Mentor Group," but the
2 exhibit itself is a copy of the Pony Express.

3 Q. That's right. Yeah. That's exactly right. So is it up
4 for you now?

5 A. Yeah. I'll ignore the title. I'm looking at the
6 newspaper.

7 Q. Yes. Exactly. We're actually going to go to an article
8 that's representative of the title. So -- and you identified
9 the first piece of it. So this is a copy of the Pony Express
10 newspaper at Pioneer?

11 A. It certainly appears to be. I don't -- I don't know if
12 it's complete or -- that's what it purports to be, yes.

13 Q. All right. And you see in the bottom right-hand corner
14 where it's marked "SJUSD006450"?

15 A. I see that. Yes. I guess that is the bottom of the first
16 page. Yes.

17 Q. Yeah. And so this would be -- this is a document that we
18 received from the defendants in response to our discovery
19 request.

20 A. Okay.

21 Q. And then if you could, go to the fourth page. At the top
22 right-hand corner -- just let me know when you're there.

23 A. It's loading. Is it the one titled "Meaningful Mentoring
24 Relationship"?

25 Q. Yes, ma'am.

1 A. Yes. I'm there.

2 Q. All right. Great. And then if you see -- if you could
3 look at the fourth paragraph of the article, where it says a
4 quote from Principal Espiritu, do you see that?

5 A. I do.

6 Q. All right. I'm just going to read it aloud. It says,
7 "'The program was formed so that we could help our ninth-grade
8 Latino male students acclimate to high school, in order to set
9 them up for success,' said Espiritu. 'Latino males are not
10 progressing at a rate that the other demographics have
11 progressed in our school system, so we're trying to create a
12 program where we can help bridge that gap.'" End quote. Did I
13 read that correctly?

14 A. Yes.

15 Q. And what is he describing here? What is the Latino Male
16 Mentor Group that he's talking about?

17 MS. LEVINE: Calls for speculation.

18 THE WITNESS: I don't have personal knowledge of the
19 group, but a quick scan --

20 MS. LEVINE: Don't -- don't guess if you don't know
21 anything about it.

22 THE WITNESS: Okay.

23 BY MR. BLOMBERG:

24 Q. What does the second paragraph of this document state that
25 the Latino Male Mentor Group is?

1 A. It says the Latino --

2 MS. LEVINE: The document speaks for itself.

3 THE WITNESS: -- the Latino Male Mentor Group, which
4 includes 15 freshman and 15 senior mentors, will also include
5 an emphasis on engaging with the Pioneer community, meaning
6 every other Wednesday during flex period in Room 306.

7 BY MR. BLOMBERG:

8 Q. And so is this one of the programs you were talking about
9 earlier, that helps, under the equity policy, individuals who
10 need specific support from the school system?

11 MS. LEVINE: Calls for speculation.

12 THE WITNESS: This certainly seemed like a program
13 that would share that value, yes.

14 BY MR. BLOMBERG:

15 Q. And so it would be -- it would advance the goals of the
16 equity policy that we were looking at earlier?

17 MS. LEVINE: Calls for speculation.

18 THE WITNESS: It certainly seemed like it would. I
19 would also -- I note that this is clearly a volunteer
20 opportunity of students assisting other students. So the
21 equity policy talks about the importance of diverting resources
22 where students need them. So a small distinction, but this
23 certainly seems to share the same goal.

24 MR. BLOMBERG: Okay. I'd like to show you another
25 exhibit. So we'll go back to the folder. And this should pop

1 up in a moment as Exhibit 104.

2 (Deposition Exhibit 104 marked for identification.)

3 THE WITNESS: Okay. I have it. I see it.

4 BY MR. BLOMBERG:

5 Q. Okay. And then can you open that up. And just let me
6 know once you have it open.

7 A. It's open.

8 Q. Okay. And do you see that this is an email to SJHS staff?

9 A. I see that.

10 Q. Do you know what SJHS staff is?

11 A. Likely, it's San Jose High School.

12 Q. And do you see what the description of the event
13 they're -- the conference they have here is?

14 A. I do.

15 Q. And what is that conference?

16 MS. LEVINE: Calls for speculation. The document
17 speaks for itself.

18 THE WITNESS: The subject of the email is "Male
19 Summit Conference Student List."

20 BY MR. BLOMBERG:

21 Q. And does the first paragraph articulate who was going to
22 the conference?

23 MS. LEVINE: The document speaks for itself. Calls
24 for speculation.

25 THE WITNESS: It does.

1 BY MR. BLOMBERG:

2 Q. And who does it say is going?

3 MS. LEVINE: Same objection.

4 THE WITNESS: It says, "Please see the list below to
5 see what students are attending the Male Summit Conference.

6 Only males are going."

7 BY MR. BLOMBERG:

8 Q. And does it say what the purpose is of having a Male
9 Summit Conference?

10 MS. LEVINE: The document speaks for itself.

11 THE WITNESS: The purpose is to motivate students to
12 graduate from high school and seek higher education. There
13 will be a series of workshops. Statistics show that males
14 usually do not get a higher education.

15 BY MR. BLOMBERG:

16 Q. So would your understanding, then, be that this would also
17 be consistent with the objectives of the equity policy, if a
18 specific group has been identified as having poor educational
19 outcomes, and there's an event the school is supporting to
20 address that?

21 MS. LEVINE: Calls for speculation.

22 THE WITNESS: Those goals seem to be aligned.

23 MR. BLOMBERG: We'll go and take a look at what will
24 be Exhibit 105.

25 THE WITNESS: Okay.

1 (Deposition Exhibit 105 marked for identification.)

2 BY MR. BLOMBERG:

3 Q. Just let me know once you have it up. It's a bigger file.

4 A. It's loading, but I have the first few pages.

5 Q. Just let me know once you have it all, and then we'll go
6 from there.

7 A. Okay. I think I -- I think I have it all.

8 Q. All right. So looking at the first page, do you
9 identify -- do you know what this is?

10 MS. LEVINE: The document speaks for itself.

11 THE WITNESS: Just reading it, it appears to be a
12 presentation of some sort on racial literacy.

13 BY MR. BLOMBERG:

14 Q. And where is the presentation being delivered?

15 MS. LEVINE: Speculation.

16 THE WITNESS: Presentation appears to have been part
17 of a presentation done at Pioneer High School.

18 BY MR. BLOMBERG:

19 Q. And do you know if this kind of presentation would be
20 delivered to students, or is it for teachers, or is it for
21 someone else?

22 MS. LEVINE: Calls for speculation.

23 THE WITNESS: I don't know. The title mentions
24 student engagement. Likely not for students.

25

1 BY MR. BLOMBERG:

2 Q. And who is Marcus Pizarro?

3 A. It says that he's a professor at San Jose State
4 University, at least, according to the document.

5 Q. To your knowledge, is he an employee of the District?

6 A. Not to my knowledge, but he could -- he could also be
7 employed by the District.

8 Q. So if he's not employed with the District, does it
9 appear that the District brought in a college professor to
10 teach on developing racial literacy for Latinx student
11 engagement?

12 MS. LEVINE: Calls for speculation.

13 THE WITNESS: It appears that they did ask somebody
14 to come in and discuss this. Yes. Somebody did.

15 BY MR. BLOMBERG:

16 Q. And what would be the purpose of providing this kind of
17 training at Pioneer High School?

18 MS. LEVINE: Calls for speculation.

19 THE WITNESS: I can only infer from the topic that
20 its strategy's specifically tailored to a group of students to
21 increase student engagement.

22 BY MR. BLOMBERG:

23 Q. And that would be consistent with the equity policy we
24 were talking about earlier, you know, providing -- trying to
25 enhance students' engagement for underserved or historically

1 underrepresented groups?

2 A. I have to assume, then, that Latinx students are
3 historically underserved or engaged at Pioneer, but I'm -- I'm
4 assuming that that is part of the purpose certainly.

5 Q. Okay. And if you scroll down to the -- the very last --
6 the second-to-last -- sorry -- second-to-last slide.

7 A. Okay.

8 Q. And just let me know when you get there. It might take a
9 second to load.

10 A. Extending the challenges of recession?

11 Q. Yes. And are there any other classes of students that are
12 identified here who may need or may benefit from support who
13 have been disengaged?

14 MS. LEVINE: The document speaks for itself.

15 THE WITNESS: It is what it says on the flag, yes.
16 According to Marcus Pizarro.

17 BY MR. BLOMBERG:

18 Q. So the classifications it mentions there are LGBTQ+
19 students, African American students, working-class students,
20 trans students, and SPED students. Did I read that right?

21 A. Yes.

22 Q. Do you know what SPED students are?

23 A. I imagine they're students in Special Education. That's a
24 fairly common abbreviation.

25 Q. Sorry. Fairly common for you. It was new to me.

1 A. Special Education students. Yes.

2 Q. That was new to me. Thank you.

3 And so would providing support for students who are in
4 those categories be consistent with the equity policy?

5 A. Those are generally classifications of students who are
6 found to be what we termed "underserved," certainly.

7 Q. Okay. Are there any examples that you can think of more
8 generally where the District provides specialized support for
9 students who are in a particular racial, ethnic, or gender
10 category?

11 MS. LEVINE: It's compound, vague, and overbroad.

12 THE WITNESS: It depends. So it goes back to the
13 data. What students need support dictates the students who get
14 support. Oftentimes we recognize that as a result of
15 historical issues, inequitable practices, these students often
16 fall along certain demographic or other lines that we need to
17 recognize.

18 But we always start with: Who needs support in getting --
19 in performing at the level that we expect them to or need them
20 to in order to be successful?

21 So I don't think we start programs based on students' --
22 how students identify. We start programs based on the support
23 that students need.

24 BY MR. BLOMBERG:

25 Q. Okay. That makes sense. And then when you're -- after

1 you've kind of done that assessment and you decide to start
2 providing the services, do you provide programs that are kind
3 of like that Latino male mentorship program that we initially
4 looked at?

5 Are there other types of programs of that nature that
6 said, you know, we have an underperforming group or we have an
7 underserved group, and so we're going to provide leadership
8 opportunities for women, and this is what our program's going
9 to look like?

10 Do you have anything like that at the District, within
11 the District or its sites?

12 MS. LEVINE: Compound and vague and overbroad.

13 THE WITNESS: Well, we got from A to B really
14 quickly. We said: Do we have any data, so then we might
15 provide leadership opportunities for women? Those are -- I
16 would totally separate those -- those issues.

17 BY MR. BLOMBERG:

18 Q. Sorry. Yeah. I just mean as an example other than the
19 Latino male example that you gave and that we looked at. So
20 use any example that you'd want. I'm just trying to understand
21 what kind of programs that might be -- that the District
22 might be providing.

23 A. Sure. Well, the District provides. But there's also a
24 distinction between the District provides, and, you know, we
25 have opportunities, like clubs like Girls Who Code. You know,

1 there is a focus there on exposing more young women to stem
2 careers -- right? -- by really focusing on the needs of women
3 in that career field. That's a club. The District doesn't
4 provide that, per se. But it's ASB-sponsored, ASB-recognized.
5 And, you know, it is kind of an arm of the District in some
6 ways.

7 I -- from -- there are, I imagine, a multitude of
8 programs, again, kind of started at the site, based on site
9 need, like the Latino mentorship program.

10 Really driven more at the site level, there's -- there's a
11 program called "Gear Up," which -- I think there were
12 several -- several programs across our high schools that really
13 strive to get first-generation college students prepared and
14 mentored to achieve college admissions and success.

15 So it's hard to say, but I think that there's probably
16 multiple programs like that happening across our schools.

17 Q. And so you mentioned Gear Up and the Girls Who Code. Are
18 there any other ones that you know of?

19 A. Are we talking about clubs or -- I mean, are we talking
20 the whole -- the whole range of programs?

21 Q. Well, let's start with clubs. Yeah. So -- so the Girls
22 Who Code would be one example.

23 What would -- are there any other examples that you're
24 aware of?

25 A. Sure. With chapters of Black Student Union, Gay-Straight

1 Alliance, Latinos Unidos, you know, whatever students are
2 interested in that they think will help support them and their
3 needs moving forward.

4 It's been a long time since I've been at the site. So I
5 just know that there is -- San Jose Unified is particularly
6 wide and varied in the way that it supports students, and --
7 whether it be student initiated through a club, or adult
8 identified as being something that needs to be addressed, like
9 the Latino mentorship program or the Gear Up program. I'm
10 sorry. I don't have a range of specifics, but those come to
11 mind.

12 Q. Okay. And so using the Latino mentorship program as an
13 example, who -- who kind of takes the initiative to start it?
14 Is that going to be the principal who is making that
15 determination?

16 MS. LEVINE: Calls for speculation. Misstates the
17 evidence.

18 THE WITNESS: The move has been for individual
19 schools to recognize -- to be given the data about students who
20 need support or to come with the data about students who need
21 support, and then to come up with solutions that might
22 potentially address it that are meaningful at their site.

23 So the District has stepped back from that kind of No
24 Child Left Behind kind of approach saying, "Here's what every
25 kid is going to get," to really supporting very highly

1 tailored, locally grown programs to address the needs of
2 students at a micro level.

3 I mean, we saw in the Latino mentorship program you're
4 working, I think, with 15 kids. No district is going to be as
5 successful as the site at implementing needs at that level.

6 BY MR. BLOMBERG:

7 Q. Okay. So sorry. Not the District. The site has
8 discretion in kind of tailoring the solutions to the needs of
9 their students?

10 A. Certainly with support from -- support, advice, and
11 mentorship from leaders at the District level, as they -- you
12 know, there's a lot of meetings with the Superintendent's
13 Council. Cabinets report on data-driven decision making. They
14 might get -- if they don't have ideas, they might get support
15 from curriculum instruction, or director of educational equity.

16 So we're not out of it completely. The District doesn't
17 step back completely, but I'm really encouraging sites to make
18 site-based decisions.

19 Q. And I think you identified a few different types of clubs.
20 The BSA and -- or sorry. I probably said that wrong. Black
21 Student Association, GSA, Girls Who Code. Are there any other
22 types of clubs that you're aware of that kind of address this
23 sort of issue on the site level?

24 A. You mean the address the issues that are aligned with the
25 needs of expressed in the equity policy?

1 Q. Yes, ma'am.

2 A. Given that these are our student-generated clubs, it's
3 hard to say that, you know, the Black Student Union said "We
4 want to address the equity policy."

5 We can certainly see kind of an overlap of values, and an
6 effort there to create inclusive and diverse organizations, but
7 I don't want to put words in their mouths. Right? But I mean,
8 there's often a Latino Unidos Club that serves the -- you know,
9 to bring issues raised by Latinx students to the fore.

10 But honestly, any time a group of kids get together -- Key
11 Club, Interact, environmental clubs -- they're trying to do
12 things that are -- trying to do things to make the world a
13 better place, in their minds, I mean, that definitely overlaps
14 with our efforts to bring the same sort of awareness to the
15 needs of students through the equity policy.

16 Q. Okay. And then stepping aside from the student-club
17 context, what are some examples of programs or activities that
18 are happening on the site level that the -- that the schools
19 are implementing to address these kind of issues and the equity
20 policy?

21 MS. LEVINE: Vague and overbroad.

22 THE WITNESS: The equity policy -- one of the most
23 important things we do is to provide resources to the site.
24 And the site, through its School Site Councils, decide how, in
25 conjunction, kind of, with the community and the staff -- how

1 best to use those resources to serve the needs of the students.

2 So -- I'm sorry, Amy. Did you say something?

3 MS. LEVINE: No.

4 THE WITNESS: So, you know, a site may -- we may
5 allocate additional resources to a site where -- where
6 contingents of students appear to be not meeting the
7 educational targets that we hope for them. So we may give them
8 three additional FTE. And they may decide to implement a math
9 intervention program. They may hire an additional guidance
10 counselor. So it's really -- the choices are really driven by
11 the site need, again, with input and support from the
12 community, and then from supervisors and leaders here at the
13 District office. So not to be vague, but it really depends.

14 BY MR. BLOMBERG:

15 Q. Okay. And are you aware of specific programs that are
16 like the Latino mentorship policy or program, in that they are
17 targeted toward specific groups based on their membership in a
18 -- an ethnic group or racial group or, you know, in the case of
19 the male summit, you know, for boys that have needs? Are you
20 aware of any other policies or programs like that?

21 A. I'm not personally, no. I mean, not in my role as the
22 risk manager on behalf of the District here today. I don't
23 have a list of programs.

24 Q. And you don't have any knowledge of any other programs
25 like that?

1 MS. LEVINE: Vague. Overbroad.

2 THE WITNESS: Again, it's -- it's -- no, I -- I
3 don't.

4 BY MR. BLOMBERG:

5 Q. So one of the things that we were designated to ask you
6 questions about was programs or activities within the
7 District that have to do with these kinds of categories. So
8 the only ones that you're aware of and prepared to talk about
9 today are the Gear Up one, and then the students club that we
10 talked about?

11 A. Well, those are at the site level. So at the District
12 level what we do is we use the concept of equity-based funding.
13 And under our Local Control Accountability program, which is
14 our State funding, to allocate resources based on need at the
15 site.

16 So, like I said, depending on where a student falls in
17 what's called the "unduplicated count," which, in California,
18 is a funding formula that provides funding to students based on
19 socioeconomic need: Whether or not they're foster children,
20 whether or not they're second-language learners.

21 We aggregate that funding, and then distribute it in terms
22 of FTE to sites based on those categories of students.

23 What the sites do with them at the -- at the site level is
24 a function of the conversation between the School Site Council
25 and the site administrator. So it can vary. We're not talking

1 about student clubs. How sites choose to use that additional
2 funding to create programs -- I mean, it really varies.

3 Now, to suggest that -- the male summit activity is not a
4 District program. It's not even a site program. It's an
5 event. Right?

6 So what we do at the District level is provide additional
7 resources, provide advice and assistance on the implementation
8 of those resources under the LCAP. And then we do things like
9 provide additional classes for students who are second-language
10 learners, intervention courses for students who aren't meeting
11 benchmarks in mathematics, English language arts. Those are
12 things that we do uniformly as a whole district.

13 I can't give you a list of all of the places where there
14 might be, like, a Latino mentorship program, because it's
15 highly specific. And I did not seek to get a list of those
16 programs from -- that might have kind of fallen under that --
17 under that umbrella.

18 Q. And where would that -- where would that information be
19 kept? Like, who would know about the Latino mentorship
20 program, other than it just showing up in the Pony Express?

21 A. The superintendent does a program called "Op Stat," where
22 the principals get together and talk about programs they're
23 implementing with the superintendent and the rest of the
24 superintendent's team, and how those programs are designed to
25 implement in response to the data that -- students' performance

1 at the site, and then how those programs are improving student
2 outcomes.

3 So we don't keep a list of them, but there is a very
4 rigorous and thoughtful discussion that happens fairly
5 regularly at the superintendent level with the people at the
6 site who implement those programs or innovate those programs.
7 (Reporter requests clarification.)

8 THE WITNESS: Op Stat. O-p S-t-a-t.

9 MR. BLOMBERG: I was concerned for a second, though,
10 because when you said, "I didn't understand a word you said," I
11 was, like, oh, no. We lost all of that. It was a single word.
12 So all right. Great.

13 THE WITNESS: We could have done it again.

14 BY MR. BLOMBERG:

15 Q. So this meeting discussion you were talking about between
16 the superintendent and principals -- that's kind of an
17 information-sharing session where they would be talking about,
18 you know, this Latino mentorship program?

19 MS. LEVINE: Calls for speculation. Sorry. Calls
20 for speculation. Specific discussion.

21 THE WITNESS: In terms of -- the principals bring the
22 data, whatever data they're directed to review, usually in
23 alignment with, again, the LCAP -- Local Control Accountability
24 Plan -- and a plan for their site-specific programs or
25 opportunities to address that data. That is a likely place

1 something like the Latino mentorship program may be brought up,
2 outside of conversations perhaps with the director of
3 educational equity or the director of secondary curriculum and
4 instruction.

5 Otherwise, a lot of that is driven by collaboration at
6 site and leadership at the site level.

7 BY MR. BLOMBERG:

8 Q. Okay. And so are you aware of any District programs or
9 programs on sites within the District that provide special
10 support to women?

11 A. Not -- no, not explicitly. Not coming from the central
12 office.

13 Q. And -- or coming -- or existing on-site?

14 A. I can't even think of a program in education that --
15 that's doing something like that on a broader scheme. So I'm
16 going to say no. I'm going to say, no, I can't think of
17 anything.

18 Q. Okay. And you can't think of anything -- or let me --
19 sorry. I won't assume that you can't think of anything. But
20 can you think of anything regarding support that's provided for
21 students on the basis of their gender identity?

22 A. Programmatically, no.

23 Q. Program. Yeah. I think it would be programs, activities,
24 events that are -- that the District or schools are providing
25 to provide support for that body of students.

1 A. I -- I know that some schools do something for Pride
2 Month. They do a trans day of recognition to support students
3 who are, you know, struggling with gender identity, or who are
4 not struggling, but, you know, might -- might be struggling in
5 the community.

6 Of course, we provide counseling and, you know, try to be
7 really active in letting students know if they are struggling
8 with any element of their identity or their lives, that our
9 counselors are there to provide support to them.

10 Q. Are there any specific programs the District or its
11 schools provide to support students who are pregnant?

12 A. We have -- so, obviously, students who are pregnant can
13 choose which schools they want to attend. We don't segregate
14 them.

15 We do have a program at Broadway. It's called our "Young
16 Families Program," where students who are pregnant and then
17 give birth can have their children cared for on campus while
18 continuing to -- continuing their education and graduating.
19 That's not just for -- it's the Young Families Program, but
20 it's also part of our continuation high school that helps
21 students who aren't on track to graduate.

22 Q. And are there any programs that cater to the needs of
23 students who are married?

24 A. Not that I'm aware of, no.

25 Q. Are there any programs provided by the District or

1 its -- or its schools that specifically serve the needs of
2 people from a particular national origin?

3 A. No. No, not that I can think of.

4 Q. And any programs, activities, or events that cater to the
5 needs of students from a particular -- with a particular
6 immigration status?

7 A. Program, activities or events. While we have done some
8 things to the District has taken a position on, for example,
9 ICE on campus when there was a concern in California, that that
10 generally happens at the District level, because we don't want
11 students to disclose their immigration status if that's a
12 concern for them. So, no.

13 Q. And have you found that programs like the -- the Latino
14 mentorship program have been effective in helping those
15 populations of students?

16 MS. LEVINE: Calls for speculation.

17 THE WITNESS: I don't have that data.

18 BY MR. BLOMBERG:

19 Q. Does the school have data on the effectiveness of its
20 attempts to meet the equity policy's objectives?

21 MS. LEVINE: Calls for speculation.

22 THE WITNESS: I wouldn't be surprised. The
23 expectation is when our schools make an investment in a
24 program, that they kind of report back on how it's going;
25 whether it should be changed. I don't have access to that

1 data, though.

2 BY MR. BLOMBERG:

3 Q. And who would have access to it?

4 A. I would -- to the extent --

5 (Reporter requests clarification.)

6 MS. LEVINE: Calls for speculation.

7 THE WITNESS: Something that -- were you okay?

8 THE REPORTER: I wasn't sure if I had missed your
9 answer because I may have spoken over you. I'm sorry.

10 THE WITNESS: Okay. I -- again, I'm just assuming
11 that to the extent that data is collected as an investment in
12 the program, it might be something that is shared with the
13 supervisor or the principal, the Op Stat program conversations,
14 perhaps the director of educational equity.

15 BY MR. BLOMBERG:

16 Q. So as you sit here, you're not aware of, say, a written
17 report that evaluates the effectiveness of those investments?

18 A. Correct. They may be in the school's -- what's called the
19 "site program." It's the SPSA, S-P-S-A. We often discuss -- I
20 can't remember what it stands for. The schools produce an
21 annual report on their programs, on academic achievement, et
22 cetera. There's -- there's a chance that if any sustained
23 program was implemented, that the school might choose to report
24 that to the community, and what the outcome was.

25

1 (Deposition Exhibit 53 marked for identification.)

2 BY MR. BLOMBERG:

3 Q. Okay. If we can go to the exhibit folder, and we'll go
4 to -- let's see -- Exhibit 53. So this one's up near the top
5 of your list. Let me know when you can see it, please.

6 A. I can see it. Looks like a single page, so it appears to
7 have loaded.

8 Q. Okay. Great. And this is the -- Pioneer High's high
9 school ASB Constitution and Bylaws for Pioneer's Big Sister and
10 Little Sister Club. Is that what the document says?

11 A. That's what it says.

12 Q. All right. And do you see what the -- the "Name, Purpose"
13 statement is in that first paragraph?

14 A. I do.

15 Q. Would this be a program or a club, kind of like what you
16 were talking about earlier with the Girls Who Code club, where
17 it's meeting some of those equity principles' objectives kind
18 of concurrently?

19 A. This is a -- hard to say. It says the purpose is to
20 welcome freshman girls to Pioneer. So I don't know -- I think
21 that's perhaps not quite as focused and intense in terms of
22 a -- of an audience as the equity policy is. But of course,
23 always good to welcome students to a new school.

24 Q. Okay. And so you're saying that the distinction between
25 this one and Girls Who Code is that one was about not just

1 providing a space for girls, like this one is, but one in a
2 specific field: The -- this -- kind of the science and tech
3 side of things. Is that the distinction that you're drawing?

4 MS. LEVINE: Misstates the testimony.

5 THE WITNESS: I -- I think it's a -- it's a fine
6 distinction in terms of -- in terms of how the -- something
7 like Girls Who Code may more -- may align more with the goals
8 of the equity policy, in that women are often underrepresented
9 in technology.

10 I'm not looking at the girls -- the purpose, obviously, of
11 the Girls Who Code club. I can infer from my knowledge that I
12 believe it has a goal to increase women in the sciences; again,
13 traditionally underrepresented. So this seemed to align.

14 This does seem to be a little bit broader, in terms of
15 welcoming female students to Pioneer.

16 BY MR. BLOMBERG:

17 Q. Okay. Thank you. That's helpful.

18 And then if you look at the second article --

19 A. I see that.

20 Q. -- it says that all freshmen and senior females enrolled
21 in Pioneer High School are eligible for membership?

22 A. Yes.

23 Q. Did I read that correctly?

24 And if you could look at -- and come back out, and we'll
25 go to Exhibit 106.

1 (Deposition Exhibit 106 marked for identification.)

2 MR. BLOMBERG: Just let me know when you have that
3 up.

4 THE WITNESS: Okay. Okay. I'm loading it. If it's
5 a single page, yeah, I have the whole document.

6 BY MR. BLOMBERG:

7 Q. Great. Yeah, it's just a single page.

8 And do you see this is the Pioneer High School ASB
9 Club/Team Charter Request form for Big Sister/Little Sister?

10 A. That's what it says.

11 Q. And do you see at the bottom where it says an approval has
12 been granted?

13 A. There's an "X" right next to a field that says "Approval
14 Granted."

15 Q. And so do you see how it says the purpose of the club is,
16 "To help freshmen learn the school better and get advice from
17 senior girls"?

18 A. I do see that.

19 Q. So would the membership limitation that we looked at a
20 minute ago that restricted membership to freshmen girls and
21 senior girls be advanced -- would that advance the purpose of
22 the club that's described here?

23 MS. LEVINE: Calls for speculation.

24 And she's designated to talk about what the District
25 knows, not about what the club's intent is. She's not -- she's

1 not a designee of any of the clubs or student interest groups
2 at any of the schools.

3 MR. BLOMBERG: I'm going to rephrase the question.

4 MS. LEVINE: Okay.

5 BY MR. BLOMBERG:

6 Q. Is there any District policy that prevents the purpose of
7 the club that's described here?

8 A. Is there any District policy that prevents the purpose of
9 the club as described here?

10 So the purpose of the club: Help freshmen learn the
11 school better and get advice from senior girls.

12 I would suggest that the purpose of the club, as outlined,
13 is rather -- not clearly articulated. If they are limiting
14 memberships to only senior girls, then we have a problem.

15 Q. And what is the problem?

16 A. The problem is if membership is limited -- and I will
17 infer from the previous exhibit if it's limited to both
18 freshman girls and senior girls, it likely violates our
19 nondiscrimination policy.

20 Q. And how does it violate the nondiscrimination policy?

21 A. Boys would be prevented from being a part of the club.

22 Q. And do you see that ASB approval is granted?

23 A. I do see that.

24 Q. So was the approval granted in violation of District
25 policy?

1 A. Potentially.

2 Q. Okay. What about -- was there any District policy in 2018
3 when the approval was granted that would have prohibited them
4 from not allowing a junior or a sophomore to be a member or
5 leader of the group?

6 A. I think -- I think you're asking me if a nondiscrimination
7 policy in 2018 also included a prohibition against
8 discrimination on age. Is that a fair understanding of your
9 question?

10 Q. That -- yeah. That would be one thing I'd like to know.
11 Yes.

12 A. I don't -- I'm going to second-guess myself, because I'm
13 not looking at the policy, and there's a lot in the policy. I
14 don't think that the policy would prohibit that, or it --

15 It might be lunchtime. Number one.

16 Number two. The policy -- I don't believe the policy
17 prevents --

18 I'm going to start over again.

19 I don't think there's anything in the policy that would
20 permit a club, even called "Big Sister/Little Sister," with the
21 purpose of aligning senior girls, from prohibiting juniors or
22 sophomores from participating.

23 Q. So just to make sure I understand, were you saying that
24 there's nothing in District policy as of 2018 that would have
25 prohibited them from keeping it just to senior girls, or

1 seniors and freshmen? Setting aside -- setting aside the sex
2 issue that you identified earlier, there's nothing in the
3 policy in 2018 that would have prohibited them from keeping it
4 just to seniors and freshmen?

5 THE WITNESS: No. I think I'm trying to say that --
6 Sorry, Amy. Go ahead.

7 MS. LEVINE: No. I said "Misstates the testimony."
8 Go ahead.

9 THE WITNESS: I think I'm trying to say the opposite.

10 BY MR. BLOMBERG:

11 Q. Okay.

12 A. I think that I do not believe -- and, again, I'm not
13 looking at it. I do not believe that there is a -- I believe
14 that if the students who were juniors and sophomores wanted to
15 participate, that they would need to be permitted to
16 participate as of the Board's nondiscrimination policy in
17 2018.

18 Q. Okay. Thank you. Thank you for clarifying that.

19 So what in the Board's nondiscrimination policy would
20 require admission of juniors and sophomores into a club for
21 seniors and freshmen?

22 A. I would love to look at the policy again, because now all
23 of a sudden, you know -- very serious -- I don't believe that
24 the policy prohibits. I don't -- I don't think that one on the
25 list of the nondiscrimination criteria is age. So I think

1 that's a key question.

2 Q. So if the nondiscrimination policy includes language that
3 says you can't discriminate on the basis of age, then that
4 would be an independent violation here, to limit it to seniors
5 and freshmen?

6 A. If the policy says you can't -- and I honestly need to
7 look at it again, because it's becoming very -- you know,
8 there's a lot in that policy. But if the policy says you can't
9 discriminate based on age, then we would have a problem here
10 with the implementation of this club, as written, yes.

11 Q. Okay. Okay. And if it didn't have that language, if it
12 doesn't say anything about age, would it be a problem for them
13 to restrict membership and leadership based on age?

14 A. If it doesn't say anything about age, again, looking at
15 more context than I think I have right now, it appears on its
16 face a club could create a requirement that you be either a
17 freshman or senior to participate.

18 Q. And what would be the -- the nondiscrimination policy that
19 you would look at to make that determination?

20 A. The nondiscrimination policy is outlined by the Board.
21 And then any -- potentially any edits to the Ed Code that might
22 not have been incorporated into Board policy at the time.

23 Q. And are there specific Board policies that you have in
24 mind, or is it just the Board policies that have to do with
25 nondiscrimination?

1 A. Well, the Board policy -- these issues kind of -- they
2 show up in lots of different places in the Board policy. So
3 sometimes if I want to make sure I'm reviewing all elements of
4 Board policy, I may pull out some sort of key phrase, and just
5 do a search through the whole thing.

6 Seminally, the Board's policy on nondiscrimination in, I
7 think, in the zero category certainly sets the initial
8 expectation for that.

9 Q. Okay. And would -- so in 2018, your understanding is that
10 the nondiscrimination requirement would have required Big
11 Sisters/Little Sisters to allow a male senior to mentor a
12 freshman female?

13 A. I will say that, from my recollection, if age is not a
14 part of the nondiscrimination policy, that it would have
15 required potentially a male senior to be admitted to the club.
16 I think -- admitted to the club.

17 Q. And would -- would he have been able to be limited from
18 participation in any way? Could they have said, "You're not
19 allowed to be one our mentors, since these are impressionable
20 freshmen females, and we don't want to kind of, you know, put
21 them at a disadvantage with you"?

22 A. I would -- I would state that none of our male students
23 would put our females students at a disadvantage. But no. We
24 expect that membership in a club entitles the member of the
25 club to all of the benefits of the club. That's where we have

1 conversations with students about why they choose to do this.
2 Why they -- you know. Do they understand the purpose of the
3 club? What is their goal in choosing to not participate in the
4 way that the club intended? I mean, those are -- those are
5 conversations that happen.

6 But in terms of the nondiscrimination policy, it's pretty
7 clear if you -- if you have an activity at the school, the
8 students get to participate in the activity at the school.

9 Q. Okay.

10 A. If it's ASB-approved. This is not -- if it's
11 ASB-approved.

12 Q. Yes. Understood. Understood.

13 MS. LEVINE: Are we going to take a lunch break,
14 Daniel, at some point, or...

15 MR. BLOMBERG: I think let's do one more, and then
16 take a 45-minute break. Does that work for you, Jen?

17 THE WITNESS: Yes.

18 MS. LEVINE: We might need a bit more than 45
19 minutes. But, yeah, if you want to go ahead and do another
20 exhibit, that's fine.

21 MR. BLOMBERG: Sorry, Jen. Is your back doing okay?
22 We can stop now if you're uncomfortable.

23 THE WITNESS: I'm okay. Thank you.

24 MR. BLOMBERG: Okay. Great. Let's look at what's
25 going to be marked as Exhibit 107 [sic]. Sorry. This was

1 previously marked, so it's going to be Exhibit 72. And it
2 should come up in just a minute. I have it up now on mine.
3 (Deposition Exhibit 72 marked for identification.)

4 THE WITNESS: I have it. And it's loading. And it
5 looks like it's also one page.

6 MR. BLOMBERG: Yes, ma'am. That's correct.

7 THE WITNESS: Okay.

8 MR. BLOMBERG: Do you have it up?

9 MS. LEVINE: No, I don't.

10 MR. BLOMBERG: All right. Just let me know when
11 you've got it up.

12 MS. LEVINE: Okay.

13 BY MR. BLOMBERG:

14 Q. Okay. And then so this is a Pioneer High School ASB
15 Club/Team Charter Request from 2019/2020. Is that what the
16 document says?

17 A. That is what it says.

18 Q. Okay. And do you see what group it is?

19 A. Club/Team name field says "Girls Who Code."

20 Q. Okay. And so would this be the Girls Who Code group that
21 we were talking about earlier?

22 MS. LEVINE: Calls for speculation.

23 THE WITNESS: This is -- this is a chapter of the
24 club, sure, called "Girls Who Code" that exists in San Jose
25 Unified.

1 BY MR. BLOMBERG:

2 Q. Okay. And does the purpose of the club track what you
3 were talking about earlier regarding Girls Who Code?

4 MS. LEVINE: Vague. Calls for speculation.

5 THE WITNESS: It says "Close the gender gap in tech
6 and change the image of a data [sic] programmer" -- I think
7 that says "data." Oh. "...of what a
8 programmer/engineer/scientist looks like."

9 I think that generally aligns with what I understand the
10 purpose of Girls Who Code to be.

11 BY MR. BLOMBERG:

12 Q. Okay. And -- and you say the approval was granted for
13 this group?

14 A. I see that.

15 Q. Okay. And so is your understanding that Girls Who Code is
16 targeted toward advancing women in the sciences?

17 A. That's my understanding, yes.

18 Q. Is there anything about that purpose that would violate
19 the nondiscrimination policy that we were talking about
20 earlier?

21 A. Advancing women in science? No, not that I can see.

22 Q. And would that -- and it would track the equity policy
23 that we were talking about earlier?

24 A. Seems to. Yes.

25 MS. LEVINE: Sorry. It calls for speculation as to

1 the purpose of the club.

2 BY MR. BLOMBERG:

3 Q. In 2019/2020 when Girls Who Code was recognized at
4 Pioneer, did it accept students who identified as male, as
5 either members or leaders?

6 MS. LEVINE: Calls for speculation.

7 THE WITNESS: I -- I don't know.

8 MS. LEVINE: Don't guess.

9 (Reporter requested clarification.)

10 MS. LEVINE: I said "Don't guess."

11 BY MR. BLOMBERG:

12 Q. And you said, Ms. Thomas?

13 A. I don't know.

14 Q. And do you know if anyone checked to see if Girls Who Code
15 accepted students who identify as male, as either members or
16 leaders?

17 A. I don't know if anyone checked.

18 Q. And do you know is there a District policy or a Pioneer
19 policy that requires school officials to check to ensure that
20 Girls Who Code didn't discriminate based on sex or gender in
21 its membership or leadership?

22 MS. LEVINE: Vague as to time.

23 THE WITNESS: Is there -- can you ask me that again?

24 MR. BLOMBERG: Yeah, sure.

25 Q. At the time that this group was recognized in 2019/2020,

1 is there a District policy that requires any school officials
2 to check to ensure that Girls Who Code didn't discriminate
3 based on sex or gender in its membership or lip?

4 A. Can you give me an example of how somebody would check to
5 ensure that a club was not discriminating? That's a tough one
6 for me.

7 Q. Sure. Like, could they look at their constitution?

8 A. Could somebody -- sure somebody could look at the
9 constitution.

10 Q. So, like, the Big Sisters/Little Sisters group we just
11 looked at a second ago -- that constitution said that
12 membership was limited to females. Correct?

13 A. Sure. Yes.

14 Q. So in that context, somebody just didn't realize that
15 they -- or didn't stop the group from being recognized, even
16 though it discriminated based on sex?

17 A. I see what you're saying.

18 MS. LEVINE: Misstates the --

19 BY MR. BLOMBERG:

20 Q. I'm just asking what -- is there a policy -- a District
21 policy that requires the activities director and anyone else
22 involved in the approval process to check to make sure that a
23 group doesn't discriminate in violation of the policy?

24 MS. LEVINE: Vague.

25 THE WITNESS: No. We generally deal with these

1 issues if they come up, if we hear about them.

2 BY MR. BLOMBERG:

3 Q. And are you aware if Girls Who Code is tailored toward
4 individuals who identify as female?

5 A. I think I've shared everything.

6 MS. LEVINE: Can you say that again? It's getting --
7 we're getting towards lunch fatigue here, so...

8 MR. BLOMBERG: We're almost there. We're almost
9 there. Last little bit here.

10 MS. LEVINE: Can you say it again?

11 MR. BLOMBERG: Yeah. I'd be happy to say it again.

12 Q. Jen, do you know if the Girls Who Code national
13 organization is tailored toward individuals who identify as
14 female?

15 MS. LEVINE: Calls for speculation. Outside the
16 scope.

17 THE WITNESS: I actually read about the -- about the
18 national charter. In one of the productions I think we were to
19 give information about the national organization. And they --
20 if I recall the document correctly, it said anyone's welcome
21 who supports the goal of advancing women in the sciences. So I
22 don't know about -- I don't know about tailored towards women.
23 I don't know the answer to that question. But I do recall it
24 said that that everyone is welcome.

25 MR. BLOMBERG: Okay. let's go back to the Marked

1 Exhibits folder. And in just a moment we will have two
2 exhibits that come up: Exhibit 107 and 108.

3 (Deposition Exhibits 107 and 108 marked for identification.)

4 THE WITNESS: Okay.

5 BY MR. BLOMBERG:

6 Q. And do you see what this document is?

7 A. I do.

8 Q. And what is it?

9 A. Well, which one? There are two: 107 and 108.

10 Q. Excellent point. What is 107? What does it look like?

11 A. Okay. All right. I didn't click on it. So the title is
12 GWC website home page PDF. The document says "Building
13 Sisterhood and Making an Impact." Otherwise, I don't know what
14 it is.

15 Q. All right. I'm going to represent to you that this is the
16 Girls Who Code website, which I googled and found in about 60
17 seconds. And you see on the second page there it says "Clubs
18 are free programs," and "6th to 12th grade girls and nonbinary
19 students to join a sisterhood of supportive peers." Do you see
20 that?

21 A. I do.

22 Q. So does it look like the clubs for Girls Who Code are for
23 girls and nonbinary students?

24 MS. LEVINE: This is outside the scope of the
25 deposition notice, because she's not designated to know about

1 what outside organizations do.

2 MR. BLOMBERG: She's designated to know what a
3 recognized student organization in the -- at Pioneer did. And
4 so that's what we're asking about.

5 MS. LEVINE: I'm not sure that's within the scope. I
6 mean, she can answer as an individual if she has any knowledge
7 of it.

8 MR. BLOMBERG: No. She was designated to talk about
9 the enforcement and interpretation of the nondiscrimination
10 policies at Pioneer. And so that's all I'm doing. I'm just
11 asking if she's -- has knowledge of this -- this club that was
12 recognized at Pioneer and that we talked about earlier.

13 MS. LEVINE: You could ask her if she's got knowledge
14 of it, but if she doesn't, then she doesn't have to give an
15 opinion about what this outside organization does or doesn't
16 do, or what it means, because she doesn't -- she wouldn't have
17 had any prior knowledge of that.

18 So, you know, that would be something that we could ask
19 her to guess about, I guess, in her individual capacity.

20 But she is not -- she is not -- she wasn't designated to
21 know about -- what? -- you know, 100, 200 clubs, what their
22 national organizations do.

23 MR. BLOMBERG: She already testified a minute ago
24 that she looked at the national organization in the production
25 that she gave in this case. And she offered her statement on

1 that as a 30(b)(6) witness. And so we're just talking to her
2 about it right now.

3 MS. LEVINE: Okay. This doesn't look like a document
4 we produced. I guess you represented it wasn't. So...

5 MR. BLOMBERG: That's right. Yeah. Exactly.

6 Q. So -- and so I think, Jen, what we were talking about is
7 that the description of the club here on page 2 says that they
8 are for 6th to 12th grade girls and nonbinary students. Is
9 that right?

10 A. That's what it says, yes.

11 Q. Okay. And then if we could look at Exhibit 108, just let
12 me know when you have that up.

13 A. I have it.

14 Q. Can you see that this is another part of the Girls Who
15 Code website?

16 A. I'll take your word for it.

17 MS. LEVINE: Calls for speculation.

18 BY MR. BLOMBERG:

19 Q. I'll represent to you that this is another part of the
20 Girls Who Code website that I downloaded the other day. And do
21 you see the last paragraph on that page that says "Girls Who
22 Code welcomes into our community and programs anyone who
23 identifies as female regardless of assignment at birth"? Do
24 you see that language?

25 A. Yes. I see it.

1 Q. All right. So does it look like Girls Who Code is an
2 organization that is tailored toward female-identifying
3 students?

4 MS. LEVINE: So same objections. It calls for
5 speculation and outside the scope of the notice. She's not
6 designated to talk about what national organizations of clubs
7 do or don't do.

8 BY MR. BLOMBERG:

9 Q. Are you aware of anyone within the District who looked
10 up this website to determine that Girls Who Code did not, in
11 fact, discriminate on the basis of sex at Pioneer?

12 A. I don't have any record of any complaints about the
13 issues, so I don't think that it's been investigated, no.

14 Q. So the only way there would have been an issue here is if
15 somebody had complained about it?

16 A. Under the system that we've had so far, yes.

17 Otherwise, we generally expect the club to comport
18 themselves, again, specifically the nondiscrimination policy,
19 and then we investigate if needed.

20 Q. All right. So if they're part of a national organization
21 that holds itself out as discriminating on the basis of sex,
22 that's not going to be an impediment to ASB approval?

23 MS. LEVINE: Vague and overbroad. And if -- sorry.
24 I think that's it.

25 Go ahead.

1 THE WITNESS: I -- I think the premise of your
2 question implies that our -- that we -- that the students at
3 Pioneer, for example, knew and believed that the club
4 explicitly discriminated on the basis of sex, and then moved
5 ahead anyway. I don't have information about whether or not
6 the students believed that, thought it was a good idea, and
7 proceeded in a way that -- that violated a District policy.

8 BY MR. BLOMBERG:

9 Q. And you don't know if anybody checked to say that this
10 group was not a part of the national girls who club -- code
11 organization?

12 A. I'm sorry. I don't understand the question.

13 Q. Yeah. So the national organization, on their website,
14 holds themselves out as being limited to female-identifying
15 students.

16 You're not aware of anyone who checked to ensure that the
17 recognized -- ASB-recognized Girls Who Code club didn't, in
18 fact, join the national organization that only caters towards
19 female-identifying students?

20 A. I'm parsing it. I'm not aware of anybody who checked that
21 a certain chapter reflected the -- the national organization --
22 the information on the national organization's website about
23 their entire program, no.

24 Q. And about the specifics of membership and leadership?

25 A. I don't -- I don't -- I don't know that this is the

1 requirement for membership or leadership at a chapter location
2 for a school. Because I don't know the structure of, like, the
3 Girls Who Code national organization, knowing that they have
4 programs in the community versus the school site.

5 But to answer your question, I don't know that anybody was
6 prompted to or did an independent investigation of the
7 relationship between the chapter and the organization as
8 presented here.

9 Q. And would that have been in violation of a District policy
10 that they didn't do that, or is that just consistent with what
11 you're saying, that they would want until there was a
12 complaint?

13 A. There is no current District policy that has -- that
14 assigns somebody to review the larger chapter or the -- the
15 parent organizations of school-chaptered clubs currently.

16 Q. Is there any policy against being a part of a national
17 organization?

18 A. No.

19 MR. BLOMBERG: Mm-hm. I think that's a great place
20 to take a break.

21 Amy, sounded like you wanted to a little more than 45
22 minutes?

23 MS. LEVINE: Yeah. Could we do an hour? Would that
24 work for you?

25 MR. BLOMBERG: Is that fine? That work for you, Jen?

1 THE WITNESS: Yeah, sure.

2 MR. BLOMBERG: Will you all be ready to talk about
3 that investigation issue that we were discussing earlier?

4 MS. LEVINE: Hopefully. That's part of what we're
5 hoping to accomplish.

6 MR. BLOMBERG: And, Lydia, does that work for you
7 time wise to reconvene in an hour?

8 THE REPORTER: Yes. Thank you very much.

9 MR. R. SMITH: Amy, while you're on, and before we go
10 to lunch -- that will give you some time to think about it --
11 would it be okay if we got another week to give you documents
12 from Tawni Klarke? Just with third party, it's a little bit...

13 MS. LEVINE: That would be fine. Sure.

14 MR. R. SMITH: All right. Thank you.

15 MS. LEVINE: Okay.

16 MR. BLOMBERG: Okay. Thanks, everybody. See you in
17 an hour.

18 (Luncheon recess was taken at 1:00 p.m.)

19 AFTERNOON SESSION 2:02 p.m.

20 MR. BLOMBERG: All right. Were you all able to
21 resolve the question regarding investigations?

22 MS. LEVINE: I think Jen had some further information
23 on that, that she wanted to clarify. I think she was
24 conflating a couple things in her mind before, so she wanted to
25 clear it up.

1 MR. BLOMBERG: I would be happy to hear what you have
2 to say, Jen.

3 THE WITNESS: I think that's a generous response.
4 You know, in an abundance of caution, you kind of scan through
5 every conversation about all of these issues. And the
6 conversation that I was recalling is in no way, shape or form
7 related to an investigation into the issues that you were
8 raising.

9 So I don't remember the specific questions that you were
10 asking, but I -- I think there was a conclusion about an
11 investigation. And that's -- again, the conversation was
12 something completely different, and actually unrelated.

13 BY MR. BLOMBERG:

14 Q. Okay. So let me -- let me repeat what I thought you were
15 saying. And then you can clarify what your actual recollection
16 is now.

17 A. Okay.

18 Q. So what my understanding was is that -- oh, what was the
19 name of the -- the assistant superintendent who was doing the
20 investigation that we were talking about?

21 A. Or who might have done an investigation.

22 Dominic Bejarano.

23 Q. Bejarano. Thank you very much.

24 So my understanding was that you had testified that
25 Bejarano was performing an investigation regarding a

1 teacher's -- some -- a teacher's -- not -- you didn't specify
2 anyone, but a teacher's conduct as it related to the FCA
3 matter, and that he reached a conclusion on that.

4 A. Yes.

5 Q. And so you're saying that's not what that was?

6 A. That's not what that was.

7 That -- that -- that statement from me was an attempt to
8 distill a conversation that Mr. Bejarano and I had about a
9 teacher and the FCA, and something that I thought I recalled.
10 But in -- in replaying it further, it was about a completely
11 unrelated event.

12 So Mr. Bejarano had spoken to a teacher regarding the
13 incidents at Pioneer and the FCA, but it wasn't in an
14 investigatory capacity at all. I think I was overthinking it,
15 and then I started to, like Amy said, conflate certain events,
16 and then started to actually create a memory.

17 Q. Okay. And so the conversation that Mr. Bejarano had was
18 not related to an investigation?

19 A. No. It was related to a media inquiry and how we were
20 going to handle media inquiries, should they come up.

21 Q. Okay. And then who was he talking to about that?

22 A. He was talking to Peter Glasser about it.

23 Q. Okay. And so he was talking to Peter Glasser about the
24 possibility of the media inquiries coming up regarding the FCA
25 matter?

1 A. I think we had had a media inquiry. And Mr. Glasser was
2 asking for guidance or direction.

3 Q. Okay. And what did Mr. Bejarano tell him?

4 A. Consistent with District procedure, if it involved a
5 District issue, that our public information officer would run
6 point on all of those questions; and that Mr. Glasser didn't
7 need to respond; and if he had any questions, to ask.

8 Q. Okay. And was there anything else that Mr. Bejarano told
9 you about that conversation?

10 A. No.

11 Q. Is there anything else that you know about that
12 conversation, whether Mr. Bejarano told you it or not?

13 A. No. I wasn't -- and to be clear, I wasn't in the
14 conversation. So that was me closing the loop because of the
15 open question about media. And it was reported to me that the
16 conversation was had, and this was the plan.

17 MR. BLOMBERG: Okay. And my -- the other point that
18 we were discussing was my inquiry regarding whether any
19 investigation had been performed into the way teachers acted
20 toward FCA in this matter. And my understanding, Amy, is that
21 you instructed Jen not to answer that question. Is that still
22 your instruction?

23 MS. LEVINE: Yes.

24 MR. BLOMBERG: I'm not asking about any specific
25 teachers. I'm just asking if an investigation of any time was

1 performed into how the teachers interacted with the FCA
2 students. And your instruction is not to answer that question?

3 THE WITNESS: I think I would object that it's vague
4 as to what you mean by "investigation."

5 She may be able to answer that in part.

6 Again, if it's an investigation relating to looking into
7 discipline and misconduct, then the instruction stands.

8 If you just want to ask her were there communications with
9 teachers about FCA generally, and whether -- you know, and how
10 things unfolded with FCA, she could -- she could probably
11 answer some of those questions.

12 BY MR. BLOMBERG:

13 Q. All right. Jen, of the communications that you are aware
14 of that occurred between the District and teachers regarding
15 their interactions with FCA, can you please inform me?

16 MS. LEVINE: So that's vague. Overbroad.

17 THE WITNESS: I'm sorry, Daniel. Can you give me
18 give more parameters? Can I inform you about what? All of the
19 conversations between District staff and teachers about FCA, or
20 is that --

21 BY MR. BLOMBERG:

22 Q. With teachers. Yeah. So the specific conversations with
23 District staff and teachers regarding the teachers' conduct
24 with FCA. So not about an investigation. Not a disciplinary
25 matter. Not a misconduct issue. But just interactions,

1 discussions between District officials and teachers at Pioneer
2 regarding the teachers' interactions with Pioneer FCA.

3 MS. LEVINE: So it's vague and it calls for a
4 narrative.

5 THE WITNESS: I wasn't -- I wasn't actually present
6 to -- in any conversations between District officials and
7 teachers at Pioneer about FCA. I don't have any documentation
8 that reflects notes or reports about anything like that.

9 We do expect that if a student made a complaint or if a
10 parent made a complaint about teacher behavior, that a site
11 supervisor would have a conversation, conduct an inquiry, and
12 then communicate with the families and parents.

13 I believe, from some of the emails that I've seen, some of
14 those conversations were happening, particularly around student
15 safety and concerns of that nature, between Mr. Espiritu and
16 what appears to be several patients.

17 But other than that, I don't have firsthand knowledge
18 about larger inquiries or investigations.

19 BY MR. BLOMBERG:

20 Q. And you don't know anything about whether Mr. Espiritu was
21 talking to other teachers regarding their interaction with FCA?

22 A. I know that Mr. Espiritu met with some other club advisors
23 about the concerns they had about FCA. I don't think that it
24 was about the other teachers' interactions with members of the
25 FCA per se.

1 Q. Okay. And what were those -- those conversations that
2 Mr. Espiritu had or Principal Espiritu had?

3 A. I've seen from some of the emails that we produced, I
4 think he acknowledged that some of the other teachers had some
5 of the same concerns that came from students about the criteria
6 for leadership or membership in the FCA.

7 Q. So he was talking with teachers about concerns with FCA's
8 leadership policy?

9 A. My recollection from the email was he acknowledged that
10 they came to him with their concerns. I don't remember if it
11 was specifically about leadership policy, but that they had
12 expressed concerns, and that they had come to him directly with
13 those concerns.

14 MR. BLOMBERG: Okay. So, Amy, we disagree with your
15 instruction to Jen on being able to get any information at all
16 into investigations about any teachers, but we can talk about
17 that later pursuant to the way we discussed this in the past.

18 So let's go ahead on into the nondiscrimination policy
19 that we were talking about earlier. So -- and this will be the
20 affirmation form that we'll look at together. So let me just
21 pull this up. I mean, this is Exhibit 56 for you.

22 (Deposition Exhibit 56 marked for identification.)

23 THE WITNESS: I don't have a 56. I have a 57 that
24 says "affirmation," but I don't see it.

25 MR. BLOMBERG: You have a 57, but not a 56?

1 THE WITNESS: Right. Right.

2 MR. BLOMBERG: Hm. Are you in the Marked Exhibits
3 folder for --

4 THE WITNESS: I am not. I am not. So I'm going to
5 go ahead and get into my main deposition.

6 MR. BLOMBERG: You had me concerned there.

7 MS. LEVINE: -- the past few days.

8 THE WITNESS: Just clicking like crazy. All right.
9 It's loading for me.

10 MR. BLOMBERG: Okay. Great.

11 THE WITNESS: Okay. It's a two-page document, and it
12 looks like I have the whole thing.

13 BY MR. BLOMBERG:

14 Q. Okay. Great. Thank you. And do you recognize what that
15 document is? Take a second to look at it. Okay. So what is
16 this document?

17 A. This is the affirmation statement asked of all -- asked to
18 be completed by all clubs seeking ASB recognition.

19 Q. Okay. And do you know when this document was distributed
20 to student leaders?

21 A. Given that it -- this is 19 -- 2021 is the first year of
22 the document. And we reopened for in-person instruction in
23 April. My recollection is that it's, I think, February.
24 February of 2021.

25 MR. BLOMBERG: All right. Let me introduce what will

1 be Exhibit 57 and see if this helps with recollection on that
2 point. So you can just go right back into that Marked Exhibits
3 folder --

4 (Deposition Exhibit 57 marked for identification.)

5 THE WITNESS: Okay.

6 BY MR. BLOMBERG:

7 Q. And then open up Exhibit 57.

8 A. Okay. I see it. Opening it. Okay. I see I have it.

9 Q. Okay. Great. The first page is an email from
10 Michelle Mayhew. And the second page looks a lot like what we
11 were just looking like -- looking at. Is that right?

12 A. That's what I see.

13 Q. Okay. And do you see the date on the second page:
14 February 3rd, 2021?

15 A. I do.

16 Q. All right. So I'm going to represent to you -- we can go
17 back and compare in just a second, since it's a little hard to
18 go back and forth. That other document doesn't have a date on
19 it. And so -- and it's a little bit different from this one.
20 It will give you a chance to compare them. And we'll talk
21 about it a little bit.

22 But do you recall whether a previous version of the
23 affirmation statement went out before February 3rd, 2021?

24 A. I think that I shared the previous version of the document
25 with the activities directors. I do not know if they

1 subsequently shared them with students.

2 Q. Okay. Okay. So -- and then the previous version that you
3 shared -- do you know about when you shared it?

4 A. The goal was to have this completed by the clubs in -- I
5 believe in February. So maybe -- maybe January.

6 Q. Okay. So sometime a couple months before this February
7 one?

8 A. I don't -- I don't feel like it was a long time. The
9 edits were pretty -- it happened pretty quickly after that.

10 Q. Okay. Okay.

11 MS. LEVINE: I'm sorry. I'd said "Misstates the
12 testimony," but I don't know if the court reporter got that.

13 BY MR. BLOMBERG::

14 Q. And if we had information that this -- the earlier
15 document, Exhibit 56 that we were looking at together, had come
16 out in December 2020, would you have any reason to think that's
17 not -- not correct?

18 A. 56. Exhibit 56. No. December 2020 is possible.

19 Q. Okay. Okay. All right. Let's go back and take a look at
20 that one. So we'll go back to Exhibit 56 and just pull that
21 one up. And just let me know once you have it up, please.

22 A. Okay. I have it.

23 Q. All right. And so do you know if this document ever went
24 to anyone besides the activities directors?

25 A. I don't know. I don't know.

1 Q. Was it intended to go to anyone besides the activities
2 directors, or was it just sent to them for feedback purposes?

3 A. I don't recall the order of events.

4 I know that this initial draft -- we -- I believed was
5 complete. I shared it with the activities directors, with the
6 goal of having it prepared -- completed by students, should
7 they return to on-campus school in January. That didn't
8 happen. And then I think we made some edits directly after
9 that.

10 So, given that we anticipated students returning and we
11 wanted to have that prepared for January, there's a solid
12 chance that activities directors were asked to share that, and
13 then subsequently the -- new version after that.

14 Q. All right. And what were the edits that you decided to
15 input?

16 A. We made some minor edits to clarify that our
17 implementation of the Board policy was to reflect the concept
18 of an all-comers policy.

19 Q. And that wasn't in the original document that we're
20 looking at here in Exhibit 56?

21 A. Correct. That was a subsequent version.

22 Q. All right. Had the District previously had an
23 all-comers policy?

24 A. I think "policy" is probably the wrong word. I mean, I
25 think we tend to use "policy" in a very, like, big "P" sort of

1 way. The concept of welcoming all comers is really how we
2 expected the Board -- the true Board policy to be implemented
3 in this context. So did we have an all-comers policy? That's
4 the expectation. I don't think we used that vocabulary before.

5 Q. Okay. So the vocabulary was new as of that February
6 document that we were looking at together?

7 A. That -- that's fair. Yes.

8 Q. And was there any document before that February document
9 that expressly said that ASB-approved student groups needed to
10 accept all comers for leadership positions?

11 A. No, not that I'd seen.

12 Q. All right. And had it been enforced in that way, where
13 student groups were not recognized because, for instance, they
14 had a GPA requirement that a student had to have a 2.0 GPA to
15 be president?

16 A. I'm sorry. I feel like there's -- I feel like there's a
17 couple questions there. Can you give it to me again?

18 Q. Yeah, yeah. So the National Honor Society, that club, the
19 ASB-approved National Honor Society -- would that have been
20 denied ASB recognition because they required their presidents
21 to have, say, a minimum 2.0 GPA?

22 A. I think in the -- in the affirmation statement I think one
23 of the qualifications to that is a nondiscriminatory admittance
24 criteria, something like grade point average. So in that
25 scenario, no, the concept of an all-comers policy would not be

1 inhibited by nondiscriminatory criteria like grade point
2 required for NHS.

3 Q. Okay. Okay. So you're saying that whether it was after
4 the February policy or before the February policy, a GPA
5 requirement would have been fine. So that's not a good test
6 question?

7 A. Both. The GPA -- correct.

8 Q. Okay. I guess what I'm trying to understand is: Would an
9 ASB-approved group have been denied ASB approval because they
10 had some limitation on leadership that -- that was not
11 discriminatory? So that's why I mentioned the -- the GPA one.

12 Let me see. The left-handed club. Say there was a
13 left-handed club. Would they have been denied ASB approval
14 because they required their leaders to be left-handed prior to
15 the February 2021 policy?

16 MS. LEVINE: Calls for speculation. Incomplete
17 hypothetical.

18 THE WITNESS: I really don't know if handedness is a
19 protected trait. So that would be something I would seek some
20 guidance on. I mean, I'm left-handed. I don't think of it as
21 a disability, but I would want to, like, relieve that question,
22 since it's such a very niche requirement.

23 MR. BLOMBERG: Well, my wife's left-handed, too, so I
24 share your view on the matter.

25 Yeah. So the point isn't whether it's a disability or

1 not -- obviously not -- but whether a -- you know, if an
2 all-comers policy requires all comers. And so I'm just trying
3 to understand if the policy was enforced as an all-comers
4 policy before February 2021. Maybe that's just a better way to
5 ask it. Was the policy enforced in the District as an
6 all-comers policy before February 2021?

7 MS. LEVINE: Vague and overbroad. Calls for a legal
8 conclusion.

9 THE WITNESS: As I think I've mentioned, issues
10 with -- with eligibility for our club have been exceedingly
11 rare in San Jose Unified. We're -- we're really lucky in that
12 way.

13 And where there have been questions, I -- just
14 anecdotally, about, for example, male students petitioning and
15 being permitted to be members of a senior women at Pioneer --
16 we have always erred on the side of what I would refer to now
17 as an all-comers policy.

18 So while we have only dealt with them kind of as a
19 one-off, I think that is how we've always viewed the -- the --
20 the expectations for clubs, even if we sometimes end up in an
21 odd situations as a result.

22 I'm not sure that answered your question.

23 BY MR. BLOMBERG:

24 Q. Yeah. Let me try again. It was -- so we talked earlier
25 about the Big Sisters/Little Sisters Club. Right? We looked

1 at their constitution that had the requirement that members be
2 freshmen girls or senior girls. Is that correct?

3 A. I think you said that was -- that was the membership. I
4 don't know if it's a membership requirement, but I think it
5 said all -- all senior girls or freshmen girls were eligible to
6 be members, if I recall correctly.

7 Q. Okay. And we talked about that. And you said that the
8 limitation based on sex would be a violation of the
9 nondiscrimination policy. Is that right?

10 MS. LEVINE: Misstates the testimony.

11 THE WITNESS: At first glance, I think I said it
12 would definitely -- it seemed to cause a problem.

13 BY MR. BLOMBERG:

14 Q. If that was their policy, and if they only allowed girls
15 to be in the group, would that violate the nondiscrimination
16 policy?

17 A. Yeah. If that's not only what it said, but how it was
18 implemented, yes. So, you know, they may describe membership
19 in a particular way because that's the expected member group
20 that they will seek. And then if they deny membership to a
21 larger group based on that, then, yes, that would be a
22 violation of the policy.

23 Q. All right. So looking at this Exhibit 56 that we have in
24 front of us --

25 A. Mm-hm.

1 Q. -- we were talking about the -- the June -- the
2 senior-freshman aspect of the -- the Big Sisters/Little Sisters
3 Club. Right? And you weren't sure because age. You weren't
4 sure if age was in there. Can you just look at this and see if
5 you think that the senior-freshman aspect is implicated by the
6 nondiscrimination language here in Exhibit 56?

7 A. Sure. Just give me a minute and I'll read it.

8 Q. Sure. Take your time.

9 A. In reviewing this again, I don't see any references to
10 age, no.

11 Q. Right. So your understanding, then, would be that if it
12 was -- the Big/Little Club and not Big Sisters/Little Sisters,
13 it would be fine under the policy?

14 A. If the Big/Little Club referred to seniors and freshmen, I
15 don't -- I don't see anything in here that would -- that would
16 indicate it would violate the policy.

17 Q. Okay. And so they would have been permitted under the
18 previous policy to have their senior-freshmen club if they
19 wanted to?

20 A. It seems like it. Yes.

21 Q. Okay. And you're not aware of any reason why they
22 wouldn't have been able to?

23 A. No. Nothing comes to mind in knowing the policy and the
24 general practice.

25 Q. Okay. All right. Let's look at -- let's look at

1 Exhibit 57, then, since that's kind of the operative one.

2 That's the policy that's currently being used. Is that right?

3 A. Well, we keep saying "policy," but I think I am more
4 comfortable referring to these as "guidelines." I think we use
5 "policy," like, a little too loosely.

6 As a public education entity, you know, the Board sets
7 our policy. These are our guidelines for trying to help our
8 student leaders understand how we're going to -- how the policy
9 implementation from the -- implementation of policy from the
10 Board will look like in practice for clubs.

11 Q. Okay. That's fair. That's fair.

12 So the affirmation statement -- the February affirmation
13 statement in Exhibit 57 is the current requirement that has
14 been communicated to ASB-approved student groups regarding the
15 conditions for being approved?

16 A. Yes.

17 Q. And this is -- who is -- you know, just looking at the
18 February 3rd document, this is the second page that we're
19 looking at here, who is this directed to? Who is it addressed
20 to?

21 A. It's addressed to student leaders.

22 Q. And it says that this is a part of helping shape student
23 leadership? Is that right?

24 A. Yes.

25 Q. And then at the end of that same sentence, it says "the

1 procedures that are necessary to confirm prior to official ASB
2 membership status"?

3 A. Yes.

4 Q. All right. So does this -- and this -- I mean, basically
5 what you were just saying a second ago -- just to make sure I
6 have it correctly -- that a group that wants to be ASB
7 recognized must sign and turn in this statement reflecting
8 their commitment to follow the policies if they want to be
9 recognized?

10 A. Yes. As part of their -- any other procedures established
11 by the ASB.

12 Q. Absolutely. Absolutely. So just -- this is one thing
13 that's nonnegotiable; they have to do this in addition to
14 anything else they would have to do?

15 A. Yes.

16 Q. Okay. And you see it says in that second -- second
17 paragraph, second sentence, it says, "One area that our current
18 practices do not adequately address is the need for all clubs
19 to confirm that they are aware of and will abide by policies
20 and particularly regarding club membership and leadership
21 requirements."

22 What does that mean? What is that referring to? It's
23 saying it's not currently adequately addressed.

24 A. Well, one area that -- that we noted could be improved for
25 us is training students on what the expectations are for

1 leadership and membership of clubs, as we decided that some of
2 the questions that came up as a result of the conversations at
3 Pioneer indicated we didn't have a good training process, and
4 that didn't serve anybody well.

5 Q. And so the Pioneer-FCA situation was the catalyst for
6 putting out this guidance?

7 A. Well, the need for training was the catalyst. And the
8 need to make sure that students were aware. It is the Pioneer
9 and FCA issue that really helped us understand that there was
10 this gap.

11 Q. Okay. Did you help draft the document that -- the
12 Exhibit 57 document?

13 A. I did.

14 Q. And which parts of it did you specifically draft?

15 A. I wrote all of the introductory language. I made the
16 form. And then the affirmation pieces themselves actually come
17 from work with counsel.

18 Q. Okay. And you said in the affirmation pieces. Which
19 portion of that -- the document is that? Is that the second
20 page?

21 A. The -- the "all ASB recognized student groups," and then
22 the -- the explaining, the discrimination policy so integrating
23 the discrimination policy into that language and then all of
24 the second page -- well...

25 I wrote the language that turns the antidiscrimination

1 policy into bullets, if that makes sense.

2 Q. Okay. Okay.

3 A. The language comes from the -- from our nondiscrimination
4 policy and our administrative regulations around it.

5 Q. Okay. And so then just to make sure I understand -- and
6 correct me if I'm wrong on any of this -- when I'm looking at
7 the first page of the February 3rd document, everything down to
8 where that paragraph break is that says "affirmation of
9 conformance," that was -- that was the part you kind of drafted
10 on your own?

11 MS. LEVINE: Misstates the testimony.

12 THE WITNESS: Yes.

13 BY MR. BLOMBERG:

14 Q. You said yes?

15 A. Never entirely on my own, with -- always looking at a
16 draft with counsel or with our director of educational equity,
17 just with the goal of communicating clearly; but, yes, I'm
18 responsible primarily for the content.

19 BY MR. BLOMBERG:

20 Q. Okay. Okay. And then from -- then the paragraph after
21 that, that's the one you were saying that you drafted with
22 counsel?

23 A. Fundamentally, yes. It comes from -- it comes from work
24 we were doing together.

25 Q. Okay. And then the next page -- the bullet pointed

1 language is language that you drafted?

2 A. Yes. I drafted the language, again, coming from kind of a
3 set of student guidelines that we're assembling. And I -- I
4 took it from that, which came from work with counsel.

5 Q. Okay. And what are -- what are those student guidelines?

6 A. Student guidelines is going to be, I think, the larger
7 training document that takes this affirmation and -- and makes
8 it more of a -- kind of a formal, a formal thing.

9 This was kind of a bridge to help kids coming back.
10 Before, we had implemented the student guidelines in a broader
11 training process. This is to help students understand what our
12 primary -- what they need to do right now versus, you know,
13 the -- the other work on constitutions and bylaws redrafting
14 that we need to do.

15 Q. Okay.

16 A. Does that make sense?

17 Q. Yes. Yeah, I think that makes sense.

18 And so that -- that larger policy document goes into more
19 detail on these sort of things?

20 A. It's not a policy document. They're student guidelines.
21 But it will also -- the student guidelines will, of course,
22 have these elements, but it will also include things like how
23 to write a constitution, how to elect officers. So they're
24 more about the function of a club in a document that everybody
25 can refer to.

1 Q. Okay. And so nothing in this document is inconsistent
2 with actual policy?

3 A. Nothing in that document should be inconsistent with
4 actual adopted Board policy.

5 Q. All right. And so nothing in this document is going to at
6 all purport to set aside Board policy or countermand it in any
7 way?

8 A. It should not, no.

9 Q. All right. And then going back to the first page of the
10 document, it says "affirmation of conformance to all-comers
11 policy for ASB recognized student Groups."

12 That all-comers policy language, that's what you were
13 referring to earlier about the language that got added in?

14 A. Yes. The references to the concept all-comers is the
15 significant difference between those two versions of the
16 document.

17 Q. Okay. And then the last paragraph -- or last sentence of
18 the paragraph on the page -- is that also a new addition?

19 MS. LEVINE: Where? Where are you looking?

20 MR. BLOMBERG: So the last paragraph on the -- the
21 page that we're looking at right now.

22 MS. LEVINE: Exhibit 56?

23 MR. BLOMBERG: No, Exhibit 57.

24 Q. The sentence reads "this policy of nondiscrimination." Do
25 you see that sentence?

1 A. I do. Mm-hm.

2 Q. Okay. And is that a new sentence as well?

3 A. I'm sorry I think just tried to reload on me.

4 Q. Okay.

5 A. I don't -- I don't recall. It's possible that being super
6 clear about that is an addition in the February version.

7 Q. Okay. But you -- if we went back and looked at
8 Exhibit 56, it wouldn't surprise you if this is new language in
9 Exhibit 57?

10 A. No, I don't think it would surprise me, given our effort
11 to be -- to be really clear on how the all-comers concept
12 impacts the expected work of the student groups.

13 Q. Okay. And then this -- and sentence says that the -- this
14 policy -- that it describes this as, "This policy of
15 nondiscrimination requires ASB recognized student groups to
16 permit any student to become a member or leader, if they meet
17 nondiscriminatory eligibility criteria."

18 And that's an accurate summation of the required
19 affirmation?

20 A. That's an accurate summation of the nondiscrimination
21 policy as applied to -- as applied to the clubs through the
22 affirmation statement. Yeah.

23 Q. Okay.

24 A. Yes.

25 Q. And was that policy -- or this guidance document -- the

1 affirmation statement -- sorry. Let me start that again.

2 Was this affirmation statement coming from individual
3 schools, or was it coming from the District?

4 A. This was coming from the District.

5 Q. And so -- and this is a requirement for all schools to
6 implement with their ASB approval process?

7 A. Just the high schools. To the extent to which I think the
8 middle schools may have ASB approval process, we haven't
9 broached that yet.

10 Q. Okay. And just to be granular about it, what does this
11 guidance document require student leaders to do if they want
12 their group to be ASB recognized?

13 A. Sure.

14 MS. LEVINE: The document speaks for itself.

15 THE WITNESS: The document requires the students to
16 read the portions of -- read the entire document and affirm
17 that they understand the -- the elements of the
18 nondiscrimination policy and affirm that they shall conduct
19 their club in accordance with those requirements.

20 BY MR. BLOMBERG:

21 Q. And so at least as of February 2021, this was the -- they
22 all had to sign this affirmation form to be an ASB recognized
23 group?

24 A. Correct.

25 Q. And is that still a requirement on them if they want to be

1 an ASB recognized group?

2 A. Yes.

3 Q. And is there any plan to change this document and that
4 requirement?

5 A. There's no plan to change the content of the document.
6 How it folds into the student guidelines process is -- is still
7 a work in progress.

8 Q. All right. So regardless of whether it is an affirmation
9 form they have to sign, they will have to be recognized as an
10 ASB group, they will have to agree to allow all comers?

11 A. Yes.

12 Q. And that will be true for the coming school year?

13 A. Yes.

14 Q. Looking at the paragraph underneath the -- that "all
15 comers" heading, it identifies three Board policies. Are
16 those the Board policies on which the -- this guidance
17 document is based?

18 A. Yes. Along with some minor additions that have been made
19 to the Education Code that we are required to adopt in Board
20 policy; but the Board hadn't quite done the adoption yet.

21 Q. All right. What are those changes to the Education Code?

22 A. Specifically, talking about hair texture and protective
23 hair styles. Those are new to the Ed Code.

24 Q. Oh, okay. Okay. I was wondering about that because I
25 hadn't seen that in the Board policies and did see it here.

1 So that -- so that's the change, is that the -- let's see --
2 hair texture, protective hair styles such as braids, locks,
3 twists -- that language is the new language coming from the
4 Education Code?

5 A. The only thing that I noticed right off that we currently
6 haven't updated our policies on yet. I think everything else
7 is current.

8 Q. Okay. And which part of the Board policies require an
9 all-comers policy?

10 A. It's not specifically stated that way in the Board
11 policy.

12 Q. Okay. Does the -- do the Board policies articulate
13 nondiscrimination criteria similar to what we're looking at
14 right here?

15 MS. LEVINE: The document speaks for itself.

16 THE WITNESS: The Board policies -- I'm sorry,
17 document nondiscrimination criteria, is that what you said?

18 BY MR. BLOMBERG:

19 Q. Yeah. Yeah, I'm just asking if the Board policy has --
20 does it include the language "all comers" anywhere?

21 A. It does not.

22 MS. LEVINE: Asked and answered.

23 BY MR. BAXTER:

24 Q. Does it include language such as that --

25 (Reporter requested clarification.)

1 MR. BAXTER: Oh, sorry.

2 MS. LEVINE: I said asked and answered.

3 BY MR. BLOMBERG:

4 Q. And does the Board policy include language like that
5 last sentence that we were talking about a second ago, that the
6 ASB recognized groups must permit any student to become a
7 member or a leader?

8 MS. LEVINE: The document speaks for itself. Calls
9 for a legal conclusion.

10 THE WITNESS: If I recall correctly, there's a
11 requirement that the Board -- that students in a -- in a club
12 elect their members through a democratic process. So I think
13 that there's a strong relationship between nondiscriminatory
14 criteria being the basis for an otherwise democratic process,
15 so I don't -- I don't know if that sentence comes right out of
16 Board policy or not.

17 BY MR. BLOMBERG:

18 Q. Other than the democratic process language, are you aware
19 of any language that requires ASB student recognized groups to
20 permit any student to become a member or a leader?

21 MS. LEVINE: The document speaks for itself. Calls
22 for a legal conclusion.

23 THE WITNESS: I would want to be careful about -- I
24 have the document. And my recollection is everything out of
25 the document is tied back to specific policy or administrative

1 regulations, but I would want to be careful about being able to
2 sight the specific BP or AR regarding that question.

3 BY MR. BLOMBERG:

4 Q. Sure. Sure. Let's actually -- we can go to Exhibit 42.
5 And we'll look at BP 0410, which is the first one cited there.
6 (Deposition Exhibit 42 marked for identification.)

7 MS. LEVINE: Exhibit 42?

8 MR. BLOMBERG: Yes. This is a previous exhibit.

9 MS. LEVINE: Is it going to pop up in here?

10 MR. BLOMBERG: Mm-hm. Yep. Just let me know once
11 you have it up. I've got it up on my computer.

12 THE WITNESS: I have it.

13 BY MR. BLOMBERG:

14 Q. Okay. And just let me know when you can see it.

15 A. I can see it.

16 Q. All right. Is this BP 0410?

17 A. Yes.

18 Q. And is this one of the three specific policies that's
19 cited to in that affirmation statement we were just looking at?

20 A. Yes.

21 Q. Do you see language in here that mandates an all-comers
22 policy?

23 MS. LEVINE: Calls for a legal conclusion. The
24 document speaks for itself.

25 THE WITNESS: I see "The Governing Board is committed

1 to equal opportunity for all individuals in district programs
2 and activities," which in my understanding is the -- the
3 concept behind the all-comers policy.

4 BY MR. BLOMBERG:

5 Q. And do you see how the next sentence goes on to describe
6 what discrimination is?

7 A. I do.

8 Q. And it says "the District's programs, activities, and
9 practice shall be free from discrimination based on," and then
10 it gives a list of discriminatory criteria?

11 A. I do.

12 Q. So is your understanding that this policy sets an
13 all-comers policy for the entire district or that it announces
14 a nondiscrimination policy?

15 MS. LEVINE: Calls for a legal conclusion. The
16 document speaks for itself. It's also outside the scope of the
17 notice to the extent it's asking about every operation or
18 function of the District.

19 THE WITNESS: I obviously can't ask the Board's
20 interpretation; but I think my interpretation is consistent
21 with the Board's message that it does both things; that equal
22 opportunity for all individuals and district programs and
23 activities means fully equal opportunities in all programs and
24 activities.

25 And then another layer on that is: Is explicitly ensuring

1 that all of our activities and programs are free from
2 discrimination and based on the criteria listed.

3 BY MR. BLOMBERG:

4 Q. Well, and just to back up just one step, we did notice
5 this deposition for the District's witness who can testify as
6 to the meaning of its nondiscrimination policies. So we're
7 asking for the District's interpretation of this policy so
8 that we can understand it and make sure that it's being applied
9 equally.

10 And so is that your testimony today as the District's
11 witness, that this is -- the first sentence sets an all-comers
12 policy for all district programs and activities?

13 MS. LEVINE: Same objections, and also it's
14 argumentative, and asked and answered.

15 THE WITNESS: I think the distinction is we use the
16 phrase "all-comers policy" -- "all comers," I'm going to stop
17 using "policy" -- "all comers" to describe the expectation that
18 our schools clubs do provide equal opportunities for all
19 individuals. That's a relatively new way for us to describe
20 this practice.

21 I can certainly state that I can see that the Governing
22 Board's commitment to equal opportunities for all individuals
23 means that, as evidenced by -- by our practices so far.

24 And I don't think it -- I will say the District does not
25 believe its distinct from a nondiscrimination policy. I think

1 the two co-exist for a reason.

2 BY MR. BLOMBERG:

3 Q. So an all-comers policy says that anyone has to be
4 eligible for membership or leadership. Correct?

5 MS. LEVINE: Calls for a legal conclusion.

6 Argumentative.

7 THE WITNESS: That is my understanding. Yes --

8 BY MR. BLOMBERG:

9 Q. Okay. And then a nondiscrimination policy is narrower
10 than that. It says you can't deny eligibility based on one of
11 these specific criteria. So that's a distinct concept.
12 Correct?

13 MS. LEVINE: Calls for a legal conclusion. It's
14 argumentative.

15 THE WITNESS: Yes.

16 BY MR. BLOMBERG:

17 Q. Sorry. Did you say yes?

18 A. I could see a distinction between the two.

19 Q. And are you -- if -- are you saying that the first
20 sentence of BP 0410 sets an all-comers policy for all district
21 programs and activities?

22 MS. LEVINE: Argumentative. The document speaks for
23 itself. Calls for a legal conclusion. Asked and answered.

24 THE WITNESS: I would say that it does not preclude
25 an all-comers policy for something where -- for something like

1 the student clubs.

2 BY MR. BLOMBERG:

3 Q. Understood. Yeah. And no question about that in terms of
4 what it precludes. I'm just asking whether it mandates an
5 all-comers policy.

6 MS. LEVINE: Same objections.

7 THE WITNESS: Well, I think like we discussed before,
8 the distinction between the Board policy and the
9 administrative regulations, the Board policy is the Board's
10 position on, like, in 0410, philosophies, goals, and
11 objectives.

12 So I think when this was drafted, I don't even think the
13 legal concept of an all-comers policy was something that the
14 Board had experience with or had talked about using. So
15 difficult to say if the Board ever revisited this, for
16 example, would they like to frame it in that way.

17 That's probably the best I can do on that question.

18 BY MR. BLOMBERG:

19 Q. Okay. And is it your understanding that the Board
20 enforces this policy as an all-comers policy for all district
21 activities?

22 MS. LEVINE: It's overbroad.

23 THE WITNESS: Well, never say "all," so that seems
24 unlikely given the wide variety of programs and activities and
25 potential exceptions that might exist and the reasons for them.

1 BY MR. BLOMBERG:

2 Q. So I'm just -- you know, to the language does say at the
3 end "district programs and activities."

4 And if your testimony today is that the all-comers policy
5 is compelled by that first sentence, I'm just trying to
6 understand if it only exists in the student club context; or if
7 it's in district programs and activities as well.

8 A. I didn't say that the all-comers policy was compelled by
9 the first sentence. I said I believe -- it doesn't seem to
10 preclude it. And it seemed to make sense in describing to
11 student leaders what the expectation is for not violating the
12 District's nondiscrimination policy.

13 Q. Okay. Okay. So you're -- I misunderstood.

14 So your testimony is not that that first sentence requires
15 an all-comers policy in all district programs and activities?

16 MS. LEVINE: It's argumentative. Asked and answered.
17 Calls for a legal conclusion. It's vague and overbroad.

18 THE WITNESS: And now I've forgotten the question.

19 MR. BLOMBERG: I will try again.

20 Q. So apparently I've misunderstood. So your testimony today
21 is that first sentence does not mandate an all-comers policy
22 for all district programs and activities?

23 MS. LEVINE: Same objections.

24 THE WITNESS: I -- I would -- I would confirm that
25 this sentence does not necessarily mandate an all-comers policy

1 for all district programs and activities.

2 BY MR. BLOMBERG:

3 Q. Okay. And so -- and the second sentence that talks about
4 nondiscrimination is dealing with discrimination on the basis
5 of certain enumerated characteristics. Is that right?

6 MS. LEVINE: The document speaks for itself. Calls
7 for a legal conclusion.

8 THE WITNESS: That appears to be -- that's correct,
9 yes.

10 BY MR. BLOMBERG:

11 Q. Okay. And so that -- that second sentence wouldn't
12 mandate an all-comers policy either?

13 MS. LEVINE: Argumentative. Asked and answered.
14 Calls for a legal conclusion.

15 THE WITNESS: I think the explicit preclusions in
16 that second sentence don't mandate any policy except don't
17 discriminate.

18 So I couldn't say that they -- that the "don't
19 discriminate" based on the enumerated criteria means it's an
20 all-comers policy in this sentence.

21 BY MR. BLOMBERG:

22 Q. Okay. And do you see any other language in here that
23 would mandate an all-comers policy in BP 0410?

24 MS. LEVINE: It calls for a legal conclusion.

25 THE WITNESS: Not -- not on its face, no.

1 BY MR. BLOMBERG:

2 Q. Okay. Then let me show you the next policy that's
3 referenced in the affirmance document.

4 Let's see. I'm not sure which one that's going to be
5 exhibit-wise.

6 THE REPORTER: I believe it's 109.

7 MR. BLOMBERG: I think this one may have been -- we
8 don't have a 109 yet. It's Exhibit 43, and it should be coming
9 in, in just a second. Just -- thank you for your patience.

10 THE WITNESS: Okay. You're welcome.

11 (Deposition Exhibit 43 marked for identification.)

12 BY MR. BLOMBERG:

13 Q. And can you just let me know once you have it up?

14 A. I will. I see it. I will load it. Okay. I see -- I see
15 it, and it looks like four or five -- five pages.

16 Q. And do you see what it identifies itself as in the top
17 left-hand corner?

18 A. Well, I see a -- a date stamp. And the -- I think the web
19 header. Otherwise, it's "San Jose USD BP 5145.3 Students."

20 Q. All right. And is this the other -- one of the other
21 nondiscrimination policies that's mentioned in the February
22 affirmation form that we were looking at?

23 A. I'm not looking at them simultaneously, but this -- this
24 appears to be the other referenced policy.

25 Q. Okay. And I'll represent that it is. And then we'll go

1 back and take a look at it so you can confirm.

2 But do you see the language there in the first paragraph?

3 A. I do.

4 Q. And does that language describe a nondiscrimination policy
5 similar to the one that we just looked at in 0410?

6 A. It does.

7 Q. Does it have language that mandates an all-comers policy?

8 MS. LEVINE: Calls for a legal conclusion. The
9 document speaks for itself.

10 THE WITNESS: It does not literally, no.

11 BY MR. BLOMBERG:

12 Q. Okay. And so it describes a prohibition on discrimination
13 on the basis of certain enumerate characteristics similar to
14 what we were just looking at in 0410?

15 MS. LEVINE: It misstates the evidence. The document
16 speaks for itself. Calls for a legal conclusion.

17 THE WITNESS: Yes.

18 MR. BLOMBERG: Okay. And then let me show you the
19 last of the policies that are referenced in the form. And this
20 will be Exhibit 109.

21 (Deposition Exhibit 109 marked for identification.)

22 THE WITNESS: Okay. I see it.

23 BY MR. BLOMBERG:

24 Q. And just let me know once you have it up.

25 A. I have it up.

1 Q. And do you recognize what this document is?

2 A. I do.

3 Q. And can you tell me what it is?

4 A. San Jose Board -- USD Board Policy 5145.9 pertaining to
5 students on hate-motivated behavior.

6 Q. Okay. And is this to your recollection -- again, we'll go
7 look at that form in just a second -- but is this the third
8 policy that's expressly enumerated in that affirmation form
9 that we were looking at?

10 A. I believe that it is.

11 Q. Okay. And then when you look at that first paragraph,
12 does it reflect a requirement for an all-comers policy?

13 MS. LEVINE: Speaks for itself and calls for a legal
14 conclusion.

15 THE WITNESS: Not literally, no.

16 BY MR. BLOMBERG:

17 Q. Okay. And does it enumerate certain bases on which
18 improper behavior may not occur?

19 MS. LEVINE: Same objection.

20 THE WITNESS: It does -- it does enumerate certain
21 kinds of behaviors that will not be tolerated, yes.

22 Q. And is it similar to the other nondiscrimination policies
23 we looked at, in that it prohibits behavior on the basis of a
24 person's race, ethnicity, and other protected categories?

25 MS. LEVINE: Same objection.

1 THE WITNESS: It both prohibits behavior based on
2 those categories, with the goal of ensuring equal access for
3 all students to all programs.

4 BY MR. BLOMBERG:

5 Q. Okay. So let's go back to our Exhibit 57.

6 A. Okay.

7 Q. And that's the February affirmance policy that we were
8 looking at together.

9 A. I got it.

10 Q. And do you see in that, that full paragraph at the end of
11 the second page where it enumerates the Board policies we
12 were just looking at?

13 A. I do. They are the same ones we were just looking at.

14 Q. Okay. Great. Thank you.

15 A. I always want to be very careful, so I appreciate your
16 patience.

17 Q. Absolutely. No, please take all of the time that you
18 need.

19 And so from our review, it's the Board policies that
20 this is based on say that -- that there can't be discrimination
21 based on certain criteria. Correct?

22 MS. LEVINE: Misstates the evidence.

23 THE WITNESS: That is -- that is one element of what
24 the Board policies we just reviewed said.

25

1 BY MR. BLOMBERG:

2 Q. Okay. Was there any other mandate against discrimination
3 other than what we just discussed?

4 A. In all of the Board policies? Or -- I'm sorry --

5 Q. Just the ones we just worked through together. I'm just
6 trying to make sure that, you know, I'm being complete on this.
7 So just those three that we just looked at together, were they
8 all -- they prohibited discrimination on the basis of certain
9 enumerated characteristics. Correct?

10 A. Yes, they did.

11 Q. All right. Did they prohibit, for instance, the
12 District declining to hire children to teach its algebra
13 classes?

14 MS. LEVINE: Calls for a legal conclusion.

15 THE WITNESS: I -- I didn't see anything in there
16 that could be related to such a prohibition.

17 BY MR. BLOMBERG:

18 Q. And it didn't include language that would prohibit the
19 District from requiring its employees to maintain high ethical
20 standards. Right?

21 A. I don't -- I didn't see anything related -- there's
22 nothing related to something like a morality clause, no.

23 Q. And if the Board policy requires district employees to
24 maintain the highest ethical standards, nothing in the language
25 we looked at would have prohibited them from doing that?

1 A. No.

2 Q. And then within the categories of nondiscrimination that
3 are here in this policy that we're looking at now, so in the --
4 or, rather, the affirmation form that we're looking at now --
5 it includes, you know, gender, gender identity, and the other
6 categories that we've been discussing?

7 A. Mm-hm.

8 Q. Does this prohibit the -- does this apply to the district
9 as well as to student clubs?

10 MS. LEVINE: Objection. Vague. I'm not sure what
11 you're asking about. Can you repeat that question?

12 MR. BLOMBERG: Sure. I'd be happy to.

13 Q. So just looking at the second sentence of that paragraph
14 there, it says neither the District, the ASB, nor any ASB
15 recognized student groups -- and then it goes on and provides
16 the protected categories.

17 So did the -- the protected categories apply both to ASB
18 groups and to the District is that right?

19 MS. LEVINE: The document speaks for itself.

20 THE WITNESS: Right. The prohibition against
21 discrimination applies equally to the District and to the
22 ASB. Yes.

23 BY MR. BLOMBERG:

24 Q. And can the -- the -- the District make reasonable
25 accommodations for individuals with -- without violating this

1 policy?

2 So let me give you a specific example. We talked earlier
3 about pregnant students and the special accommodation that are
4 provided for them. Does providing pregnant students a special
5 accommodation violate this policy?

6 MS. LEVINE: It's vague and calls for a legal
7 conclusion. Hypothetical. And so I'm not -- I don't think
8 that question is specific enough that it can be answered.

9 MR. BLOMBERG: No. I think it is. It's the
10 nondiscrimination policy that we're here to talk about. And
11 I'm just asking Jen as the representative of the university or
12 the District, rather, whether this language prohibits
13 providing the unique accommodations that are provided to
14 pregnant students.

15 MS. LEVINE: The document we're looking at now
16 contains ASB club, so I'm not sure what your question really
17 relates to.

18 MR. BLOMBERG: We just -- we just discussed that,
19 Amy, that she testified and she said the document speaks for
20 itself, because it does, that this applies to the District as
21 well.

22 BY MR. BLOMBERG:

23 Q. And so my question is: Can the District make a
24 reasonable accommodation for pregnant students without
25 violating this policy?

1 MS. LEVINE: In a club?

2 MR. BLOMBERG: No. I'm not asking about a club, I'm
3 asking about the policy.

4 MS. LEVINE: All right. Well, maybe you can ask her
5 if this document restricts the District's conduct outside of
6 the ASB club context or if it restricts the District's
7 conduct at all.

8 MR. BLOMBERG: I will do that. Flag that; that is a
9 pretty lengthy speaking objection, and it's improper under the
10 Northern District of California rules. So we'll move on but --

11 MS. LEVINE: It was an unintelligible question.

12 MR. BLOMBERG: That wasn't an unintelligible
13 question. That was carefully built up, and a speaking
14 objection's improper. But I'll rephrase and we'll see if we
15 can get it this time.

16 Q. Jen, does --

17 A. Yes.

18 Q. -- the language here apply to the District?

19 A. The language of the affirmation statement to the extent
20 that it captures Board policy, and, yeah.

21 Q. Okay. And so when it says neither the District nor the
22 ASB-approved student groups shall discriminate, that's
23 reflecting the Board policy that the District cannot
24 discriminate on these enumerated bases?

25 A. I'm sure. Of course, not just policy, but state and

1 federal law.

2 Q. Okay. But does it violate Board policy for the District
3 to provide accommodations to pregnant students?

4 A. That -- I lost the question about what the accommodation
5 is. And if we -- it's hard to tell in that hypothetical
6 because what if somebody argued that the accommodation was the
7 student didn't need to come to school, which might violate the
8 student's right to an education. So I don't want to be
9 nitpicky, but I want to --

10 Q. No, that's fair. That's fair. So --

11 MS. LEVINE: So let me just state it for the record
12 that it's vague and it's overbroad and it's a hypothetical,
13 which we believe is improper in this Rule 30(b)(6) deposition.

14 MR. BLOMBERG: All right. Well, you can have a
15 running objection on those scores.

16 Q. So, Jen, just to recall, earlier we were talking about the
17 accommodation programs that the District provides to pregnant
18 students, including special programs for pregnant students to
19 make sure they can continue their education. Is that right?

20 A. Sure. I don't normally -- we don't characterize them as
21 accommodations, and since I deal a lot with the ADA,
22 "accommodation" is a very -- a word I'm very careful with, so I
23 think that's why I'm flagging that word.

24 BY MR. BLOMBERG:

25 Q. Okay. Totally fine, totally fine.

1 Setting aside the word "accommodation," there's a special
2 program for pregnant students that the district provides. Is
3 that correct?

4 A. Yes. An optional program, yeah.

5 Q. And is that a violation of the nondiscrimination policy
6 articulated here, that the District provides a special
7 program for pregnant students?

8 MS. LEVINE: Vague. Calls for a legal conclusion.

9 THE WITNESS: In that the program in itself is at the
10 discretion of the pregnant students, no, I don't think it would
11 violate the Board's nondiscrimination policy.

12 BY MR. BLOMBERG:

13 Q. And then would that be true, as well, for the Latino male
14 mentoring program we were looking at earlier; that a voluntary
15 program that Latino males are uniquely eligible for would not
16 be a violation of this nondiscrimination policy?

17 MS. LEVINE: It calls for a legal conclusion; and
18 it's a hypothetical, which is improper in this deposition.

19 THE WITNESS: I think it's -- it's hard to say
20 because we haven't had any non -- in my -- to my knowledge, any
21 non-Latino male students complain that they weren't eligible to
22 participate in such a program.

23 So what I think on the surface is an admirable goal and
24 why wouldn't we address a need amongst the student group.
25 Whether or not it's discriminates on the black-and-white

1 policy, it's not a question that I have been asked to consider
2 or really chew on.

3 BY MR. BLOMBERG:

4 Q. Well, to be clear, we're asking here -- you, as the
5 District representative if that policy that Principal Espiritu
6 was quoted in a student newspaper as championing is a violation
7 of the nondiscrimination requirements. Do you think that
8 Principal Espiritu was supporting a program that violates the
9 nondiscrimination policy?

10 MS. LEVINE: It calls for a legal conclusion.
11 Hypothetical. And she already answered. I'm going to instruct
12 her not to answer again. Improper hypothetical.

13 MR. BLOMBERG: It's not an improper hypothetical.
14 That is an improper speaking objection. Again, I've given you
15 the standing objection on those issues.

16 MS. LEVINE: How is that a speaking objection? I
17 gave her an instruction and I --

18 MR. BLOMBERG: Yeah.

19 MS. LEVINE: -- and I articulated objections.

20 MR. BLOMBERG: You can give her the instruction
21 without going on about the other -- the other aspects of that
22 speaking objection.

23 (Cross-talk.)

24 MS. LEVINE: I don't think that that's what happened.

25 MR. BLOMBERG: And it's not a hypothetical.

1 The policy is the policy that she's is the expert here
2 today to testify about. And the -- the -- the specific
3 concrete circumstance is one that we've already established
4 that's provided by documents that the defendants turned over in
5 this case. We're just trying to understand the application of
6 the policy.

7 MS. LEVINE: I don't think we -- I don't think that
8 was a document we produced, if you want to show me that. I
9 didn't see a Bates stamp number on there from us --

10 MR. BLOMBERG: It does have a stamp. It does have a
11 Bates stamp number on there that you produced it.

12 (Cross-talk.)

13 MS. LEVINE: -- The Pony Express article, maybe that
14 does. You may be right about that.

15 MR. BLOMBERG: Yeah. Yes. That's the one I'm
16 referring to.

17 MS. LEVINE: Okay. Well, I don't -- I think she's
18 already said that she doesn't have the information to consider
19 that; that she would have to think about that --

20 (Cross-talk.)

21 MS. LEVINE: -- that magically the basis for the
22 objection, is that --

23 MR. BLOMBERG: The objection --

24 MS. LEVINE: You're asking her apply, you know, brand
25 new facts to this situation --

1 MR. BLOMBERG: And I --

2 MS. LEVINE: -- and asking her to guess about how it
3 would be handled.

4 MR. BLOMBERG: I'm not asking her to guess. She is
5 here as a representative of the District telling us how the
6 District's policy applies to actual ongoing situations within
7 the District.

8 MS. LEVINE: Right. This is not something that was
9 previously brought to her attention or that anybody here has
10 previously vetted. So you're asking her to guess as to how
11 somebody in the District would handle it.

12 MR. BLOMBERG: You produced her as the witness that
13 could answer these questions about how the District's policy
14 applies. And the speaking objections are improper. If we need
15 to take --

16 MS. LEVINE: How -- is this a speaking objection? Or
17 are we meeting and conferring? Is that -- I mean, if I talk
18 back to you, am I giving you speaking objections?

19 MR. BLOMBERG: Yes. This is -- this is a live
20 deposition. You're -- are you going to instruct your witness
21 not to answer the question?

22 MS. LEVINE: I think I already did. And you started
23 to -- to lecture me on whether it was proper or not.

24 MR. BLOMBERG: Okay. I'm going to ask the question,
25 because we've had a long colloquy here. I'm going to ask the

1 question again. If you want to instruct witness not to answer,
2 we'll move on, and then we'll address it later, pursuant to the
3 email that we had last night.

4 All right. So, Jen, thank you for your patience.

5 THE WITNESS: Sure.

6 BY MR. BLOMBERG:

7 Q. The policy that we've been -- you've been testifying about
8 and that you've been designated to speak to us about today so
9 we can understand how it works is this nondiscrimination policy
10 that's reflected in the affirmation form. Is that correct?

11 A. Yes.

12 Q. Okay. And we earlier looked at the -- the Pony Express
13 article that quoted Principal Espiritu talking about a program
14 that was expressly for Latino males. Is that correct?

15 A. Yes.

16 Q. Is it your understanding that that policy -- or sorry, let
17 me rephrase that. Is it your understanding that a program for
18 Latino males violates the university's -- or the District's
19 nondiscrimination policy?

20 MS. LEVINE: And then I objected on the basis of it
21 being a hypothetical, which is improper in the context, and
22 that it calls for a legal conclusion and calls for expert
23 opinion.

24 And I instructed the witness not to answer.

25

1 BY MR. BLOMBERG:

2 Q. Okay. Jen, we also talked about the male summit. Do you
3 recall that discussion?

4 A. I do.

5 Q. And you recall looking at the document that was produced
6 that reflected that there was a male summit only for male
7 students?

8 A. Yes, the email.

9 Q. Yes. And did the document state why the male summit was
10 only for male students?

11 A. I believe that it did.

12 Q. And what was the -- the stated purpose?

13 A. There was a reference to data indicating that male
14 students don't necessarily have the same access to secondary --
15 postsecondary education.

16 Q. Does providing a special program for male students to
17 increase their likelihood of graduating violate the
18 nondiscrimination policy?

19 MS. LEVINE: I'm going to object on the basis that it
20 calls for a legal conclusion, that it's a hypothetical, and it
21 calls for an expert opinion.

22 And I instruct the witness not to answer.

23 BY MR. BLOMBERG:

24 Q. Okay. Can students be separated by gender in school
25 activities such as classroom discussions?

1 A. Can they?

2 Q. Mm-hm.

3 A. Certainly. A teacher could separate -- you mean, like
4 just it's my fifth period class boys on one side, girls on the
5 other?

6 Q. Mm-hm.

7 A. Yes. They could certainly make that -- make that
8 distinction.

9 Q. And could parents request that the school consider
10 segregating genders for purposes of a sexual education class?

11 A. Parents are certainly free to request that, yes.

12 Q. And can the District consider granting that
13 accommodation?

14 A. I'm sorry. Could the -- could the District consider
15 granting that?

16 Q. Yeah. Sorry. Let me try that again. Could the
17 District or a school grant the request that students be
18 segregated by gender for a sex ed class?

19 A. They could certainly consider the request.

20 Q. And do they have the discretion to grant it if they think
21 that's the right call?

22 MS. LEVINE: Calls for a legal conclusion.

23 THE WITNESS: I am actually at this moment unfamiliar
24 with the specifics of our sexual education program as an
25 example.

1 I know that we encourage parents to share concerns and
2 feedback with the site and with -- for site principals to
3 review these kinds of requests as appropriate with their
4 supervisors or the director of curriculum and instruction.

5 We kind of take an all-comers approach to the feedback,
6 requests, and comments, and then look at our practices in the
7 best interests of students and make a determination from there.

8 BY MR. BLOMBERG:

9 Q. And that determination is one that you have -- the school
10 officials have the discretion to make?

11 MS. LEVINE: That calls for a legal conclusion.

12 THE WITNESS: In terms of that explicit scenario, I
13 think that the -- that the requirement is driven by the needs
14 of the program and the curriculum. And I think if the
15 curriculum doesn't designate gender-separate instruction, I
16 don't -- I don't know that the principals would be able to do
17 that at the request of a parent just by themselves.

18 I mean, particularly with an example like that, it's then
19 probably -- there's probably a lot of conversation about it,
20 given that that -- obviously, sexual education can be a tough
21 subject in the community, so it's hard to say.

22 BY MR. BLOMBERG:

23 Q. And so but there are some curricula that require students
24 to be segregated by gender?

25 A. I'm just thinking in the past I believe that some sexual

1 education curricula have been done separately by gender. It is
2 my understanding that that is not the case right now.

3 Q. Would that be in violation of a nondiscrimination policy,
4 to segregate students by gender for purposes of a sex ed class?

5 MS. LEVINE: Calls for a legal conclusion.

6 THE WITNESS: No. I would say no, because students
7 have access to all of the same information, the same -- the
8 same education. If the issue is about a social construct in
9 which boys cannot learn about the reproductive system of
10 females with females in the room, then that might be a nod to
11 the developmentally appropriate needs of the students, so
12 that's probably not a violation of the nondiscrimination
13 policy.

14 Q. And for students who are participating in an overnight
15 field trip, can parents ask that they be segregated by gender?

16 MS. LEVINE: Calls for a legal conclusion.

17 THE WITNESS: They may certainly ask, and it's my
18 understanding our current practice is to separate students by
19 gender right now. That's our practice on overnight field
20 trips.

21 BY MR. BLOMBERG:

22 Q. And is that a violation of the nondiscrimination policy?

23 A. No.

24 MS. LEVINE: Calls for a legal conclusion.

25 THE WITNESS: No.

1 BY MR. BLOMBERG:

2 Q. Let's look at -- let's see -- let's look back at the all
3 comers -- I guess -- well, this explains part of our confusion
4 about policies and statements. It says it's an affirmation of
5 conformance to the all-comers policy.

6 But setting aside policy language, let's look at this form
7 again, Exhibit 57.

8 A. I learn something, I grow every day. I have seen
9 revisions of this document probably in my head right now.

10 Q. My apologies.

11 All right. So looking at this, does this mean that ASB
12 recognized student groups have to allow literally anyone who
13 shows up at a meeting to be eligible to be their leader?

14 A. I would -- I would say yes.

15 Q. And then the very last part of that page, where it says if
16 they meet nondiscriminatory eligibility criteria, what does
17 that mean?

18 A. So there -- there are criteria that can be uniformly
19 applied. And as long as they don't discriminate against
20 students, there's no reason why leaders can't have a different
21 level of expectations. Obviously, leadership is important, and
22 if there were some agreed upon leadership criteria that, again,
23 didn't discriminate amongst the members, then there's nothing
24 wrong with that.

25

1 BY MR. BLOMBERG:

2 Q. And let's go to the second page, then, of the document and
3 the bullet points over there. Looking at the first bullet
4 point, is it fair to say that the all-comers policy only
5 applies to currently enrolled students?

6 A. Yes.

7 Q. So that would be one example of a nondiscriminatory
8 eligibility criteria?

9 A. Yes.

10 Q. Okay. And then looking at the third bullet point, does
11 that articulate some additional nondiscriminatory eligibility
12 criteria?

13 A. It does.

14 Q. And what are the ones it articulates there?

15 A. Nondiscriminatory criteria: regular attendance in group
16 meetings, participation in group events, participation in the
17 group for a minimum period of time, participation in
18 orientation or training activities, for example.

19 Q. Okay. So those four would be additional forms of criteria
20 that would be nondiscriminatory eligibility criteria that an
21 ASB-approved student group could require?

22 A. Yeah.

23 Q. Okay. What are other examples of nondiscriminatory
24 eligibility criteria?

25 A. A certain grade point average perhaps. Volunteer hours

1 come to mind. Agreement to participate in certain activity --
2 well, it says that already, orientation or training activities.
3 But, you know, an agreement to be the representative and
4 meeting, perhaps, with the activities directors. Something
5 that any student would have access to.

6 Q. Okay. And who decides what are the -- the range of
7 available nondiscriminatory eligibility criteria?

8 A. I think initially that should be something that's
9 discussed at the club level when the club discusses its
10 priorities for leadership and then ideally reviewed with the
11 faculty advisor.

12 Q. And is there a -- a person who's specifically responsible
13 for determining whether an eligibility criteria is
14 discriminatory or not?

15 A. I rely on the faculty advisor to do that or the activities
16 director or if they need support the principal.

17 Q. And what criteria -- what are they going to be looking at
18 to tell them whether or not something is a nondiscriminatory
19 eligibility criteria?

20 A. I don't think we have, like, a comprehensive list. So I
21 think, first, you have to do is look at the discriminatory
22 criteria and then measure the recommendation against that and
23 see if it kind of meets a common sense application.

24 Q. Okay. And so is it -- is there any written down statement
25 of acceptable nondiscriminatory criteria, other than the one

1 that we're looking at right here?

2 A. No. That's definitely why we've given these examples to
3 help people understand them.

4 Q. All right. And is training being performed to help flesh
5 out what acceptable nondiscriminatory criteria might be?

6 A. We're not currently doing any training. This will
7 definitely be an element when we do our training later this
8 summer, and we'll hear what questions and the -- the activities
9 directors have involved in that and, perhaps, may flesh out
10 additional examples.

11 Q. And so there's not like a bright line between what's
12 absolutely nondiscriminatory and what absolutely is
13 discriminatory for eligibility criteria?

14 A. Well, I mean to the extent that there is a bright line, it
15 lives in the Board policy, so you can't say a woman can't be
16 president. You can't say, you know, the secretary -- you know,
17 that nobody pregnant can be an officer because they'll be going
18 on maternity leave.

19 So those are kind of bright-line criteria, I think.

20 Q. Okay. So there's a bright line as to what is
21 discriminatory in the sense of what's listed specifically in
22 the policy as prohibited forms of discrimination. Is that
23 right?

24 A. Yes. That's my understanding of what a bright line is,
25 yes.

1 Q. Okay. But is there a bright line as to what is a
2 nondiscriminatory eligibility criteria, other than what's
3 enumerated in this policy right here?

4 A. Not written, no.

5 I think the concept is that it has to be something that
6 all students can have equal access to. Every student,
7 regardless of their individual characteristics, can meet the
8 criteria; that that is the general expectation.

9 Q. So the determination of what would qualify for that
10 expectation is left to the judgment of the faculty advisor,
11 the -- what was it? -- activities director and the principal?

12 A. Yes. But always available for input if one of -- to speak
13 with their supervisor or director of educational equity if they
14 have some questions or something seems unusual. We tend to see
15 pretty standard criteria.

16 Q. And in drafting this particular policy, did you look to
17 the policies of any other school districts to guide your
18 requirements?

19 A. No.

20 Q. Do you know if anybody else did?

21 A. It was just counsel and myself working on this project, so
22 I'm going to say no.

23 Q. Would -- would a sports team be able to hold -- sorry, not
24 a sports team, a recognized ASB student group that is a sports
25 team -- so like the ultimate Frisbee club -- could they hold

1 tryouts for participating in the group?

2 A. If -- if the purpose of the club or selection in the club
3 was based on some sort of athletic competency, that would be
4 fine.

5 Q. That would be an objective criteria that would be
6 nondiscriminatory, whether they could, you know, have the
7 athletic competency to play the sport?

8 A. Probably not if you were a student in a wheelchair, so
9 they could hold tryouts. To the extent to which that might
10 discriminate against somebody who wished to be a member,
11 perhaps, in a different way would be something that should be
12 reviewed to make sure that the students have access to the
13 club.

14 Q. So setting aside the admirable point about making sure
15 that disabled students have equal access, you know, could they
16 hold tryouts just to make sure that somebody had the athletic
17 skill to compete in the ultimate Frisbee team?

18 A. Could they hold -- yes. They could hold tryouts if
19 students wanted to have an ultimate Frisbee team.

20 Q. All right. And so for like a cheerleading club, could
21 they have a tryouts to determine whether someone has the
22 objective competency to perform the cheers?

23 A. They could certainly, if there was a cheerleading club,
24 certainly hold tryouts.

25 Q. And a -- a choral club, a singing club, would they be able

1 to hold tryouts just for objective competency, the ability to
2 sing in the club?

3 A. Let me ask you a clarifying question.

4 Do the tryouts -- if you were not determined to be
5 competent enough to sing in the choir, are you then precluded
6 from any membership in the club at all?

7 Q. Well, yeah. So I'm just asking whether -- maybe you could
8 be a member. Right? I mean, I guess even with sports teams,
9 you know, a regular sports team, you may be the water boy
10 instead of the quarterback.

11 But could they hold a tryout to determine who's going to
12 be the quarterback basically? Right? That's what I'm asking
13 about.

14 A. Sure. I mean the clubs have to -- can certainly implement
15 some sort of nondiscriminatory process to make some
16 differentiation amongst it's members.

17 Q. Right. And that would be true for, like, the choir or the
18 choral club that we were just talking about?

19 A. Yes.

20 Q. And then the choral club, though, couldn't have, like, a
21 tryout for athletic performance. Right? It would be to have a
22 tryout related to the purpose of the group?

23 MS. LEVINE: Well, calls for speculation.

24 THE WITNESS: I would --

25 MS. LEVINE: Hypothetical.

1 You can answer.

2 THE WITNESS: I'm sorry. What did you say, Amy?

3 MS. LEVINE: Oh, I said you can answer if you have
4 some basis for answering.

5 THE WITNESS: I'm not even sure I understand the
6 question.

7 BY MR. BLOMBERG:

8 Q. Sure. Sure. I'm just -- so we're talking about tryouts
9 for, you know, the Frisbee club and the choral club and the
10 cheerleading club. And in each of those examples, you know, it
11 seemed pretty reasonable that the cheerleading club could have
12 a tryout to determine that you could -- you had the physical
13 objective competency to do the cheer.

14 But what I'm trying to see is: If they had a tryout where
15 they were measuring not your competency to do the purpose of
16 the group, but they were measuring something else, would that
17 be permissible, or would that be the kind of thing that might
18 be discriminatory?

19 MS. LEVINE: Hypothetical. Calls for speculation.
20 Calls for a legal conclusion. Vague.

21 If you understand the question, I guess you can answer it,
22 but...

23 THE WITNESS: I do. I think -- I think the larger
24 issue is the bizarre connection between an unrelated activity
25 and that unrelated activity -- a performance of that unrelated

1 activity's benefit towards the stated purpose of the club.

2 But it's our position that that is part of the work that
3 student clubs need to do internally to function as an
4 organization. It makes sense. We're going to be a choir
5 group. Not all of us can sing at this event, so we're all
6 going to try out, and we're all going to decide who's the best.

7 Is that discriminatory? No. We're a choir group.

8 And whoever can run the fastest in the 50-yard dash is
9 going to get to go. Is that discriminatory? Well, not
10 necessarily. Is it strange? Yes. Would the District come
11 in and shut down the club because of it?

12 It's -- it's -- the hypothetical gets to the point where
13 it's hard to imagine this even happening, and asking students
14 what the purpose is. And -- but is it discriminatory? It's
15 hard to say. It's just odd.

16 BY MR. BLOMBERG:

17 Q. Thank you for bearing with me. I'm just trying to get the
18 next one set up here.

19 A. No problem.

20 Q. You doing okay?

21 A. Yeah. Thank you.

22 Q. Great. Having to get some more water. I'm starting to
23 feel a little parched. This should be up in just a second.

24 All right. If you could, go to the Marked Exhibits
25 folder.

1 A. Okay.

2 Q. And to Exhibit 6.

3 (Deposition Exhibit 6 marked for identification.)

4 THE WITNESS: Okay.

5 MR. BLOMBERG: It should be right at the very top of
6 the list.

7 THE WITNESS: The Lopez declaration?

8 MR. BLOMBERG: Yes, ma'am. Yes. Exactly.

9 THE WITNESS: I have it.

10 BY MR. BLOMBERG:

11 Q. All right. Great. And do you see -- just let me know
12 when you can see it.

13 A. I can see it.

14 Q. All right. You see on the first page it says "Declaration
15 of Rigo Lopez"?

16 A. I do.

17 Q. And do you see on the second page that has, in
18 paragraph 4, a statement that this has attached to it a FCA
19 student leadership application that the Bay Area FCA Chapters
20 use?

21 A. I do.

22 Q. Okay. So looking at the next page, do you see how it says
23 "Exhibit A" at the top?

24 A. Yes.

25 Q. Okay. And then if you keep scrolling down, you see it

1 goes down for about three pages. And do you see how this is
2 described as the FCA student leader application?

3 A. I do.

4 Q. And going back to the top of the document, do you see how
5 it has personal information that it asks for?

6 A. Yes.

7 Q. And then it asks for church involvement?

8 A. Yes.

9 Q. And then it asks for experience about FCA?

10 A. Yes.

11 Q. And then it has a section that's entitled "FCA Leadership
12 Commitments." Do you see that?

13 A. I do.

14 Q. Yeah. And then you see that the first section of that is
15 entitled "Statement of Faith"?

16 A. I see that.

17 Q. All right. And do you see how at the end of that section,
18 which is on the top of the next page, it says, "Do you agree
19 with FCA's Statement of Faith? Yes or no?"

20 A. I do.

21 Q. All right. And then it goes on, it gives some language
22 about spiritual formation. And then there's a section here
23 that's called "Focus on the Gospel of Jesus Christ" that asks
24 someone to state whether they agree to keep the focus on the
25 gospel of Jesus Christ?

1 Sorry. Do you see --

2 A. Yes.

3 Q. Do you see that? Sorry. My apologies. The silence was
4 getting awkward. I didn't -- my apologies.

5 And then the -- right after that, it's got the FCA Student
6 Leadership Statement, which also has an affirmation of whether
7 or not you'll agree to that. And then there's an FCA Christian
8 Character and Mission section that has a statement of
9 affirmation at the end of that, including both agreeing to live
10 a drug, alcohol, and tobacco-free life, and agreeing to conform
11 to the FCA Christian character and mission?

12 A. Yes. I see all of that.

13 Q. Okay. And so if FCA were to turn this -- this leadership
14 application form in to a district school as the requirement
15 that it has for its leaders, would it be in violation of the --
16 all-comers policy?

17 MS. LEVINE: Calls for speculation.

18 BY MR. BLOMBERG:

19 Q. And feel free to take some time to look at it.

20 A. I'm familiar with the document.

21 Q. Okay. Okay.

22 A. But thank you.

23 There -- yes. I'm going to say, yes, there is one area
24 that I think when reviewed would be in violation of the
25 all-comers policy.

1 Q. Okay. Can you point out what that area is?

2 A. Certainly. It's on the second-to-last page, under "We
3 believe in the spiritual unity of believers in our Lord
4 Jesus Christ," so the bullet that begins, "We believe God's
5 design for sexual intimacy is to be expressed only within the
6 context of marriage." And then it goes on to describe marriage
7 as being between one man and one woman.

8 Q. Sorry. Can you help me out just a little bit? I'm not
9 seeing it. I'm in the wrong place. Can you --

10 A. Sure.

11 Q. So I'm looking at the form that at the very top of it says
12 page 3 of 5. And then it scrolls down to 5 of 5.

13 A. Page 4 of 5. Page 4 of 5.

14 Q. Okay. Thank you. Okay. And so you're at page 4 of 5.
15 And where are you within page 4 of 5?

16 A. The second bullet at the top.

17 Q. Okay. Yes. Thank you. Okay. I'm tracking with you now.
18 So please continue. Sorry.

19 A. Sure. So in -- in asking -- an issue for the all-comers
20 policy was to ask leader applicants and, therefore, members of
21 the club to affirm that marriage is exclusively the union of
22 one man and one woman. It's discriminatory against homosexual
23 students or those who affiliate with homosexual parents. That
24 would flag as a problem under the all-comers policy.

25 Q. Okay. So if they were to turn this in as written, they

1 would -- they would not be granted ASB recognition?

2 A. I do have an additional question.

3 Q. Okay.

4 A. I marked -- I would ask the question of the -- of the
5 students turning in the application if I mark "no," do I agree
6 with the FCA Statement of Faith because I find that statement
7 in conflict with my gender identity, my sexual orientation, or
8 those with whom I associate, can I still run to be president
9 because, otherwise, I, you know, am deeply committed to the
10 ideals of the FCA.

11 So the answer, I think, would be very important in the
12 practical implementation of the -- of the club itself.

13 Q. Okay. And so if FCA's requirement is that they have to
14 check "yes" if they want to be eligible for leadership, would
15 they be in violation of the policy and not eligible for
16 recognition, official recognition?

17 A. Yes.

18 Q. If they took out that bullet point, would they be eligible
19 for official recognition?

20 A. My initial perusal of the remaining criteria for
21 leadership, I don't see any additional criteria that that
22 violates a nondiscrimination policy.

23 Q. So if they have to -- oh, sorry.

24 A. I say I'm familiar with it. I haven't committed every
25 element to memory. But in my repeated reviews, that's the one

1 thing that causes concern for the District in terms of
2 discrimination.

3 Q. Okay. And so where it says -- the third bullet point in
4 that same section of bullet points, it says, "We believe Jesus
5 Christ is God." Do you see that?

6 A. In that section, "We believe that Jesus Christ is God," is
7 a virgin birth, yes.

8 Q. Yes. So if -- can they require their leaders to affirm
9 that they believe that?

10 A. I'm sorry. That's a good question. And it's something
11 that we have been discussing. If, again, it is a requirement,
12 that you affirm a belief in Christianity in order to run for a
13 leadership of the club, that would violate the all-comers
14 policy.

15 Q. Okay. Okay. So at least -- so there would be two
16 different bases for violating the all-comers policy, as I
17 understand it. And please correct me if I'm wrong. One would
18 be the affirmation of faith generally, if you're required to
19 affirm Christian beliefs generally. And that would violate the
20 all-comers policy. Is that one of the bases for denying ASB
21 recognition?

22 A. Yes. Yes. And there are multiple bullets that require
23 affirmation of -- of key elements of the Christian faith.

24 Q. Okay. And then you're saying in addition to that, there's
25 also the bullet point that we looked at on God's design for

1 sexual intimacy. And that would be an additional basis for
2 denying recognition?

3 A. Yes.

4 Q. Okay. Scrolling down to the third page of the document --
5 now, this is the one that doesn't have that much text on it.

6 A. Five of five?

7 Q. Yes. Exactly. Yeah. And then you see how it says
8 distinctly Christian activities, it has that kind of bolded and
9 underlined section?

10 A. Yes.

11 Q. Do you see how it says that the folks who are filling out
12 this form are affirming that they're willing to participate in
13 and contribute to distinctly Christian activities such as
14 worship and prayer services? Do you see that language?

15 A. I do.

16 Q. And so according to this leadership application, part of
17 the role of a leader, a student leader, is to help lead worship
18 and prayer services. Is that right?

19 A. That's according to the document, yes.

20 Q. Okay. If -- how is FCA supposed to have prayer services
21 if its leaders don't believe in the same god that the group
22 does?

23 MS. LEVINE: Calls for speculation. It's outside the
24 scope of the notice.

25 You can answer if you have a basis for answering.

1 THE WITNESS: Sure.

2 I would suggest the District's commitment to the
3 nondiscrimination policy will call -- will, at times, create
4 some interesting tension. Our commitment to the democratic
5 principles that should be used to elect leaders of clubs that
6 are driven by students and their commitments and their values
7 would hopefully resolve these issues.

8 Kind of looking at your hypothetical, I don't know how a
9 club that professes these key tenets of Christian faith elects
10 somebody who declines to agree with these fundamental tenets of
11 Christian faith.

12 So our -- our commitment to the democratic process, we
13 believe, will eliminate some of those strange tensions from
14 arising.

15 BY MR. BLOMBERG:

16 Q. So to make sure I understand, are you saying that while
17 FCA is not allowed to have a leadership application of this
18 nature, the voters can, in their minds, make the voting
19 decision based upon whether someone agrees with those same
20 fundamental tenets of the Christian faith that we just looked
21 at?

22 A. Voters are certainly entitled to vote for the leaders that
23 reflect their -- their values, absolutely, based on the
24 commitments from the leaders themselves, from the candidates
25 for leadership themselves, and questions that the voters ask

1 them.

2 Q. So that the nondiscrimination policy itself doesn't forbid
3 voters from taking voters taking Christian faith into account
4 when they vote?

5 A. I would never seek to get into the minds of a voter. I
6 think we would be in an interesting place if we asked people to
7 vote based on the nondiscrimination policy, per se. We would
8 encourage them to consider the importance of an inclusive --
9 inclusive organization and a diverse society; but in the end,
10 the democratic process should be our safeguard against -- or
11 our beacon, if you will, towards the way organizations should
12 be run by the people who support them.

13 Q. And what is the reason for distinguishing between what the
14 student group can ask its leaders to do on the front end, and
15 what the voters are allowed to consider on the back end?

16 MS. LEVINE: Vague. Calls for speculation.

17 THE WITNESS: I -- the District does not tell
18 voters how to vote. We talk about, you know, values and our
19 goal in the ASB is for students to come together to work on
20 things that are important and meaningful to them. We will stop
21 short of telling them how to vote or interfering at the level
22 where we say, you know, where we say -- the faculty advisor
23 will not say, "This student said this thing. This fully is in
24 clash with a nondiscrimination policy. You shouldn't vote for
25 them because of that." We won't participate at that level.

1 MR. BLOMBERG: All right. I think this is -- would
2 be a good spot for a break for me. Is this -- can we take like
3 a ten-minute break? Does that work for you, Jen?

4 THE WITNESS: Sure. Sounds great.

5 MR. BLOMBERG: All right. Amy, is that okay with
6 you?

7 MS. LEVINE: Yeah. I was just going to ask for one.

8 MR. BLOMBERG: Okay. Perfect. Okay. So come back
9 at about -- what? -- 3:50?

10 THE WITNESS: Sounds good.

11 MR. BLOMBERG: All right. Great. Thanks, everybody.

12 (Recess taken from 3:41 p.m. until 3:52 p.m.)

13 MR. BLOMBERG: Lydia, we can go back on the record.

14 MS. LEVINE: Do you know how much longer you have,
15 Daniel? Just wondering.

16 MR. BLOMBERG: I don't think it's going to be that
17 much longer. I was thinking, you know, another half hour or
18 so.

19 MS. LEVINE: Oh, okay. All right. That sounds good.

20 THE WITNESS: I've got a Board meeting at 6:00.

21 MS. LEVINE: Oh, you do? Okay.

22 THE WITNESS: So that's two and a half hours, Amy.

23 MR. BLOMBERG: Out of the kindness of my heart, Jen,
24 I promise we won't run up against your Board meeting at 6:00.
25 Also because we don't have that much time left, so fear not.

1 THE WITNESS: Someone tells me to wait for the
2 questions, I will wait for the questions.

3 MS. LEVINE: Please.

4 MR. BLOMBERG: That would be impressive waiting.
5 That would be impressive waiting.

6 THE WITNESS: Before we proceed, I'd like to talk
7 about --

8 MS. LEVINE: Are we back on the record?

9 THE REPORTER: Well, you said "Back on the record,"
10 but I didn't know if you wanted me to take this off the record
11 because it sounded like chitchat. I don't know.

12 MS. LEVINE: Chitchat. Yes.

13 MR. BLOMBERG: We'll just keep going.

14 Sorry. You were saying, Jen?

15 THE WITNESS: Yeah. I was reviewing again Exhibit 6.
16 And I wanted to just talk with you about something if you -- if
17 you have a moment to clarify something.

18 BY MR. BLOMBERG:

19 Q. Yeah. Let me put that back up. Okay. I have Exhibit 6
20 up.

21 A. Obviously, this is Mr. Lopez's declaration that this is a
22 leadership application for FCA that had been in use for the
23 previous five years. This is it.

24 In conflict with the District's understanding, in
25 Pioneer's understanding of what was expected of student leaders

1 and potentially student members in FCA, one thing that I think
2 is important. If we look at page 5 of 5 in the Christian
3 Conduct Standards, the second underlined and bolded "FCA
4 representatives shall at all times," et cetera, et cetera;
5 towards the end of that line, it says "Biblical standards" --
6 I'm sorry -- "conduct themselves in a manner that affirms
7 Biblical standards of conduct in accordance with FCA's
8 Christian beliefs. Such conduct standards include FCA's Youth
9 Protection Policy and Sexual Purity Statement."

10 So the information that the District had on the FCA's
11 Sexual Purity Statement is what Principal Espiritu shared with
12 Steven McMahon, including definitions in the Sexual Purity
13 Statement of marriage as being between one man and one woman,
14 sexual identity as being heterosexual, and then gender identity
15 as being aligned with the gender identity that is biological or
16 that a person was assigned at birth.

17 Those were obviously significant concerns for the
18 District, in light of the prohibitions in our
19 nondiscrimination policy and certainly contributed to the
20 understanding that led to the decision about derecognition.

21 I just wanted to point that out because while the
22 documents are kind of incorporated by reference, they're not
23 included in Mr. Lopez's declaration. So I think it's important
24 that we -- you understand what we knew about those items.

25 Q. And so what you just -- what you just articulated to me is

1 your understanding at the time of the derecognition decision?

2 A. Was it my understanding at the time of the derecognition
3 decision? It was the District's understanding, yes.

4 Q. Okay. Yeah. That's -- sorry. You stand in the place of
5 the District to me right now. So when I said "you," I meant
6 the District.

7 A. Okay.

8 Q. So what you articulated to me just now was the
9 District's understanding at the time it made the derecognition
10 decision?

11 A. Yes. Based on those documents with FCA's logo titled
12 "Sexual Purity Statement" and the leadership application. And
13 I only make the distinction between myself and the District
14 because we spent some time before talking about my office's
15 involvement or lack thereof in the derecognition process.

16 Q. Understood. Understood. No, that makes sense.

17 A. Engaging -- conduct themselves in a manner. And I think
18 that that prohibition of conduct that reflects that protected
19 class activity is of a greater, obviously, a substantial
20 concern, different, I think, than auditions for choir et
21 cetera.

22 Okay. I wanted to kind of elaborate on that a little by
23 having an opportunity to look at that document again.

24 Q. Okay. So -- and just again make sure I understand, and
25 feel free to correct if I'm wrong. Auditions require that, you

1 know, require a showing of the objective skill to be able to
2 participate in the choir is different in the District's eyes
3 than being required to follow FCA's religious conduct
4 standards?

5 A. Well, in that the conduct standards, as outlined in the
6 Sexual Purity Statement, would require a student to kind of
7 disavow some fundamental elements of who they are as a person
8 or with whom they associate, in violation of the
9 nondiscrimination policy. So that's definitely a significant
10 difference.

11 Q. Okay. And the difference that matters for purposes of ASB
12 recognition?

13 A. Certainly.

14 Q. Did any student ever specifically complain, saying that
15 they wanted to be an FCA leader, and then were denied because
16 of these eligibility criteria?

17 A. No.

18 Q. What would the District do if a student was running for
19 FCA leadership, and the voters said, "We're not going to select
20 you because you don't agree with our religious beliefs," and
21 that student came to the District and said, "They didn't select
22 me because of religious belief"?

23 MS. LEVINE: Calls for speculation. Hypothetical.

24 THE WITNESS: That one is difficult for me, because I
25 understand that there is complex expectations around religious

1 beliefs -- or not just religious beliefs, but belief as a
2 criteria for -- for existence of a club, for expectations. So
3 because I'm aware that "belief" is like a -- a very, a very
4 heavy word I would definitely need to consult, talk about the
5 right outcome for that, that we believe that -- that vote --
6 voting members of a club, when their voting on what is
7 otherwise nondiscriminatory criteria, have a right to choose
8 their own members.

9 So I would -- I would think I would need some support in
10 understanding the nature of that complaint and the validity of
11 that complaint and what it means in terms of our
12 nondiscrimination policy.

13 Q. And I'm just trying to understand what you were telling me
14 earlier about the latitude that voters have in consulting their
15 own consciences and making the voting decision.

16 So, say, the religious belief that the voters were
17 deciding on was exactly the same as the FCA policy we've just
18 discussed. So it's the same. We would have the expectation of
19 sexual conduct that conforms to the FCA beliefs, and the
20 expectation that you believe in the deity of Jesus Christ. And
21 they expressly choose not to vote for a student, because that
22 student doesn't meet those two eligibility criteria, in their
23 mind.

24 That student then complains to the District and says, "I
25 was discriminated against based on my sexual orientation and my

1 religious beliefs." How does that get handled?

2 MS. LEVINE: Calls for speculation. Hypothetical.

3 THE WITNESS: I think what I can state is that I
4 believe that the ability of students to vote in a democratic
5 process is really important. And when a student comes and says
6 that they believe that they've been discriminated against
7 through that voting process, it is really an area that I
8 haven't explored or the District hasn't explored in that
9 context.

10 And while I'd like to give you an answer, I think I would
11 need more time and to consult on what I think is a really
12 sticky issue. I'm not sure how that plays out; how we protect
13 students from discrimination, simultaneously protecting the
14 club's right to a democratic process. That's a tough one.

15 BY MR. BLOMBERG:

16 Q. And so when we were talking about it earlier, you said
17 that the students, the voters could make that decision in their
18 minds and that would be fine. But if the decision was
19 articulated such that they -- a leader candidate complained and
20 said, "I've been rejected based on my faith and my sexual
21 orientation," you don't know what the District policy would
22 be?

23 MS. LEVINE: Asked and answered.

24 THE WITNESS: I think it's less about -- any time --
25 a student can always come to their principal and say, "I think

1 I've been discriminated against. I'm being bullied. I'm being
2 harassed."

3 I will just say, again, I don't know how we would respond.
4 We would be obligated to investigate whether or not a student
5 had been discriminated against.

6 But if the voters all got together and said, you know,
7 yes, we chose not to vote for you, because you -- you -- you
8 know, you share a different version of Christianity that we
9 don't think aligns with the FCA Statement of Faith, is that
10 discrimination? I don't have the expertise at this moment in
11 my career to make that determination by myself and then
12 carefully implement an outcome for that student.

13 It's just way beyond my experience at the moment, and I
14 think way beyond the District's experience such that I can't
15 reach back to a -- to an example and say here's how we dealt
16 with it in the past. It really is just outside the realm of
17 our -- fortunately, I think, outside the realm of our
18 experience.

19 BY MR. BLOMBERG:

20 Q. And is there any written district guidance or policy that
21 would inform that process and decision-making?

22 A. No. Not outside the general expectations of those
23 nondiscrimination policies and hate-motivated behavior that we
24 looked at.

25 Q. Okay. And so essentially this would just be something

1 that the District would have to decide at some point in the
2 future; and it does not know the answer, as you sit here today
3 testifying on baffling of the District?

4 A. That's -- that's fair. Yes.

5 Q. A related but a little bit different issue is where a
6 student group has a purpose that's focused on serving just one
7 specific group. Right? It doesn't relate at all to their
8 membership or leadership criteria.

9 So, say, a Girls Who Code is only focused on improving
10 science opportunities for women, but they allow anyone to be a
11 member or leader, is that permissible under the
12 nondiscrimination policy?

13 MS. LEVINE: Calls for a legal conclusion.

14 THE WITNESS: Sorry.

15 BY MR. BLOMBERG:

16 Q. And would that be true for a group that --

17 THE REPORTER: I'm sorry. I didn't get your answer.
18 I apologize.

19 I got the "Calls for a legal conclusion."

20 And then I got you saying "Sorry."

21 MS. LEVINE: Yeah. I didn't hear it, either.

22 THE WITNESS: Yes.

23 Sorry, Amy.

24 MS. LEVINE: Thank you. You're forgiven, Jen.

25 MR. BLOMBERG: I heard you, Jen.

1 THE WITNESS: Thank you.

2 BY MR. BLOMBERG:

3 Q. What about the -- the same situation, but it's a group
4 that's only focused on serving African Americans? Everyone's
5 welcome to be a member or leader, but the group only is going
6 to serve and benefit African Americans.

7 MS. LEVINE: Objection. Vague.

8 THE WITNESS: And I'm sorry. What was the question?
9 Is that permissible?

10 BY MR. BLOMBERG:

11 Q. Yeah. Does that violate the affirmation statement that
12 we've been looking at together?

13 A. No. The purpose of the club isn't the problem generally.

14 Q. When would it be the problem?

15 A. If the purpose of the club served to disrupt the school or
16 educational environment or served to discriminate against other
17 students.

18 Q. In what way would it serve to discriminate against other
19 students? How would that -- how would that become a problem?

20 MS. LEVINE: Calls for speculation. Hypothetical.

21 THE WITNESS: I mean --

22 MS. LEVINE: Legal conclusion.

23 THE WITNESS: As is my tendency, I often think of the
24 most extreme examples because I never want to say something
25 would never happen.

1 So obviously a club that would -- whose purpose is to --
2 is to disrupt the educational environment -- clearly, that's
3 problem.

4 If the club existed to say -- I actually can't think of an
5 example where a club would exist to discriminate against other
6 students, unless we had a club that would likely simultaneously
7 disrupt the educational environment.

8 So if the students wanted to form a chapter of the KKK
9 on-site, as, again, an extreme example, not only would that
10 serve to disenfranchise lots of students, but likely disrupt
11 the educational environment so substantially that it would not
12 be permitted. So, again, just an extreme example.

13 BY MR. BLOMBERG:

14 Q. Okay. And then part of what would disrupt the educational
15 environment there would be kind of the offensiveness of the
16 KKK's mission?

17 MS. LEVINE: Misstates the testimony.

18 THE WITNESS: I think that the mission and probably
19 how it would manifest itself in its activities on campus. So,
20 you know, we're not going to police what people think. But
21 more than likely if you have a club that wanted to promote that
22 mission, they would engage in activities to promote that
23 mission, which would substantially interfere with the
24 educational environment on-site.

25 So, again, all rhetorical. All really for our purposes.

1 BY MR. BLOMBERG:

2 Q. Did the Satanic Temple Club qualify as a disruptive group?

3 A. In what context?

4 Q. In this context. Would -- you know, so having the KKK on
5 campus would be disruptive. Having the Satanic Temple Club,
6 was that sufficiently disruptive such that it would influence
7 an ASB recognition decision?

8 MS. LEVINE: Misstates the testimony.

9 THE WITNESS: I anticipate that a chapter of the
10 Ku Klux Klan would cause a great deal of consternation, such
11 that it could be disruptive.

12 My understanding is the Satanic Temple Club applied and
13 was approved by the ASB. And I have no knowledge that it was
14 derecognized for any inappropriate activities or behavior or --
15 and I don't believe there were any protests. So I'm going to
16 have to say that from the information I have, they didn't
17 disrupt the educational environment.

18 Q. And a club being devoted to Satan, itself, isn't
19 sufficiently disruptive for the District to deny recognition?

20 A. Apparently it wasn't. And I don't have -- I'm not looking
21 at the Satanic Temple Club application. So I will -- I will
22 not necessarily agree that the Satanic Temple Club was devoted
23 to Satan, itself. Just -- I think that there were other --
24 other purposes addressed in the club.

25 But again, it recognized that the title may have inspired

1 some concern. But apparently the ASB reviewed it, approved it,
2 and the club existed. I don't know if it exists today.

3 Q. And what would make the difference for purposes of the
4 Satanic Temple? Obviously, Satan is fairly controversial in
5 some quarters. And the KKK -- obviously, the KKK is very
6 controversial in a lot of quarters. What makes the difference
7 from the perspective of ASB recognition?

8 A. Well, this is what happens when I give an example. I
9 think we were talking -- I don't even remember why we were
10 talking about the potentially disruptive nature of particular
11 clubs. And I think that the context of that example was
12 important. So I would have to say I can't really answer the
13 question, except that the ASB needs to review the purpose of
14 the club and -- and make the determination based on the ASB
15 requirements.

16 I, the District, would presume that the purpose of the
17 Ku Klux Klan, given its historical nature, might be, in fact,
18 to -- and again, this is almost absurd, because the likelihood
19 of this happening is negligible. If a chapter of the
20 Ku Klux Klan has a stated purpose to disenfranchise students of
21 color on campus, that's not going to meet, obviously, the
22 nondiscriminatory criteria for approval by the ASB, in addition
23 to likely potentially being really disruptive, because I'm
24 unaware of a secondary nature of the Ku Klux Klan.

25 Seemingly it's taken me down a garden path here that is

1 probably not relevant.

2 Q. So -- so a purpose -- you know, I think part of where we
3 started. You're right. You know, where we started was asking
4 if you had a purpose that existed solely to advance one group,
5 even if that group was a protected group under the
6 nondiscrimination policy.

7 And you said that's fine.

8 And the distinction I hear you saying -- and maybe I'm
9 wrong about this -- is it's one thing to advance the rights of
10 African Americans. That's permissible under the policies.
11 It's permissible to have that as a purpose in what the group
12 does.

13 It would be another thing to have a policy of
14 disenfranchising someone based on their race. And that's kind
15 of -- that sounds to me like what the difference was in the way
16 you articulated the difference between a group that advances
17 African Americans and the KKK.

18 MS. LEVINE: Misstates the testimony.

19 THE WITNESS: I recall now that your initial question
20 actually said, you know, if the purpose was to promote African
21 American success in society, would that be okay? And we talked
22 about the difference between -- as long as the membership was
23 open to anybody who wanted to participate.

24 So I think the other examples really had to do with the
25 fact that the purpose is usually okay. There's sometimes when

1 a stated purpose could have the group run into some issues if
2 the stated purpose could meet this other test of whether or not
3 it is likely to disrupt the educational environment.

4 BY MR. BLOMBERG:

5 Q. Okay. Thank you that was helpful. I understand. Thank
6 you. Thanks for following me down that rabbit hole. All
7 right. Let's see.

8 A. Got me there, so I might as well go with you.

9 (Pause in proceedings. Reporter's audio is interrupted.)

10 (Discussion off the record.)

11 MR. BLOMBERG: Can you let us know the last thing
12 that you caught, just so we know where we were?

13 (Record read.)

14 MR. BLOMBERG: Okay. All right.

15 THE WITNESS: That was the last thing, wasn't it?

16 MR. BLOMBERG: Yeah, I think that was it. I think I
17 was scrolling on my -- looking for the next --

18 THE WITNESS: Oh, and you asked about the Climate
19 Committee.

20 BY MR. BLOMBERG:

21 Q. That's right, I did. I think we were talking about the
22 Climate Committee. That's right. So let's go back to the top
23 on that.

24 Jen, can you please tell me about the Climate Committee at
25 Pioneer?

1 A. I will tell you what I know and am aware that Pioneer has
2 convened a group that they call the "Climate Committee," which
3 is comprised of teachers and other staff members to address how
4 the school functions in terms of its kind of emotional and
5 psychological climate.

6 Q. All right. And do you know how the Climate Committee
7 effectuates -- let me see. I need to ask that again.

8 If the Climate Committee sees something that is going
9 against those considerations that you identified, how do they
10 address that?

11 MS. LEVINE: Vague. Calls for speculation.

12 THE WITNESS: I don't have experience with the
13 Climate Committee, per se.

14 You certainly bring these issues to the attention of the
15 site leadership, if there was a concern.

16 BY MR. BLOMBERG:

17 Q. So the Climate Committee isn't itself a decision-making
18 body? It doesn't have independent authority to make
19 determinations?

20 A. No.

21 Q. So would it ultimately be still the responsibility of the
22 principal to make determinations?

23 A. Yes.

24 MR. BLOMBERG: Let's look at Exhibit 70 in your
25 Marked Exhibits folder. Please let me know when you have it

1 up.

2 (Deposition Exhibit 70 marked for identification.)

3 THE WITNESS: It's loading. I see, I think, six
4 pages or so.

5 BY MR. BLOMBERG:

6 Q. Yes. I have the same.

7 And see the top of the document is on -- its face is on
8 District letterhead. Is that right?

9 A. It is.

10 Q. And it's got -- in the top right-hand corner it's got
11 Principal Espiritu's name?

12 A. It does.

13 Q. And identifies itself as the meeting minutes for the
14 Climate Committee at Pioneer High School?

15 A. Yes.

16 Q. Can you scroll down to the fourth page and just read the
17 discussion there?

18 A. Agenda Topic Number 4?

19 Q. Yes. That's the one.

20 A. Clubs on campus and positive behavior referrals. Time
21 allotted: 15 minutes. Presenter: Tim Gavello. I've read
22 that. Okay. I've read it.

23 Q. Right. And then the discussion section -- do you see
24 that? You don't have to read it out loud, but just read that
25 language there.

1 A. Yeah. I read it.

2 Q. Okay. Great. Thank you.

3 This is the -- sorry. Going back up just a bit to the
4 first page, what's the date on this document?

5 A. The date is April 30th, 2019.

6 Q. Okay. And so then going back down -- so they're having
7 this conversation on April 30th, 2019?

8 A. It appears that way.

9 Q. Okay. And do you know who the Herb is that's identified
10 here?

11 A. I don't.

12 MS. LEVINE: Calls for speculation.

13 BY MR. BLOMBERG:

14 Q. Is there any reason to think it would not be
15 Herb Espiritu?

16 A. No.

17 Q. And do you have any idea why Herb feels that the FCA
18 club's signed agreement goes against the core values of
19 Pioneer?

20 A. I have probably my own thoughts about it, but I'm not
21 generally aware of why Herb believed that there was a concern
22 about the FCA core -- and the Pioneer High School's core
23 values.

24 Q. What does it mean that the committee needed to take a
25 united stance?

1 A. Honestly, I can only report what I see on the document.
2 It seems like that's something that Herb may have said to the
3 committee. But in terms of the implications, I don't have any
4 information.

5 Q. Are inclusiveness or open-mindedness categories in the
6 nondiscrimination policy?

7 MS. LEVINE: The document speaks for itself.

8 THE WITNESS: Like protected criteria or --

9 BY MR. BLOMBERG:

10 Q. Yes.

11 A. No. No.

12 Q. Okay. And so if a signed agreement goes against
13 inclusiveness and open-mindedness, does that violate the
14 nondiscrimination policy?

15 MS. LEVINE: Objection. Vague. Calls for a legal
16 conclusion.

17 THE WITNESS: It depends on how they've determined
18 that it goes against inclusiveness and open-mindedness. So if
19 the signed document went against a value of inclusion by
20 denying access to certain people, then, yes. It would violate
21 the nondiscrimination policy. So it's hard to -- it's hard to
22 say with the limited information that we have here.

23 BY MR. BLOMBERG:

24 Q. And would it be similarly uninclusive to deny access on
25 the basis of a nondiscriminatory criteria, you know, someone's

1 excluded because they can't -- they don't have the right GPA?

2 MS. LEVINE: Objection. Vague. Overbroad.

3 Unintelligible. Calls for speculation.

4 THE WITNESS: I think you're asking is it exclusive
5 or noninclusive -- I don't know what the right term to use
6 here -- for a club to deny membership to somebody based on a
7 nondiscriminatory criteria such as GPA.

8 I'm not sure in this context of the use -- of the idea of
9 inclusion and open-mindedness, but in your kind of example, no,
10 that's not exclusive under the nondiscrimination policy.

11 MR. BLOMBERG: Okay. So even though in the -- the
12 example of GPA, someone is excluded because they don't have the
13 right GPA, a sufficiently high GPA, and in the FCA context,
14 someone is excluded because they don't have the right beliefs,
15 one type of exclusion is permissible under the
16 nondiscrimination policy and the other type is not permissible?

17 THE WITNESS: I didn't make any reference.

18 MS. LEVINE: Calls for a legal conclusion. It's
19 argumentative.

20 THE WITNESS: I didn't make any reference. It's --
21 it's not giving me a lot to review, so I don't know what Herb's
22 concerns were in terms of going against the core values of
23 Pioneer as being inclusive. There's just not enough
24 information here to say that it has to do with a belief of the
25 FCA, and I certainly wouldn't want to jump to that conclusion.

1 MR. BLOMBERG: Well, yeah. And what I was just --
2 what I was asking about is, you know, they were talking about
3 the core values of the inclusiveness and open-mindedness and so
4 if the -- the denial -- right? -- was on the basis of a
5 category of nondiscrimination policy, then that would be a
6 concern under the -- for the inclusiveness that the District
7 is committed to. Right?

8 MS. LEVINE: It's vague, unintelligible, overbroad,
9 compound. Calls for speculation.

10 THE WITNESS: I think -- I think we've introduced
11 this concept of inclusiveness in a way that's making it harder
12 for me to kind of answer the question. Not because
13 inclusive -- inclusion isn't part of the conversation, but I
14 think it's just adding this element that I think is starting to
15 cloud it for me.

16 BY MR. BLOMBERG:

17 Q. Yeah. Well, let's set aside the document for just a
18 second. Can I just ask you, practically speaking: Exclusion
19 on the basis of GPA and exclusion on the basis of religious
20 belief -- both exclude. Correct?

21 A. In that that's what you --

22 MS. LEVINE: Argumentative.

23 (Cross-talk.)

24 MR. BLOMBERG: Sorry. You said?

25 MS. LEVINE: Go on. Go ahead.

1 THE WITNESS: Amy said, "Argumentative."

2 I said, "Sorry, Amy."

3 And then I said, "In that you have identified both of
4 those as exclusive actions, yes."

5 BY MR. BLOMBERG:

6 Q. All right. And so both of them would serve as a barrier
7 for inclusion within the group. Is that right?

8 A. Within -- within the group? Within what group?

9 Q. Sorry. Within the context of an ASB-recognized student
10 group. Some ASB-recognized student groups are allowed to
11 exclude based on GPA; other ASB student groups are not based on
12 religious belief. That's -- isn't that right?

13 A. ASB-recognized student groups are not allowed to exclude
14 based on religious belief. Again, I think the word "belief"
15 there is really loaded for me, given in my basic understanding
16 of the concept. So that is what you've said, I'm not sure
17 that's what was happening. But those are two distinct things
18 to be considered certainly. We are clear that grade point --
19 grade -- GPA is a nondiscriminatory criteria for exclusion.

20 Q. Okay. And so one type of exclusion is permissible and the
21 other type is not?

22 MS. LEVINE: Vague. Vague. Overbroad. Calls for
23 speculation.

24 THE WITNESS: With -- my apologies, I'm not trying to
25 be obtuse, but I'm just very wary of agreeing that exclusion

1 based on religious belief is acceptable, because the concept of
2 religious belief is really -- it's really broad and it's really
3 vague, and stripped of its context, perhaps, in this statement
4 of leadership application, I'm just reluctant to make a
5 yes-or-no answer.

6 BY MR. BLOMBERG:

7 Q. Okay. So you wouldn't be able to say as a representative
8 of the District whether a religious belief requirement, per
9 se, would violate the policy?

10 A. I would not say that as a representative of the District
11 that a religious belief requirement, per se, is a violation of
12 the policy.

13 Q. Okay. If the requirement is that you be a Christian, so
14 that it's a requirement that you affirm certain religious
15 tenets -- right? -- such that you are a Christian, would that
16 be a violation of nondiscrimination policy?

17 A. In a reading of it as we've been doing, yes --

18 Q. Okay. That's --

19 A. -- that's a requirement for membership.

20 Q. And that's what I was -- so basically, you know, we talked
21 earlier about the two different reasons why the current
22 application policy, leadership application policy, would not be
23 permissible under the nondiscrimination all-comers policy. And
24 one of them was the statement regarding sexual conduct. And
25 the other one was a statement regarding, for instance, the

1 belief in the deity of Jesus Christ. Isn't that right?

2 MS. LEVINE: Misstates the testimony.

3 MR. BLOMBERG: And that's -- that's what I was --
4 that's what I was trying to get at. But thank you for
5 clarifying.

6 When I'm saying "religious belief" --

7 (Reporter requested clarification.)

8 (Record read.)

9 THE WITNESS: Actually, I appreciate hearing the
10 question reread, because I think there's an important
11 distinction.

12 So it's not -- it's not the -- it's not that the beliefs
13 themselves are an issue, but rather declining to -- declining
14 to affirm all of those beliefs in that way means that you can't
15 be a member. So membership exclusion based on religious
16 beliefs is, I think, the heart of the problem.

17 But yes, I do remember the conversation when we were
18 looking at Exhibit, I think, 6.

19 BY MR. BLOMBERG:

20 Q. And just to clarify, we were talking about leadership, not
21 membership. Correct? We're -- we had -- our context here is
22 note a membership limitation, just a leadership limitation.
23 Right?

24 A. We were looking at the leadership application, yes.

25 Q. Okay. And there's the -- you know, if I represent to you

1 that FCA accepts everyone as members, do you have any reason to
2 think that that's not true?

3 A. I don't, no.

4 Q. Okay. Okay. So the issue with FCA --

5 MS. LEVINE: I just wanted to clarify if she said "I
6 don't, no," n-o, or "I don't know," k-n-o-w.

7 THE WITNESS: I will clarify. I do not have reason
8 to believe that Mr. Blomberg is misrepresenting the membership,
9 the open membership nature of the FCA.

10 BY MR. BLOMBERG:

11 Q. And so the controversy over FCA and its ASB status relates
12 to its leadership policy. Is that right?

13 A. The question about it -- its leadership policy, yes, that
14 has to do -- or the question about the criteria for leadership
15 being in conflict with a nondiscrimination policy is a sticky
16 issue, as I understand it, yes; not --

17 Q. Okay. All right. Thank you.

18 And so just to try to get back to the lack of clarity I
19 had earlier that was causing you some pause, when I say,
20 "religious belief," what I mean is the belief that we looked
21 at, that FCA leaders are required to affirm.

22 Does that make sense?

23 A. I will accept that premise.

24 Q. Okay. Great. And so my understanding from our
25 conversation is that is not a permissible basis for limiting

1 leadership. Is that correct?

2 A. Under the nondiscrimination policy, yeah. I just wanted
3 to add that. Yes, that is accurate.

4 Q. Okay. But it is permissible to exclude students based on
5 their GPA under the nondiscrimination policy.

6 A. Yes.

7 Q. All right. Okay. Let's see here. We will go to another
8 exhibit. Just a second. I'll let you know the number once it
9 cycles up.

10 Oh. While we're waiting for it to come up, can a student
11 group require that its leaders agree with the school's
12 nondiscrimination policy as a requirement for leadership?

13 A. That feels like a Russian nesting doll of a question. Can
14 a -- one more time, please.

15 Q. Certainly. Can an ASB-recognized student group require
16 its leaders agree with the District's nondiscrimination
17 policy?

18 A. Given that we expect the members -- the ASB clubs
19 themselves to agree to affirm the nondiscrimination policy, I
20 don't see how having that as a requirement for leadership is
21 discriminatory.

22 Q. Okay. So that would be a "yes." That would be a
23 permissible requirement?

24 A. In my initial assessment, yes.

25 Q. All right. And you don't have any reason to think that

1 wouldn't be accurate?

2 A. No.

3 MR. BLOMBERG: All right. All right. If we can
4 go -- it's Exhibit 94 in the Marked Exhibits folder.

5 (Deposition Exhibit 94 marked for identification.)

6 THE WITNESS: Okay. I have it. And it is loading.
7 It looks like about five pages.

8 BY MR. BLOMBERG:

9 Q. Okay. And you see in the top left-hand corner where it
10 identifies itself as AR 5131.2?

11 A. I do.

12 Q. And is this the District's regulation regarding
13 bullying?

14 A. It is. It's an administrative regulation.

15 Q. And do you know when this policy was enacted?

16 A. It's dated approved January 30th, 2020.

17 Q. Do you know if it was any different from the policies that
18 were in place in -- sorry. Do you know if it was any different
19 from the previous version of this document that was in place in
20 April 2019?

21 A. Usually when the Board updates a policy, the original
22 date is on the document, and then the policy reflects a
23 revision. So I -- I -- just looking at it from that
24 perspective, it looks like this may be the first version of
25 this policy.

1 Q. Okay. Are you familiar with this policy?

2 A. Generally speaking, yes.

3 Q. Do you know how this policy works in practice?

4 A. Policy could, in practice, work in a lot of different
5 ways. I mean, practically speaking, sure.

6 What the expectations are; the training we do and -- and
7 I'm sorry. Let me revisit. This isn't a policy. This is an
8 administrative regulation, so really as it reads is what's
9 supposed to happen to resolve the issues that the policy brings
10 up.

11 Q. Okay. What obligations does the regulation articulate
12 for the District investigating student complaints of bullying
13 or harassment?

14 MS. LEVINE: The document speaks for itself.

15 THE WITNESS: So in terms of bullying and harassment,
16 any student could -- or parent or community member could file a
17 complaint under our Uniform Complaint procedure and have those
18 allegations investigated, or they could notify the principal,
19 for example, and have their concerns addressed at the site
20 level as well.

21 BY MR. BLOMBERG:

22 Q. Is there a specific individual that they have to report to
23 for their complaint to be or their report to be investigated?

24 A. Who's "they"?

25 Q. A student or a parent who has concerns about bullying,

1 harassment. Is there someone specific they have to report to,
2 to have the complaint investigated?

3 A. No. We take the obligation to investigate these kinds of
4 complaints seriously. There's not a prescriptive process.

5 Q. Do you know if there have been specific formal
6 investigations under this policy since 2018, 2019?

7 A. I -- I'm certain that there are. I haven't been involved,
8 but I'm aware anecdotally that we have conducted investigations
9 under this policy.

10 Q. Are they common or are they fairly rare?

11 A. My assessment is that they're fairly rare, in terms of the
12 Uniform Complaint policy and the formality of that.
13 Allegations are comments about bullying are probably a little
14 more common at the school site level, kind of day-to-day
15 operations with students.

16 Q. And do you know what the District has done once it's
17 performed an investigation and determined that a student has
18 been in violation of policy; how they've responded to that?

19 A. I think they respond probably in alignment with the
20 student handbook, in terms of whether or not discipline is
21 appropriate and meted out.

22 Q. And if it the complaint was made against a teacher would
23 the student handbook still be the guidance that they would
24 follow?

25 A. No.

1 Q. So if the complaint was made against a teacher and the
2 teacher was found to be in violation of policy, what would be
3 the guidance for the District's response there?

4 A. The guidance for the District's response would be our
5 progressive discipline practice, and, of course, it would all
6 depend upon the nature of the alleged activity.

7 Q. Do you know about how many investigations you're aware of
8 in the last couple years?

9 MS. LEVINE: Vague.

10 THE WITNESS: I think as part of the discovery
11 process, some piece of it, I produced -- was asked to produce
12 files about that. I actually don't recall that we had any.

13 BY MR. BLOMBERG:

14 Q. So you don't recall seeing any files of investigations
15 under this policy?

16 A. Not for bullying, no.

17 Q. And what about for harassment?

18 A. No.

19 MR. BLOMBERG: All right. Can we take a five-minute
20 break? And I think -- I think we'll probably be done.

21 THE WITNESS: Sure.

22 MS. LEVINE: Okay.

23 (Recess taken from 4:37 p.m. until 4:44 p.m.)

24 BY MR. BLOMBERG:

25 Q. Just one question, Jen. When we were talking about the --

1 the bullying policy, the harassment policy a second ago, I
2 understood you to say that you were aware of some
3 investigations that had been performed, but you didn't see any
4 that were bullying or harassment investigations. Is that
5 right?

6 A. That's my recollection. And then I produced documents
7 pursuant to the request that our Director of Students Services
8 said that they had conducted some, but he didn't have any
9 recently, and he didn't produce any for me.

10 Q. Okay. And do you recall any other types of investigations
11 that were performed, other than bullying or harassment
12 investigations under this policy?

13 A. From 2018 to now?

14 Q. Yes.

15 A. I know of one that was recently completed. But I don't
16 think that I've seen another one, no.

17 Q. Okay. And that one is unrelated to the FCA matter?

18 A. Completely.

19 Q. Okay. And when you say "recently completed," like within
20 the last three months, six months?

21 A. I'm going to say three months, yes.

22 Q. All right. Just very, very generally, what was the
23 subject matter?

24 A. The District safety planning.

25 MR. BLOMBERG: Okay. All right. I don't have any

1 other further -- any other questions at this point.

2 Amy, because you instructed her not to answer our
3 questions, I am going to hold open the deposition. We're going
4 to get the transcript, and we'll talk with you about next steps
5 on that. But we don't have any other further questions, unless
6 you have some.

7 MS. LEVINE: I might. I think I would like a little
8 bit of time to confer with my co-counsel on that if that's --

9 MR. BLOMBERG: Yeah. That's totally --

10 MS. LEVINE: -- if we can. So can we come back in,
11 like, 15 to 20 minutes. Would that work? Because we need to
12 do it by phone, unfortunately, with this Zoom process.

13 MR. BLOMBERG: I understand. If it's possible to do,
14 let's try to do 15, if we can. But obviously, if you need 20,
15 take 20. I will come back in 15, and if you guys are ready,
16 let's go, because I'd love to go home. It's almost -- it's
17 well past dinnertime, but take all of the time you need.

18 MS. LEVINE: Sure. Okay.

19 (Recess taken from 4:46 p.m. until 5:01 p.m.)

20 EXAMINATION

21 BY MS. LEVINE:

22 Q. Jen, you testified earlier about fundraising, and whether
23 that was something that was -- that required ASB approval for
24 students to engage in. Do you remember that testimony?

25 A. I do.

1 Q. Do you know whether there's any other process by which
2 students can fundraise on campus?

3 A. I -- there are, I guess, other processes. I was thinking
4 specifically of the way student clubs fundraise going to the
5 quad, sell Jamba Juice, have their, you know, club banners out,
6 so I was definitely thinking of a formal process. Of course,
7 Girl Scout sell cookies on campus or the PTA fundraiser. I --
8 you know, I was always ordering wallpaper [sic], so those are
9 -- or wrapping paper. So those are definitely -- there's
10 definitely other kinds of fundraising that happen on campus.

11 Q. Do you know whether there's a Board policy that governs
12 fundraising on campuses?

13 A. There is. We talked a lot about what you can sell and
14 what you can't sell, and it has to deal with food. It doesn't
15 talk so much about the requirement to be a member of the ASB.

16 Q. Jen, as far as you understand it, can a principal
17 authorize students to fundraise on campus, as long as it
18 conforms with Board policy?

19 A. Yes. As far as I understand, that they can make that
20 agreement.

21 Q. You also mentioned at one point during your testimony
22 something about counseling that's available to students in the
23 District?

24 A. Yes.

25 Q. Okay. Is counseling something that is provided to

1 students at Leland, Pioneer, and Willow Glen High Schools?

2 A. Yes. We have counseling programs available at those
3 schools for all students.

4 Q. Okay. Is it available at all these high schools -- all of
5 the comprehensive high schools?

6 A. Yes.

7 Q. And what is the nature of the counseling that's available?

8 A. We have two kinds of counseling. We have academic
9 counseling and then socio- -- or social-emotional counseling,
10 more, you know, like psychological counseling.

11 Q. Okay. Is there any eligibility criteria that you know of
12 for students to be able to take advantage of the social
13 emotional counseling that's available at the school sites?

14 A. Just enrollment at that site. Other than that, there's no
15 other eligibility criteria.

16 Q. Okay. And what about the academic counseling?

17 A. No.

18 Q. Can you take a look at -- I think it was
19 Exhibit Number 52.

20 A. Okay. The interrogatories. I have them.

21 Q. Okay. And you were asked --

22 MR. BLOMBERG: Can I just pause for just one second.
23 My Egnyte is fritzing on me. So just give me one second to
24 catch up.

25 MS. LEVINE: Sure.

1 MR. BLOMBERG: Thank you. I'll let you know once I
2 have it open. Okay. Exhibit 52, you said?

3 MS. LEVINE: Yes.

4 MR. BLOMBERG: All right. Thank you. I'm in the
5 document.

6 BY MS. LEVINE:

7 Q. Okay. So looking at the second-to-last page there, where
8 your -- it has your verification.

9 A. Yes.

10 Q. Do you see that's dated May 7th, 2021?

11 A. I do.

12 Q. Okay. So with respect to the response to Interrogatory
13 Number 6, which you were asked about before, do you have any
14 reasons to believe that the information in that interrogatory
15 response is not accurate?

16 A. No.

17 Q. Do you know whether there is consistency among the three
18 school sites that are involved in this case with respect to how
19 the term "student interest group" is used?

20 A. Right. I believe that it has been inconsistent.

21 Q. Okay. So the use of the term "student interest group" --
22 is that something that is dictated by the District?

23 A. No. Not at this time.

24 Q. So is it fair to say that it's been a site level decision
25 as to how a -- what a student interest group is?

1 A. Yes.

2 MS. LEVINE: Okay. Thank you. I don't think I have
3 any more questions.

4 MR. BLOMBERG: All right. Just a couple quick
5 questions on that.

6 EXAMINATION

7 BY MR. BLOMBERG:

8 Q. Can you identify the specific Board policy that you were
9 talking about, Jen, that governs fundraising?

10 A. Not without looking it up. I know that I've seen it. I
11 would need to, like, actually get into our system. I can do it
12 now, if you like. I really --

13 Q. So for purposes of this discussion, your answers to Amy's
14 questions, you don't have a fresh recollection of what the
15 policy is or what it requires?

16 A. Not the number, it really does say something like student
17 fundraising.

18 Q. And do you know what the content of it is?

19 A. My recollection is it talks about the requirements for
20 student fundraising, including how students may fundraise as
21 long as what they are doing doesn't violate other Board policy.
22 I think it does describe how students may request permission
23 but I -- I can't say -- I can't be certain. It's pretty --
24 it's pretty general; a lot about requirements about food.

25 Q. And the -- the ability to do fundraising apart from the

1 ASB process, is that the principal's discretion?

2 A. That's my -- that's my recollection, is that the principal
3 has some authority as the site leader to make -- to make some
4 agreements about fundraising.

5 Q. And what would that process look like?

6 A. I think it would depend on the principal, but I could
7 anticipate that students would go and -- and just talk to the
8 principal about what the purpose was and ask for permission.
9 And the principal would grant it or not.

10 Q. Are you familiar with any non-ASB student groups that have
11 fundraised on any of the three campuses we've been talking
12 about?

13 A. No. I don't know much about fundraising, in general, at
14 the three campuses or the specifics of that, so, no, I'm not
15 aware.

16 Q. But ASB fundraising is pretty, pretty typical. And
17 there's a whole process for it?

18 A. To the extent that there's a process apart from being part
19 of the ASB and going through their process it is -- I don't
20 know, but it is -- ASB-sponsored clubs doing fundraiser is very
21 typical, yes.

22 Q. You mentioned fundraising was like Jamba Juice and going
23 under the quad for fundraisers. Are non-ASB-approved clubs
24 allowed to participate in that particular type of fundraising?

25 A. I mean, subject to -- to approval by the principal? It

1 seems like that is a possibility that I hadn't considered.

2 It's not -- it's not as common.

3 Q. So you know ASB groups can do it. You're not aware if any
4 other groups can do it?

5 A. I believe we were just discussing that the Board policy
6 may provide for the possibility. I just -- I couldn't tell you
7 if I'd seen it recently.

8 Q. Okay. But -- so but as you sit here today, you know that
9 ASB groups can do that kind of fundraising. You're not sure
10 about whether a non-ASB group could do it?

11 A. I believe that they could.

12 MS. LEVINE: Misstates testimony.

13 BY MR. BLOMBERG:

14 Q. You believe they could, based on your recollection of the
15 Board policy?

16 A. Yes.

17 Q. But you don't have any independent knowledge of that
18 actually happening?

19 A. That's true.

20 Q. And you remember when we talked earlier about
21 communications during the deposition. And the only
22 communications with counsel are permissible were ones to
23 discuss the assertion of a privilege. Were you able to observe
24 that guidance during the entirety of this deposition?

25 MS. LEVINE: Calls for attorney-client-privileged

1 information.

2 I'm going to instruct her not to answer.

3 MR. BLOMBERG: Did you refresh your recollection with
4 anything in the last 15 to 20 minutes on a document?

5 THE WITNESS: On a document?

6 BY MR. BLOMBERG:

7 Q. Mm-hm. Did you look at any documents to refresh your
8 recollection before we came back for this discussion?

9 A. I don't think so, no.

10 Q. Other than talking to your attorney, did you get -- or
11 refresh recollection from anything else, talking to anyone
12 else?

13 A. I'm sorry. Could you answer that -- ask me that question
14 again?

15 Q. Yeah. Other than talking to your attorney, was your
16 recollection refreshed by anything, speaking to anyone else
17 during the break before we came back?

18 A. In the last 15 minutes? No.

19 Q. Okay. Was your recollection refreshed by anything during
20 the break?

21 MS. LEVINE: Calls for attorney-client privileged
22 communication.

23 I'll instruct her not to answer.

24 BY MR. BLOMBERG:

25 Q. Have the only communications that you've had been

1 regarding privilege with your counsel?

2 MS. LEVINE: Same objection.

3 Same instruction. Don't answer.

4 BY MR. BLOMBERG:

5 Q. Has anything refreshed your recollection today?

6 MS. LEVINE: I'm going to instruct you not to answer
7 to the extent it would involve the disclosure of
8 attorney-client privileged communications, but other than that
9 you can answer.

10 BY MR. BLOMBERG:

11 Q. Let me narrow that question. Anything outside of our
12 conversations -- you and me -- and the documents that we've
13 looked at together, has anything refreshed your recollection
14 today?

15 MS. LEVINE: The same instruction.

16 THE WITNESS: I -- I'm sorry. I feel a little
17 confused. I -- I don't -- I've reviewed the documents we've
18 reviewed together. And that's what's -- occasionally refreshed
19 my recollection if things were, you know, confusing or I
20 misremembered something.

21 BY MR. BLOMBERG:

22 Q. Would there be anything other than the specific San Jose
23 USD food sales policy that -- that you would need to look at to
24 determine about the ability of a nonrecognized student group to
25 fundraise on campus?

1 A. If I were kind of looking through the whole set of
2 policies, I think we've talked -- before I pick out search
3 terms and kind of search the whole thing to find where it might
4 be cross-referenced, so if there is a separate food policy, I
5 might want to look at the ASB policy in case the -- or the
6 administrative regulation in case there's something in there
7 that maybe contradicts the food policy. So maybe if I wanted
8 to be, you know, like, fully prepared for the question.

9 Q. What other the types of groups besides Girl Scouts are you
10 aware of that are non-ASB-approved that can fundraise?

11 A. I wouldn't say that they can fundraise. I mean, it's just
12 an example. You know, you see kids walking around sometimes
13 with -- with the order forms or something. I don't think
14 that's a subject to discipline for something like that, so
15 perhaps there's kind of a passive process. But, you know, you
16 think about the PTA is another example often doing fundraisers
17 among -- I don't think they're -- they're not an ASB-approved
18 body because they're not students. So that comes to mind.

19 Q. And in Exhibit 52 and in your response to Interrogatory
20 Number 6, you said that ASB-approved -- non-ASB-approved groups
21 cannot fundraise. And why was that not correct?

22 A. It must have been not taking into consideration anything
23 permissive in Board policy that would allow a group to -- to
24 request permission; again, assuming that I'm remembering that
25 correctly. I just want to be complete in the answer.

1 Q. All right. So if you're looking at Exhibit 52 on page 11,
2 do you have that up?

3 A. I do.

4 Q. And you see the line 9 and 10, it says, "A student
5 interest group at Pioneer may not have an ASB financial account
6 or engage in fundraising"?

7 A. I see that. Yes.

8 Q. All right. And your testimony today is that that's not
9 correct?

10 MS. LEVINE: Misstates the testimony.

11 THE WITNESS: I think that there might be, if your
12 student interest group -- you might be able to do fundraising
13 if you meet any of the requirements as outlined in the -- in
14 any of the Board policy. So if you could, get permission from
15 the principal, then you could, I guess, engage in fundraising
16 on campus. Again, it's unusual. But if that's the provision
17 of the policy, I don't want to leave that out as a potential
18 answer. But, like, you're not automatically permitted to, the
19 way you would be if you were an ASB-approved club.

20 MR. BLOMBERG: Okay. Nothing further.

21 THE WITNESS: Okay.

22 MS. LEVINE: Okay. Nothing further from me.

23 MR. BLOMBERG: All right. We can go off the record,
24 Lydia.

25 (At 5:17 p.m. the proceedings were adjourned.)

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me at
4 the time and place herein set forth; that any witnesses in the
5 foregoing proceedings, prior to testifying, were placed under
6 oath; that a verbatim record of the proceedings was made by me
7 using machine shorthand which was thereafter transcribed under
8 my direction; further, that the foregoing is an accurate
9 transcription thereof.

10 I further certify that I am neither financially
11 interested in the action nor a relative or employee of any
12 attorney or any of the parties.

13 IN WITNESS WHEREOF, I have this date subscribed my name.

14

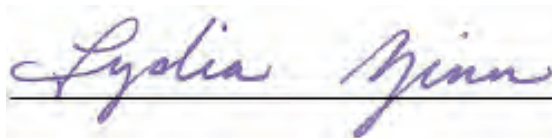
15 Dated: 6/30/2021

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A handwritten signature in blue ink that reads "Lydia Zinn". The signature is written in a cursive style and is positioned above a horizontal line.

20

LYDIA ZINN, RPR, FCRR

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CSR No. 9223

22

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24

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1 1 Amy Levine, Esquire

2 2 alevine@dwkesq.com

3 3 July 1, 2021

4 4 RE: Sinclair, Elizabeth Et Al v. San Jose Unified School
District Board Of Education Et Al

5 5 6/24/2021, Jennifer Thomas (#4624407)

6 6 The above-referenced watermarked transcript is available
7 7 for review.

8 8 Within the applicable timeframe, the witness should
9 9 read the testimony to verify its accuracy. If there are
10 10 any changes, the witness should note those with the
11 11 reason, on the attached Errata Sheet.

12 12 The witness should sign the Acknowledgment of
13 13 Deponent and Errata and return to the deposing attorney.
14 14 Copies should be sent to all counsel, and to Veritext at
15 15 erratas-cs@veritext.com

16 16

17 17 Return completed errata within 30 days from
18 18 receipt of transcript.

19 19 If the witness fails to do so within the time
20 20 allotted, the transcript may be used as if signed.

21 21

22 22 Yours,

23 23 Veritext Legal Solutions

24 24

25 25

1 Sinclair, Elizabeth Et Al v. San Jose Unified School
District Board Of Education Et Al
2 Jennifer Thomas (#4624407)

3 E R R A T A S H E E T

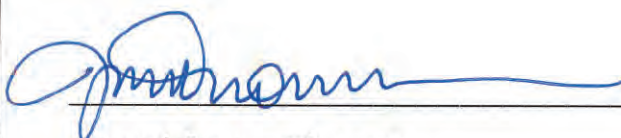
4 PAGE_19__ LINE 14 CHANGE "Steve" to "Stephen"
5 REASON_ I have never referred to him as "Steve",

6
7 PAGE 128 LINE 17 CHANGE "I'm" to "we're"
8 REASON I didn't say "I'm" as that's not my role.

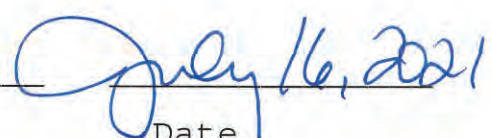
9
10 PAGE 163 LINE 16 CHANGE "patients" to "parents"
11 REASON: that is the correct word. Mr. Espritu does
12 not have patients.

13
14 PAGE 170 LINE 21 CHANGE "relieve" to review REASON
15 "relieve" doesn't make sense so that's likely not
16 what I said

17
18 PAGE 216 LINE 16 CHANGE "it's" to "its" REASON This
19 appears to be a typo, but I don't want any confusion
20 about intent.

21
22
23 

24 Jennifer Thomas

23 

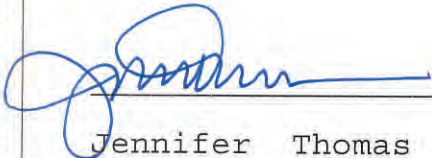
24 Date

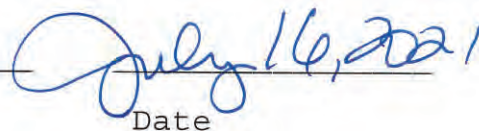
Sinclair, Elizabeth Et Al v. San Jose Unified School
District Board Of Education Et Al

Jennifer Thomas (#4624407)

ACKNOWLEDGEMENT OF DEPONENT

I, Jennifer Thomas, do hereby declare that I
have read the foregoing transcript, I have made any
corrections, additions, or changes I deemed necessary as
noted above to be appended hereto, and that the same is
a true, correct and complete transcript of the testimony
given by me.


Jennifer Thomas


Date

*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 20__.

NOTARY PUBLIC

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Name of Club	Advisor	President/Treasurer	Purpose of Club	Meeting Day/Time
Almaden Homework Club	Renduchintala	[REDACTED]	Help elementary students after school	Wed S-Period Almaden Elementary
Art Club	Tobin	[REDACTED]	Celebrate Creativity and art	Wed Lunch Rm: 152
Bachelor Nation	Hernandez	[REDACTED]	Discuss Bachelor	Tues. Lunch Rm: PAC
Baking Society	Cozzella	[REDACTED]	raise money for charity	Tues Lunch Rm: 451
BC2M	Koring	[REDACTED]	Raise Awareness on Mental Health	Fri Lunch Rm: P-3
Best Buddies	Lord	[REDACTED]	Build friendships with those with disabilities	Tues. Lunch Rm: 400B
Black and Blue Crew	Mayhew	[REDACTED]	Amp up Crowd @ sport events	Fridays 7:00pm Football Field
Book Club	Cozzella	[REDACTED]	Spread Joy of reading	Thurs: Lunch Rm: 451
BSU	Dampier	[REDACTED]	Bring black students together	Tues Lunch Rm: R-7
Business is Booming	Koring	[REDACTED]		Wed. S-Period P-3
Castillero Math Tutoring	Quint	[REDACTED]	Help Castillero with tutors	Mon Lunch Rm: P-5
Chess Club	Quint	[REDACTED]	Teach Students Chess	Mon. Lunch P-5
Communism Club	Hoang	[REDACTED]	Discuss Ideas of Communism	Fri Lunch Rm: R-9
CSF	Gatcke	[REDACTED]	Provide recognition for great students	Thurs Lunch Rm: Library
Cycling Club	Murdock	[REDACTED]	meet up with other cyclists	Thurs. Lunch Rm: 309
Dream Club	Koring	[REDACTED]	Discuss dreams and psychological theories	Mon Lunch Rm: P-3
Dungeons and Dragons	Ratermann	[REDACTED]	Play DND	Mon Lunch Rm: 352
Estatic Club	Mayhew	[REDACTED]	Learn new dance skills	Fri Lunch Rm: PAC
Flora and Fauna	Murdock	[REDACTED]	Spread awareness on Environmental issues	Fri Lunch Rm: 309
Folklorico	De Leon	[REDACTED]	Share traditional dance with the school	Thurs Lunch Rm: R-3
Frisbee Club	Zaccheo, R.	[REDACTED]	Play Frisbee	Tues. Lunch Rm: 301
Geometry Club	Pearl	[REDACTED]	Expand STEM Culture	Wed/Thurs Flex Rm: 204
Gifts for Teens	Bacon	[REDACTED]	Collect Items for Homeless	Tues Lunch Rm: PAC
Girls Learn Club	Renduchintala	[REDACTED]	increase awareness on gender discrimination	Tues. Lunch
Girls Who Code	King	[REDACTED]	Close gender gap in Tech	Wed Lunch Rm: 500
Green Team	Murdock	[REDACTED]	Help Clean up the Environment	Wed S-Period Rm: 309
GSA	Sulc/McConnell	[REDACTED]	LGBTQ+ provide a safe place	Thurs. Lunch Rm: 353
Harry Potter Club	Glasser	[REDACTED]	Discuss Harry Potter	Tues: Lunch Rm: P-1
Integratoin Club	Moaven	[REDACTED]	Assist in Calculus	Tues. Lunch Rm: R-5
Interact Club	Davis	[REDACTED]	International organization service club	
K-Pop Club	Boyd	[REDACTED]	Discuss Korean Culture	Mon Lunch Rm: 305
Key Club	Davis	[REDACTED]	Give back to community through service	Tues Lunch Rm: 200
Latinx Club	De Leon	[REDACTED]	Share Cultural Activities	Wed Lunch Rm: R-3
Make A Difference Club	Bowman	[REDACTED]	Spread Awareness of World Problems	Wed Lunch Rm: R-12
Med Ed Club	Boyd	[REDACTED]	Background Knowledge of medical school	Wed Lunch Rm: 305
Mermaids Club	Bald	[REDACTED]	Dance and explore self-expression	TBD
Mock Trial	McConnell	[REDACTED]	Mock Trial	M/Th/F After school Rm: 453

Exhibit A-02

FCA001628

Exhibit
99

Multicultural Club	Bald	[REDACTED]	Learn about different Cultures	Fri Lunch 203
Mustangs Handball	Krail	[REDACTED]	Play Handball	Mon. Lunch Rm: 307
Newspaper Club	Goldman-Hall	[REDACTED]	Pioneer Newspaper	Wed S-Period Rm: P-6
Noteworthy Notes	McDonough	[REDACTED]	express musical interest	Fri Lunch Rm: 101/107
Pacific Islander Club	Quint	[REDACTED]	Discuss Pacific Islander Culture	Wed Lunch Rm: P-5
Persian Club	Rodriguez	[REDACTED]	Talk about Persian Culture	Wed Lunch Rm: 357
PHS Ski and Ride	Cozzella	[REDACTED]	Go skiing and Snowboarding	Monday Lunch R.; 451
Ping Pong Club	Tony Lien	[REDACTED]	Play Ping Pong	Varies Gym
Pioneers for Christ	Boyd	[REDACTED]	Support one another learning about Christ	Tues Lunch Rm:305
Political Debate Club	Stallions	[REDACTED]	Educate students about politics	Tues; Lunch Rm: 304
Politics Club	Day	[REDACTED]	Talk about politics	Tues. Lunch Rm: 359
Positive Balance	Hernandez/	[REDACTED]	Anti-Stress/ safe space for students	Tues Lunch Rm: R-7
Pre-Med Society	Boyd	[REDACTED]	Bring students who are interested in the medical field	Everyother Fri: Lunch Rm: 305
Radio Club	Day	[REDACTED]	Allow students with own Radio show	Wed. Lunch Rm: TBD
Robotics	King	[REDACTED]	Expand opportunity for STEM	Multi days and times
Save our Seas	McDonough	[REDACTED]	Fundraise for 4Ocean	Fri. Lunch Rm: 101
Science olympiad	Murdock	[REDACTED]	Passion about STEAM	Thurs Lunch Rm: 309
Shrek Club	Bowman	[REDACTED]	Talk about Shrek and Dreamworks	Friday Lunch Rm: R-12
Simply Cards	Esquerra	[REDACTED]	Play Cards	M/W/F Lunch Rm: R-6
Smash Club	Zaccheo, R.	[REDACTED]	Play Super Smash Brothers	Wed. S-Period Rm: 301
Spikeball Club	Esquerra	[REDACTED]	Play Spikeball	Thurs: Afterschool Rm: R-6
Sports Medicine Club	Vasquez	[REDACTED]	Students Interested in Sports Medicine	Wed. Lunch Rm: 304
Student Action Committee	Glasser	[REDACTED]	Encourage activism in a positive way	Wed. Lunch P-1
Tech Deck Club	Hernandez	[REDACTED]	Have fun with tech decks	Tues After School Rm: 203
Tetris Club	King	[REDACTED]	play tetris	Mon. After School Rm: 500
The Satanic Temple Club	Bowman	[REDACTED]	Promote religious pluralism	Wed. Lunch Rm: R-12
UNICEF	Murdock	[REDACTED]	Fundraise for Children	Mon Lunch Rm: 309
Voices of Music	Levy	[REDACTED]	Spread Joy through Music	Wed: Lunch Rm:107

Exhibit A-03

FCA001629

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
2050	Our goal is to spread awareness and educate on the environmental crisis as well as discuss ways in which we can help guide our planet back to balance. We will also raise money to donate towards the Environmental Defense Fund which will help further take action to help restore our planet.	2050leland@gmail.com	P. Stoltz	Tuesday	Lunch	Twice a month	H10	
4K Dance	4K Dance is a club that focuses on K-POP dance covers. We perform at our own concerts which occur twice a year and at many other events inside and out of school.	4kdanceleland@gmail.com	T. Blandino	Wednesday	After School	Weekly	FDR	@4kdanceleland
Acts of Random Kindness	We aim to unify Leland students and staff through random acts of kindness. During club meetings, we create sets and crafts activities that we'll pass out to relieve student stress and brighten peoples' day!	lelandarkclub@gmail.com	J. Moura	Monday	Lunch	Weekly	K-7	G @lelandarkclub
ADAPT	ADAPT, or Advocates for Disabled Adolescents through Projects and Toys, is a club dedicated to raising awareness about genetic diseases and collecting donations for the Saratoga Pediatric Subacute Hospital. Meeting every other Thursday in Mrs. Sarkar's room, we will learn about the different types of complications that occur from different genetic diseases, plan the next outing to the Subacute Hospital (where we connect and play with patients), and help introduce new volunteers to the hospital.	adapt_hse@gmail.com	A. Sarkar	Thursday	Lunch	Twice a month	F-6	G @adapt.leland
AI Club	We teach complicated applications of AI technology through interactive means. We include practical applications and attend conferences.	lelandai1920@googlegroups.com	L. Berni	Wednesday	Lunch	Twice a month	Media Center	
Amnesty International Club	Leland Amnesty International Club is a chapter of the non-profit organization that works towards achieving human rights for everyone. We write letters and sign petitions in order to help those whose human rights are violated. Some are addressed to government officials, while others are written directly for the victims and their families.	lelandamnestyinternational@gmail.com	E. Ngo	Friday	Lunch	Weekly	H2	instagram @lelandamnestyinternational
Anime Club	Anime Club is a club that provides exposure to Japanese culture. Our goal is to help spread appreciation towards the culture by endorsing its trends and entertainment. In doing so, we hope to unite our community on a common interest in Japanese cultural enrichment.	lelandanimeclub@gmail.com	S. Pauluzzo	Friday	Lunch	Weekly	K-8	fb: Leland Anime Club
Art Club	This club is a place for anyone who enjoys art to meet and interact with other art enthusiasts! Each club meeting, we have fun art related activities and more planned out!	lelandart1920@gmail.com	S. Scopozzi	Wednesday	Lunch	Weekly	J-7	G @lelandartclub
Aviation Club	Aviation Club connects students with a passion for aviation together once a week in K-6. Our purpose is to share information about aviation history and careers, along with teaching about basics of aerodynamics and other aviation fundamentals.		D. Higer	Tuesday	Lunch	Weekly	k-6	G aviationclub.leland
Bare Necessities	We collect menstrual hygiene products (pads and tampons) and gently used bras to donate to homeless shelters in our community and/or victims of natural disasters (like Hurricane Dorian). There is a constant need for menstrual hygiene products as well as bras for the less fortunate. Homeless or need menstruators shouldn't have to choose between dinner or a tampon and bras shouldn't be a luxury.	barenecessitiesclub1920@gmail.com	E. Ngo	Wednesday	Lunch	Weekly	H2	G fb.barenecessities
Bioinformatics Club	Bioinformatics club explores the bridge between biology and computer science. We empower students with biochemistry and data science, preparing them for thinkers of tomorrow.	lelandbioinfo@gmail.com	D. Hall	Thursday	Lunch	Weekly	F5	
Black Student Union (BSU)	Black Student Union fosters an environment that allows students of color to feel comfortable sharing their experiences at Leland and discussing current events regarding people of color around the world. BSU aims to build awareness to the reality of being a person of color in today's society, as well as to teach the ideas of tolerance and acceptance to its members.	lelandbsu@gmail.com	Nylan Roberts	Friday	Lunch	Twice a month	Media Center	
Bridge Club	Students will learn how to play bridge - a card game that promotes excellence in math, logic, memory, and teamwork. Warren Buffett once said, "Bridge is such a sensational game that I wouldn't mind being in jail if I had three cellmates who were decent players." No materials or prior knowledge needed.	lelandbridgeclub@gmail.com	R. Janikowski	Wednesday	Lunch	Weekly	H-2	Facebook: Leland Bridge Card Club
Calligraphy Club	Calligraphy Club aims to share a love of lettering and calligraphy with the community. Members learn lettering and calligraphy in lessons during club meetings and participate in projects to create cards for hospitalized children and overseas U.S. soldiers.	lelandcalligraphy@gmail.com	S. Pauluzzo	Monday	Lunch	Twice a month	K-8	

Exhibit A-04

FCA001630

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
CAN Club	Our mission is to bring awareness to the Leland High School community about the need for food banks in our area, as well as assist Second Harvest Food Bank through volunteering and food drives at Leland.	lelandcanclub@gmail.com	H. Pimentel	Thursday	Lunch	Twice a month	G-1	IG: @lhs_candub
Card Games Club	Card Games Club not only incorporates a fun atmosphere in which members can express their interests through their own choice of card games but also diversifies their knowledge of card games through learning new card games. We welcome all people to join because we can teach them new and entertaining card games that will certainly help them relieve their stress.	lelandcardgamesclub@gmail.com	W. Yen	Tuesday	Lunch	Weekly	J-4	IG: @lhs_card_games_club
Charger Pals	In Charger Pals, club members will create crafts with special needs students at Leland. The main focus of our club is to encourage interaction and build relationships with the special needs students. Through making crafts, playing games, eating food, and more, students are able to feel included in a friendly and encouraging environment.	chargerpalsleland@gmail.com	T. Hart	Wednesday	Lunch	Weekly	K-12	
Chargers for the Cure	Our club works to better community health by informing residents of San Jose about healthy living, through monthly newsletters that discuss health issues like vaping and preventative measures, organizing projects like a low-cost vaccination event, and conducting blood sugar screenings at senior centers.	chargersforthecure@gmail.com	J. Paulsen	Friday	Lunch	Twice a month	F-5	https://www.facebook.com/groups/383504415519062/
Chess Club	Chess Club provides the needed materials to help people interested in chess become better. We hosts tournaments and provide lessons within the club.		J. Stoneker	Wednesday, Thursday	Lunch	Weekly	E-6	website: https://lelandchessclub.com/ Instagram: https://www.instagram.com/leland_chess_club/ website: https://www.chess.com/club/leland-chess-club
Cinema Club	Cinema Club is a club where students can explore and discuss various pieces of American film. At meetings members discuss their favorite movies, directors, actors/actresses, and more while also getting the opportunity to watch them with their fellow peers.	lelandcinemaclub@gmail.com	P. Stoltz	Tuesday, Thursday	Lunch	Weekly	H-10	IG: lhs_cinema_club
Code-matics Club	We bridge the gap between mathematics and computer science - in order to code, you need to know a bit of discrete math + number theory. We meet bi-monthly, and we lectures on topics regarding number theory and discrete math. Besides these wonderful lectures, we aim to bring guest mathematician speakers, prepare students for the USA Mathematical Talent Search (USAMTS) competition, and add an interdisciplinary aspect to our lectures - for example: making relations with biology, chemistry, and physics.	lelandcodematics@gmail.com	H. Pimentel	Wednesday	Lunch	Twice a month	G-1	Instagram: @code_matics
Codementary	Our club will be designed to bring together passionate coders from around the school and progress our knowledge together. Once we have established the core fundamentals of computer science, we plan to continue our ongoing program where we teach 3rd-6th graders the basics of coding at local San Jose library branches through interactive, exciting game-developing workshops. This experience is aimed to heighten each high school individual's knowledge in computer science and encourage them to adapt to exciting, fresh environments.	lelandcodementary@gmail.com	R. Wallace	Tuesday	Lunch	Weekly	EB	Website: codementary.org , IG: @leland.codementary
Creation Club	Basically, we make things. We do unconventional art, including digital art, animation, and 3D. Club members also have the choice to use materials for traditional art to create unconventional art, such as abstract paintings and sculptures. There are a multitude of things that club members can do, including working in groups to create something. The whole club will participate in at least 1 big project per school year for the art show held once per semester, or if needed only once per school year.		A. Rutsch	Monday, Friday	Lunch	Weekly	J-11	
CSF	CSF is a club that provides community service opportunities to students who have outstanding grades. Members who earn 60 hours over 4 years receive a scholarship and sash to wear at graduation!	csf.leland@gmail.com	S Seandel	Tuesday	Lunch	Twice a month	H9	
Economics Club	Economics Club is an interest group at Leland dedicated to discussing economic topics, analyzing current market trends, and exploring careers in finance. We also have a ongoing stocks game to practice investing skills. We meet monthly on Mondays in K-1.	lelandeconomicsclub@gmail.com	R. Miller	Monday	Lunch	Monthly	K-1	Facebook: Leland Economics Club
Entourage	Have you ever seen the student section at the football games? Ever wonder where all the hype comes from during basketball season? That's Entourage in a nutshell. Eat. Sleep. Charge on.		M. Walsh	Friday	After Scho	Monthly	GBA	IG: lelandentourage2020

Exhibit A-05

FCA001631

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
FBLA	FBLA is the high school division of Future Business Leaders of America-Phi Beta Lambda, Inc. FBLA helps high school students prepare for careers in business through academic competitions (FBLA Competitive Events), leadership development, and educational programs.	lelandfbla1@gmail.com	T. Hall	Friday	Lunch	Weekly	C-10	Website: https://fbsbla.weebly.com , IG: @leland.fbla, Facebook Page: Leland FBLA, Facebook Group: Leland FBLA
Fellowship of Christian Athletes (FCA)	Our vision is to see the world transformed by Jesus Christ through the influence of coaches and athletes. We aim to lead new believers into a growing relationship with Jesus Christ and His church. Our relationships will demonstrate steadfast commitment to Jesus Christ and His Word through integrity, serving, teamwork and excellence.	lelandfca@gmail.com	G. Clarke	Thursday	Lunch	Monthly	E-1	IG: @lelandfca, Website: https://fca.org/about-us/who-we-are/vision-mission
Finance Club	Looking at economics from both a global view and personal view, Finance Club aims to educate interested people in the means of both personal finance and global economics.		Robert Miller	Tuesday	Lunch	Twice a month	K-1	
French Club	French Club aims to expose Leland students to French language and culture and to emphasize multiculturalism in daily life. Participating in this club includes exploring French cuisine, music, and culture, and opportunities to attend lectures and classes to better understand the language. No prior French knowledge is necessary. All are welcome!	frenchclubleland@gmail.com	M. McNabb	Friday	Lunch	Twice a month	F1, Madame M	Instagram: @lelandfrenchclub,
Game Club	In Game Club, students have a great chance to meet new people, relax, and play games with each other. Computer games, board games, phone games, and card games are all an option at Game Club. Feel free to bring in any game you want to play with others!	lelandgameclub@gmail.com	P. Stoltz	Wednesday	Lunch	Twice a month	H-10	Facebook: Leland Game Club
Game Design and Programming Club	Game Design and Programming club is a club dedicated to game development. Our mission is to teach not just coding behind game design but also programming in general as well. We will also teach other crucial aspects of game design such as music creation, CADing, and sprite creation. By the end of the year, you should be able to create your very own game!	lelandgamedesignclub@gmail.com	R Wallace	Wednesday	Lunch	Twice a month	E-8	
Games Club of Leland	All-inclusive club for games of all kinds. Video games, board games, etc.	lelandgamesclub@gmail.com	T. Hart	Friday	Lunch	Weekly	class K-3	IG: @gamesclubofleland
Gaming To Give	We hold gaming tournaments to raise money for local organizations and non-profits. We play some of the most popular games and encourage even the most casual of gamers or non gamers to contribute and have fun!	gamingtogivecorp@gmail.com	W. Yen	Wednesday	Lunch	Twice a month	J4	gamingtogive.org, IG: @gamingtogive
Girls Who Code	Girls who code close the gender gap in the Engineering field. In our club we help our members create cool projects through lessons that occur during lunch. We also go to hackathons as well as field trips(not as often).	lelandgirlwhocode@gmail.com	K Thoman	Monday	Lunch	Twice a month	C-9	@thsgirlswhocode
Glee Club	A club where people come together to play music and sing. Performances about twice a semester and a very fun experience which benefits the community and the students involved.	thsglee@gmail.com	R. Alouny	Tuesday	Lunch	Weekly	G-2	Instagram: @lelandgleeclub
GSA	GSA (Gender Sexuality Alliance/Gay Straight Alliance) is a club where students of the community or allies come together and discuss about LGBTQ+ history, important figures, and personal/social issues	lelandgsaclub@gmail.com	C. Barros	Tuesday	Lunch	Weekly	E-3	
Handcrafted Club	In Handcrafted club, we will be making fun crafts and DIYs every other Thursday during lunch. Our club's goal is to mainly reuse waste such as plastic water bottles by using these as materials for our crafts. This way we can create art, and help save the planet at the same time.	handcraftedclub@gmail.com	N. Hamilton	Thursday	Lunch	Twice a month	J-8	IG: @thshandcraftedclub,
Helping Hands	We help raise money for orphanages in impoverished regions of Iran. Iranian orphanages receive very little funding from the government, so we will use the money to buy clothes for the orphanages.	thshelpinghands@gmail.com	T. Blandino	Friday	Lunch	Weekly	K-11	IG: @thshelpinghands
Hockey club	Hockey club is an interactive team and social group, where anyone of any skill or interest is welcome. Even if you don't play hockey and are just interested, come to our meetings where we will talk all things hockey.	hockeyclubhs@gmail.com	S. Paulazzo	Tuesday	Lunch	Monthly	K-8	
Indian Heritage Club	Our club strives to promote Indian Culture and teach our members the important aspects of it. This is done by holding club meetings, running fun activities for our members, and inviting guest speakers to come and share their knowledge of Indian Culture.	thsandianheritageclub@gmail.com	P. Stoltz	Friday	Lunch	Twice a month	Mr. Stoltz's room	IG: @indianheritagedub
International Club	We at International Club want to expose the Leland Community to different cultures from around the world the world. At club meetings, we learn about new cultures by watching foreign films and enjoying free snacks.	lelandinternational10@gmail.com	J Topalovic	Tuesday	Lunch	Weekly	C-6	Leland International Club (facebook)

Exhibit A-06

FCA001632

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
JAW (Journey Around The World)	JAW is a non-profit club at Leland High School. Each year, we choose a new country to fundraise and provide helpful resources for. In the past and this year, we are donating money to Doris Dillon School in Cambodia, a non-profit school for underprivileged students in Cambodia.	jawnonprofit@gmail.com	T. Blandino	Tuesday	Lunch	Twice a month	K-11	Instagram: @lelandjaw, Website: http://jawnonprofit.wixsite.com/jawnonprofit
Key Club	Key Club is an international student-led organization which provides its members with opportunities to provide service, build character, and develop leadership skills. We have been serving our community since 1967 and is one of the many high schools in a division, also known as Division 12 South, in the California-Nevada-Hawaii district. Key Club provides funds for the Pediatric Trauma Program and strives to eliminate Maternal Neonatal Tetanus.	lelandkc@gmail.com	Annie Lanks	Wednesday	Lunch	Weekly	GBA	Website: @http://lelandkey.weebly.com/, IG: @lelandkeyclub, FB: @Leland Key Club, Flickr: @lelandkeyclub.
Lacrosse Club	Lacrosse Club is meant to help prepare incoming and returning lacrosse players for the season in the spring. We hope to boost awareness of the sport at Leland and to expose new players to the sport through field time with experienced players.	lelandlacclub@gmail.com	A Rutsch	Thursday	Lunch	Twice a month	J-11	
Ladki Love	Our mission is to help kids in rural parts of India get a proper education. We sell accessories to raise money so we can donate it to an organization in India.			Thursday	Lunch	Twice a month	H-9	Website: http://www.ladkilove.org/ IG: @ladkilove Facebook: Ladki Love
Leland American Red Cross	Leland American Red Cross is a club that focuses on disaster preparedness and community safety. Throughout the year, we have many volunteer opportunities such as volunteering at blood drives. This year, our goal is to be able to teach safety and preparedness at local facilities, expanding our knowledge onto our community.	lelandamericanredcross@gmail.com	J. Kerwin	Tuesday	Lunch	Weekly	k-10	instagram: lelandamericanredcross facebook: Leland American Red Cross 2019-2020
Leland Bring Change to Mind (BC2M)	The Leland Bring Change to Mind club is dedicated to ending stigma surrounding mental health. We accomplish this by educating club members about various mental illnesses and providing a safe network. Highlights over the past few years include bringing therapy dogs to campus during finals week and wellness week with self-care centered tutorial periods.		S. Peters	Friday	Lunch	Twice a month	GBA	Instagram: @lelandbc2m, Facebook: Leland Bring Change to Mind Club
Leland Girl Up	We work towards providing funding for girls' education in third world countries like India, Guatemala, and Ethiopia. We spread awareness about the forced child marriages, sexual harassment, and lack of citizenship these girls face to Leland's community.		J. Touchton	Monday	Lunch	Monthly	H-8	@lelandgirlup
Leland Junior State of America	Junior State of America (JSA) is the largest student led organization in the US. Our goal is to give a place for students to discuss politics with people of varied opinions, give students the tools to differentiate real news from fake news, and to teach students the importance of fulfilling one's civic duty. We do this by hosting debates regularly, going to JSA conventions where students can network with students and legislators from across the country, and finding opportunities for students to directly impact politics such as internships or becoming part of a political campaign.	lelandjuniorstate@gmail.com	T. Connors	Friday	Lunch	Twice a month	K4	https://www.facebook.com/Leland-Junior-State-of-America-113484496659464/
Leland Medical Club	We're a club that aims to inspire students to pursue a career in medicine through activities such as lectures from physicians and dissections.	lelandmedicalclub@gmail.com	M. Cahn	Wednesday	Lunch	Twice a month	F-7	FB: Leland Medical Club IG: @lmsmedicalclub
Leland Naach	Naach is Leland's premier Bollywood/Hip-Hop Dance Team. Our school team performs at rallies, school events, and the talent show. Our competitive team also performs at several school events, as well as auditions and shows at different high schools all across the bay.	lelandnaach@gmail.com	J. Oddson	Monday	After Scho	Weekly	E-wing hallway	IG: @lelandnaach
Leland Oceanic Preservation Club	We are an interest group dedicated to educating students about the various issues surrounding the world's oceans, including: the effects that ocean contamination has on both humans and the ecosystem, international political issues revolving around the state of the oceans, and various steps that can be taken to preserve the ocean and prevent further contamination.	lsoceanpreservation@gmail.com	L. Walton	Thursday	Lunch	Twice a month	F-3	Instagram: @lsocean_preservation,
Leland Robotics 604	Team 604 has been a member of the FIRST Robotics Competition since 2001. We have made it to championships every year since 2012, and even won our division in 2017. Not only do we compete, we also teach local kids STEM through Lego robotics and science experiments. There are no prerequisites to joining our team, just the desire to learn.	lelandrobotics@gmail.com	H. Arrington	Monday	Lunch	Weekly	GBA	website: 604robotics.com facebook: @frc604 instagram: frc604

Exhibit A-07

FCA001633

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
Leland Science Club	We are a club with the aim to increase a passion of science in our community through science fairs, science bowl, and olympiads such as the USA80 and the Science Bowl. We are also holding a Leland Science Fair for elementary, middle and high school students to give exposure to research methods and/or to prepare for the Synopys Science Fair. Members and volunteers can get community service and show leadership!	lelandscioclub@gmail.com	J. Lutze	Wednesday	Lunch	Weekly	C-1	Facebook: https://www.facebook.com/groups/233915833944419/
Leland STEM Club	Leland STEM aims to inspire young kids to pursue STEM by exposing them to a number of basic concepts through interactive experiments. Our topics range from chemistry and physics to innovative engineering challenges all hosted by Leland students. High School volunteers will receive community service hours and be a part of exciting club activities throughout the year. We will also be inviting guest speakers from Bay Area companies over the year.	lelandstem@gmail.com	K. Thornan	Friday	Lunch	Twice a month	Ms. Kaf's room	IG: @lelandstem, FB: Leland STEM Club
Leland Women	Leland Women is a club that works towards empowering the women on the Leland campus and overall providing a safe space to discuss topics surrounding feminism, beauty standards, intersectionality, etc. We hope to create a tight knit community of empowered women on campus and give them the support and love they deserve.	lelandwomen@gmail.com	B. Marchetti	Wednesday	Lunch	Twice a month	K-5	IG: @lelandwomen.
Linguistics Club	Linguistics Club aims to bring information and connect Leland students to resources and information in the field of linguistics. Our goal is to create a community of Leland students interested in linguistics, or other fields that connect to linguistics. Club meetings generally consist of lectures, interactive activities, or guest speakers.	lelandlinguisticsclub@gmail.com	J. Touchton	Friday	Lunch	Weekly	H-8	
LINK (Liberty in North Korea)	Fundraising to secure safe passage for North Korean refugees and raising awareness about the plight of North Koreans.	linkleland@gmail.com	J. Lutze	Friday	Lunch	Twice a month	C1	IG: linkleland
Machine Learning and Hackathon Club	Our club teaches introductory python to and basic machine learning algorithms. We want to focus on applying programming knowledge to solve real world problems.	lelandmachinelearning@gmail.com	T. Blandino	Tuesday	Lunch	Twice a month	K11	
Make A Wish	Make A Wish club is dedicated to spreading cancer awareness and raising money for the Make A Wish Foundation! Every meeting we talk about different types of cancers. We have fundraisers and fun events, all the while helping children in hospitals all around the Bay Area.	makeawishleland@gmail.com	J. Oddson	Tuesday	Lunch	Twice a month	E-4	IG: @makeawishleland
Math Club	If you want to learn mathematics outside of classroom, this is the club for you. You get to participate in extracurricular math competitions and join a group of people who all enjoy math.		J. Montgomery	Friday	After School	Weekly	C-3	
Meditation and Stress-Reduction Club	Feeling stressed? Overwhelmed? Join the Meditation Club! Here we give you techniques on how to reduce stress in all aspects of life: social, academic, and so much more!		J. Paulsen	Thursday	Lunch	Monthly	F-5	
Model United Nations	A club for students of all ages to learn more about the world and the way it works through conferences that model the real-world United Nations. There are two this year, information is given every weekly meeting, the first one in the beginning of December and the second at the end of January.	lelandmrun@gmail.com	G. Brasher	Monday	Lunch	Weekly	H-7A	https://sites.google.com/view/lelandmrun/home
Music Club	Music Club allows students to play music in a comfortable and stress-free environment, collaborate with their peers as chamber musicians, and add on to their knowledge of music. Through the many service opportunities provided by this club, students are able to benefit the community when they perform, receive volunteer hours, and gain performance experience. The club's mission is to make a positive impact on the community—one note at a time!	lelandmusicclub@gmail.com	M. Cahn	Thursday	Lunch	Weekly	F7	instagram: @lelandmusicclub
National Honor Society	National Honor Society is a club that recognizes students who demonstrate the qualities of scholarship, character, leadership, and service. Our club is circumscribed around service and the main objective is for all of our members to bring an effective change to their communities and the world that we live in.	lelandnhs4@gmail.com	J. Cohen	Tuesday	Lunch	Twice a month	K-2	
Origami Club	We learn to fold a new origami model every week during lunch. At events such as the Hakone Matsuri, our club members teach origami to people of all ages. Also, we occasionally decorate the school.	lelandorigami@gmail.com	J. Touchton	Thursday	Lunch	Weekly	Room H-8	
Physics Club	We focus around preparing for the physics competitions, especially the F=ma competition in January. We also discuss physics in general, and help others in their physics classes.	lelandphysics@gmail.com	K. Tibbs	Monday	Lunch	Weekly	F9	

Exhibit A-08

FCA001634

Club/ Interest group NAME	Club/ Interest Group DESCRIPTION for the school website.	Club Email contact	Club Advisor	Meeting DAY	Meeting TIME	Meeting FREQUENCY	Meeting LOCATION	Primary Website/ Social Media address
Podcast Club	Students learn how to record, edit and produce their own podcasts that are uploaded on Anchor for other students to listen to. Students get into groups based on interests (lifestyle, politics, sports, entertainment, arts, etc.) to come up with ideas for episodes of their podcasts. The club produces several types of podcasts catered to different interests.	lspodcastclub@gmail.com	S. Dawson	Wednesday	Lunch	Monthly	J-5	
Psychology and Neuroscience Club	We're an interest group that is targeted at students who want to major in/interested in psychology and/or neuroscience. We plan on exploring current research in the field, participating in events such as the Alzheimer's Walk, discussing student's summer research opportunities, talking about ethics in the field, and more. Drop in to one of our meetings in F-6 on Fridays or talk to Rishab Iyer for more information!	lelandpsychneuroclub@gmail.com	A. Sarkar	Friday	Lunch	Weekly	F6 Sarkar	
Quiz Bowl	We play Quiz Bowl, a Jeopardy-style activity where people buzz in to answer questions about a variety of subjects ranging from history and science to pop culture and current events. We regularly compete in tournaments against other schools both locally and nationally and it's a great way to show any knowledge you have and learn more.	lelandquizbowl@gmail.com	R. Miller	Wednesday	Lunch	Weekly	K1	Facebook: Leland Quiz Bowl
SAT Prep Club	SAT Prep Club provides students with the perfect environment and resources they need to excel at the SAT and standardized testing in general. It levels the playing field between those who can and cannot afford expensive test prep bootcamps.	lelandsatclub@gmail.com	T. Blandino	Friday	Lunch	Twice a month	K11	
Save the Children	A school club of the charity, Save the Children, dedicated to championing the rights and interests of children worldwide. We spread awareness about and take action to change the situations of marginalized youth in the Silicon Valley and in other countries through fundraisers, community service projects, petitioning, and more.	lelandstc@gmail.com	W. Yen	Thursday	Lunch	Twice a month	J-4	IG: @lelandstc
Senior Women	We help ensure a happy environment for the Leland community specifically the seniors and staff. We decorate the campus and provide fun activities for the seniors. We also hold events to help those who are in need throughout our community outside of Leland.		P. Young	Thursday	Lunch	Monthly	D-2	IG: lrs_seniorwomen
Students for the Environment	Students committed to making Leland a leading eco-friendly school. We are going to host community service clean ups and start a Leland compost program. We are also going to do small art projects around the school to increase environmental consciousness.		J. Canter	Wednesday	Lunch	Twice a month	K-9	IG: @studentsfortheenvironment
Students Rebuild	We combine art and philanthropy to make a difference within our local community and globally. This year's challenge is the Hunger Challenge so our efforts will be focused towards that.		S. Gillis	Tuesday	Lunch	Monthly	E-2	@lelandstudentsrebuild
Table Tennis	This club will help you grow your table tennis skills. We will hold tournaments occasionally in order to add a competitive aspect for those interested. Students can also interact with new faces and bond together to form one community. If table tennis is your passion or interest, then I recommend you join this club!	lrs_tabletennis19@gmail.com	T. Blandino	Wednesday, T	Lunch, Alt	Twice a month	K-11 and gym	lrs_table_tennis
The Creative Writing Club	The Creative Writing Club publishes original works of fiction, poetry, art, and music. Every semester, we produce an anthology of student works, as a professionally-bound magazine. Each is carefully designed and curated, and backed by three years of publishing experience. Join today!	chargerscreative@gmail.com	J. Touchton	Tuesday	Lunch	Twice a month	Room H-8	Facebook: The Creative Writing Club, chargerscreative@gmail.com.
Youth Conservative Forum	The Youth Conservative Forum is a club dedicated to promoting diversity of political thought and exposing students to conservative ideas. We host debates and forums, and volunteer at local political events.	youthconservativeforum@gmail.com	J. Moura	Tuesday	Lunch	Twice a month	K-5	Web: youthconservativeforum.org, IG: @youthconservativeforum

Exhibit A-09

FCA001635

Club Name	Advisor
Robotics Club	Dr. Milgram
Ice Hockey	Mr. O
FIDM Club	Ms. Bielefeld
Art Club	Mr. Stachnick
Thespian Club	Ms. Disario
Showcase Club	Ms. Disario
Drama Club	Ms. Disario
Jewish Culture Club	Ms. Miller
Book Club	Mr. McDonald
CSF	Ms. Bielefeld
AVID	Ms. Lee
NHS	Ms. Avery
Tabletop Club	Mr. Miller
French Club	Ms. Foster
Hiking Club	Ms. Banerjee
FCA	Mr. Cooper
Interact	Dr. Spodick
Plus Club	Ms. Disario
True Crime Club	Ms. Delucchi
Doki Doki Literature Club	Dr. Milgram
Anime Club	Ms. Bielefeld
Buddies Club	Mr. Peterson
Clean Wave Club	Mr. Wind
Recycling Club	Mr. Partridge
Frisbee Club	Mr. Stachnick
WGHS Spirit Squad	Mr. Sierra
SAGA	Ms. Lee
Christian Club	Mr. Cooper
Dubs Only	Mr. Marino
Hacky Sack Club	Ms. Bielefeld
Invisible Issues Club	Ms. Bauer
Democratic Socialist of America	Mr. Old
Hack Club	Mr. Old
Black Student Body	Ms. Sariñana
Hiking Club	Mrs. Walker
Film Club	Mr. Andres
Spikeball Club	Mr. Wind
Model United Nations Club	Ms. Banerjee
Club Youth & Government	Ms. Suarez
Latino Club and Dreamers	Ms. Norment
Rambuck's Cafe	Mr. Peterson
Key Club	Ms. Miller
The Environmental Protection Club	Ms. Lee
Fighting Game Club	Mr. Old

Potential Club Name	Approve, M=				
2050	A				
American Cancer Society	D				
ARK (Acts of Random Kindness)	A				
Art Club	A				
Aviation Club	A				
Bare Necessities	A				
BDC	A				
Black Student Union (BSU)	A				
Bridge Club	A				
Buddy Club	A				
Card Games Club	A				
Chargers for the Cure	A				
Chemistry club	A				
Chess Club	A				
Christian club	D				
Cinema Club	A				
Codementary	A				
Creation Club	A				
Decades Club	A				
Economics Club	A				
Elephant in the room	D / M				
Entourage	A				
Equestrian Club	A				
Fellowship of Christian Athletes (F	A				
Finance Club	M				
Finance Club	M				
French Club	A				
Game Club	A				

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Exhibit
101

Game Design and Programming c	A				
Games Club of Leland	A				
Gaming To Give	A				
GSA	A				
Handball club					
Handcrafted Club	A				
Helping Hands	A				
Hockey club					
Indian Heritage Club	A				
Interact	A				
International Club	A				
JAW (Journey Around the World)	A				
Ladki Love	A				
Lawyers of Leland	D				
Leaf Club or Leland Environmer	D				
Leland American Red Cross	A				
Leland LAX	A				
Leland Naach	A				
Leland Oceanic Preservation Club	A				
Leland STEM Club	A				
Leland STEM Club	A				
Leland TEDx	D				
Leland Women	A				
Linguistics Club	M				
Machine Learning and Hackathon	A				
Make A Wish	A				
Meditation and Stress-Reduction	A				
Music Club	A				
Muslim club	A				

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Origami Club	A				
Podcast Club	A				
Psychology and Neuroscience Clu	A				
SAT Prep Club	A				
Save the Children	A				
senior women	A				
Skate Club	D				
Social Digital Club	D				
Stocks and Investing	D				
Students for the Environment	M				
Students Rebuild	A				
Table Tennis Club	A				
TedEd Club...not sure yet	M				
TEDx	M				
The Creative Writing Club	A				
Ultimate Frisbee Club	D				
Youth Conservative Forum	A				

SJUSD008334



Pool Fixed to Stay Current
 >> Overdue renovations to the pool finish neck and neck with the swim teams beginning to prepare for the upcoming season.

Photo by Michaela Harrel

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Campus Connections
 >> New peer mentoring program works to encourage Latino male demographic to aim for future academic success.

Photo by Katherine Rowe

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New K Animation
 >> Director M... "Weathering V... that follows a... through Japan...

Photo Courtesy of GKIDS Films

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Volume 60, Issue 4 — Pioneer High School's Student Newspaper — February 10, 2020

THE PONY EXPRESS

What's Ben Happening?
Ben Shiverdaker
 News Editor



Next year, students and administration are hoping to see an introductory ethnic studies class added to the list of elective courses. For its pilot year, the administration, academic counselors and teachers decided that it is most logical for scheduling purposes and course growth to open the class to only freshmen, but aim to expand the program in future years to more grade levels.

While I recognize that this class will be beneficial to the overall environment of our school, I believe that this class would be better for groups of more mature and educated students, preferably at the 12th grade level.

As a student of Kristen Borup's Latino Literature class, I've watched as certain topics regarding ethnicity and race turn into a heated debate among various different groups of students, some of whom take it personally, even at their older age. Generally speaking, freshmen students are still developing the maturity and experience necessary to have a constructive conversation and civil debate on somewhat controversial topics.

I've taken pleasure in putting myself in an environment far different than what I'm used to and have been exposed to an array of different opinions, some of which I have respectfully disagreed with. An ethnic studies class could be the stepping stone for young people of all backgrounds to engage in powerful conversations, but that needs to begin at an older level in order to give time for underclassmen to learn how to have discussion on such topics in a productive way.

Iran Conflict Worries Student Body

Major general's assassination widens preexisting rift between two countries

By Maxwell Moiseff
 Staff Writer

On Jan. 3, a United States MQ-9 Reaper drone struck the Baghdad International Airport, killing Iranian major general Qasem Soleimani. In the following days, Iran retaliated with several missile strikes targeting U.S. bases. In addition, an Ukrainian Boeing 737-800 was shot down in what is being called an accident, taking the lives of 176 passengers and crew, including 82 Iranian citizens.

With conflict brewing in the Middle East, people around the world grew worried that the fighting could escalate into a third world war.

Many Pioneer students with family living in Iran are nervous about the potential fallout of the combat both at home and overseas. One such student, Sara Sangari, 12, said that she was concerned about the potential consequences for her Iranian relatives.

"It's not easy when we're living here comfortably and they're (in Iran) with a possible war over their heads," said Sangari. "Wars don't happen on U.S. territory, so I feel fortunate to be here, but scared for those living in Iran. If there is a war between the U.S. and Iran, everything would be in shambles."

Angelique Harutunyan, 10, has found it increasingly difficult to contact her Iranian relatives as the situation escalates. Although Harutunyan herself is not Iranian, her stepfather is.

"They can't go on their phones because they shut off power in certain

areas," said Harutunyan. "All we know is that they're trying to figure out a way to stay hidden, maybe go underground, in case something does go bad, but from what we've heard from the news, I guess it's almost done."

According to Sanaaz Asgarzadeh-Aval, 10, this distrust runs deeply within the Iranian-American community, which causes a great deal of internal conflict for those wishing to support their heritage in this stand-off.

"A lot of people aren't very happy, they think that both sides are wrong, but they're really not happy with Trump, but also they don't like the leader of Iran anyways," said Asgarzadeh-Aval. "They're worried that both of them are going to do something stupid and kill a lot of people."

Rodney Samkhaniani, 12, who has many relatives in Iran, described a state of general discontent in Iran, saying that the recent conflict was the result of long-standing tensions, rather than something new.

"The youth despises the Islamic regime, which is a borderline terrorist group," said Samkhaniani. "This

whole USA versus Iran thing has been brewing since the '50s and it's barely starting to explode now, with the recent bombings from America and the retaliation from Iran."

However, Samkhaniani also noted that the outbreak of a war could lead to prejudice and distrust in America.

"The people running both countries are incredibly ignorant," said Samkhaniani. "I could see myself being harassed by ignorant people for being Iranian in America, which happened to my mother and father post-9/11."

According to Samkhaniani, there is a palpable threat of war in Iran, including fear of conflict with Iraq.

"The Iranian people are constantly living under the fear of a possible war breaking out," said Samkhaniani. "The last war they fought was the Iran-Iraq war, which the USA had a huge hand over on the Iraqi side."

One student with close familial ties to Iran, Mohammad Ali Tayaranibeegham, 10, said that there has been some worries after the recent attacks.

"People are panicking a little bit, but prices are starting to go up a little bit too, like gas prices," said Tayaranibeegham. "Everybody's just trying to get out of there, but nobody can, really. It's just the visa people selecting random people."

According to Tayaranibeegham, the citizens of Iran do not support the war efforts.

"Almost all people in Iran are Islamic and the main message is peace," said Tayaranibeegham. "Nobody wants to go to war."

District Pushes to Embrace Diversity in Curriculum

New ethnics studies class planned to be offered to freshman in San José Unified starting next year



Photo by Peter Silveira

On Monday, Nov. 4, 2019, AP of Instruction Brendan Simon and Latino Literature teacher Kristen Borup listen to a lecture during a field trip to San José State University.

By Joelle Gendzel
 Staff Writer

Hosting San José Unified School District's most diverse student population, Pioneer places a special emphasis on showing support for inclusion, acceptance and understanding of all the different cultural backgrounds represented in the school's student body. Recognizing this

trend, SJUSD has begun a district-wide push to expand this emphasis on cultural diversity, with the goal of spreading its teachings into the classroom.

By next school year, SJUSD aims to offer an ethnic studies class to freshmen at all high schools within the district. At Pioneer, this would replace the world cultures class currently taught by Margaret Cassidy. While currently not official,

California state legislature plans to add ethnic studies as a required course to graduate from high school.

The ethnic studies class will be designed to help students of all different backgrounds feel represented at school. Adding this new course will help the district and the school better serve all groups of students and bring more inclusivity to the classroom. Assistant Principal of Instruction Brendan Simon was in full support of this idea. He feels the class will help better educate all students on the importance of their cultural experiences in history and today's society.

"I think that the class is going to be a really strong platform to try and educate our students on what they or their ancestors have experienced," said Simon. "Not everyone gets equally represented in your history textbooks, so this is a way to balance the playing field and educate everybody."

Currently, it is still up in the air as to who will teach the class. Current Latino Literature teacher Kristen Borup has a background in ethnic studies and would likely be considered as a candidate to

teach the class on the contingency that she obtains a credential in social science.

"I think that ethnic studies will allow them those opportunities to get a lot of their questions answered but also to have their cultures and their communities represented that are not in the mainstream history classes and other classes and to find value in that," said Borup. "I think that while we may not explicitly say that we don't value that, I think it's an implicit thing."

As there is a possibility that ethnic studies becomes a mandatory class instead of an elective, Betty Peterson, 10, feels that requiring this class is the best way to teach the importance of diversity to all students of the younger generation. The ethnic studies class will aim to bring these important lessons into the classroom.

"I think that an ethnic studies class for the school community would help students understand one another a bit better and create a lesson and social division within the students," said Peterson. "Becoming a requirement for graduation because the ideas and acceptance this class could teach are essential to giving the world healthy and open minded individuals."

Rising into Special Education Career Opportunities

District partners with San José State University to renew RISE credential program for second year

By **Natalie Sarsfield**
Editor-in-Chief

Unlike traditional teaching, special education requires significantly more hands-on training as well as crucial skills in child development. The widespread shortage of special education teachers has left districts across the country scrambling to train and recruit qualified individuals to step into these necessary roles.

Partnering with San José State University, the San José Unified School District's Rise into Special Education program is gearing up for its second year. RISE is a special education credentialing program offered to current San José Unified instructional associates. SJUSD Director of Human Resources Jacqueline Murphy is grateful that the program is able to continue with funding from the Local Solutions to

the Shortage of Special Education Teachers state grant given to the district. Murphy emphasized the importance of the character of those who qualify, as well as the criteria that must be met.

"(Applicants) have to have a bachelor's degree and they need to be a current instructional associate with us and so that already narrows down the potential population. We are continuing to identify employees that meet the qualifications and want to pursue their dream of becoming a special education teacher," said Murphy. "Our students need high quality teachers, so we've decided to undertake the effort to help create more high quality special education teachers."

Heather Maguire is currently a resource specialist program student teacher at Pioneer and appreciates how RISE takes into account financial difficulties that

those who apply may face. Maguire has been working as an aide for the past five years after pursuing a Bachelor's Degree in Psychology from San José State and will be earning a mild/moderate special education credential through the program. While she's been interested in pursuing a credential before, Maguire said finding a balance between work, school and the financial aspect held her back.

"(The district) does take into consideration that we are all working. They have been as good as possible as helping to accommodate our families and life schedules along with their needs for the program," said Maguire. "I think having something like this takes away the barriers for people who really might want to do it and it helps their needs and our needs."

Once the program is completed, the newly credentialed teachers will be required

to work a minimum of four years with SJUSD, securing teachers for the district to combat the shortage.

SJUSD Director of Special Education Seth Reddy sees RISE as an opportunity to fill positions from within the district and promote the future of special education.

"The participants in the program commit to working for and teaching at SJUSD for a set period of time in exchange for the full funding of their tuition. This will help us have a deep bench of talent from which to fill our classroom roles," said Reddy. "I see (RISE) in the future, as the primary means by which we are developing special education teachers in our district. The partnership with San José State allows us to collaborate to develop a program tailored to the needs of our district and prepare teacher to be successful on the first day of school."

Homecoming Teachers Receive Warm Welcome

English and social studies departments unite around the return of Catrina Galloway and Priya Talreja



On Wednesday, Jan. 29, English teacher Catrina Galloway explains the basics of the A.P. Language and Composition exam to her fourth period class after taking over the course from fellow English teacher Michelle Bowman. Photo by Jessy Zhu

By **Darius Parakh**
Copy Editor

Jan. 8 marked a new beginning for veteran teachers Catrina Galloway and Priya Talreja — after a year and a semester away, respectively, the two emerged from the holiday break with a new-found fire behind their eyes, each with a similar passion to engage and develop their students' skills following their time apart from Pioneer.

Selected for deployment from the Army Reserves during the spring semester of

2019, English teacher Catrina Galloway spent the majority of the year in the Middle East, serving in the psychological operations unit as part of the Army's joint task force with the Navy. In contrast, history teacher Priya Talreja took on a similarly stressful endeavor — twins — during an extended maternity leave due to health complications with the births.

For both the social studies and English department, the teachers' leave of absence was not an easy task to fix. Foundations of the Pioneer community, both Galloway and Talreja teach three separate curricula,

which can be problematic for substitutes in the long-run. To alleviate this stress, the social studies department turned to retired teacher Rick Conrad to take over Talreja's mantle.

"Every class was taught by my substitute, Conrad. He was a former teacher here and he taught for a couple of decades," said Talreja. "So he came back, as when he retired, one of the classes he was teaching was government, so he had a strong understanding of the curriculum."

While the history department was able to hire one long-term substitute,

Galloway's English Learning and Development classes warranted a different approach.

"The English department stepped up in the most amazing way possible. Instead of getting long-term sub after long-term subs, they took extra classes," said Galloway. "It's a whole jigsaw. Laura Cozzella took a class, Andrew Barlam took a couple of classes and they ended up switching once I returned. Michelle Bowman took over my Advanced Placement Language and Composition class and they all worked extremely hard last semester, without really any breaks in the day to make sure you guys all got a consistent teacher at the end of the day."

For Assistant Principal of Instruction Brendan Simon, such a decision was crucial in maintaining the level of education that Pioneer seeks to provide its students.

"We wanted to ensure that Galloway's classes were covered, while staying away from hiring a long-term sub," said Simon. "Because our English department is tightly knit - they plan together, so what you see one person teach, they all use in their classes — this was simply the best way to distribute the classes between teachers."

While Paige Steffler, 11, has found the transition between Bowman and Galloway's A.P. Language and Composition classes to be a bit difficult at times, she is glad that the department is making a united effort to ease the change.

"Shifting teachers is not typically easy, but Galloway has been really interested in helping us recover from a different teaching style," said Steffler. "She's been really focused in helping us transition."

Administrative Roles Combine Due to Opening

Assistant Principal of Guidance Elizabeth Brush is now interim principal at Carson Elementary

By **Sara Stamos**
Staff Writer

After two years at Pioneer, former Assistant Principal of Guidance Elizabeth Brush has taken over as interim principal of Carson Elementary School.

Following Brush's transfer to Carson, her position has now been assumed by Assistant Principal of Student Services Amy Hanna, which took effect at the beginning of the spring semester. Hanna will now handle special education as well as standardized, state and Advanced Placement testing.

Although the new position has been challenging, Hanna received overwhelming support from her fellow administrators and is confident that she can handle the responsibility.

"I think the first week was the hardest,

just kind of juggling and switching my calendar around and prioritizing," Hanna said. "I have so much support from Espiritu, Gavello, Simon and Mayhew and they have really stepped in and helped me transition."

Principal Herbert Espiritu recognizes that the larger workload will be difficult to maintain, but has faith that Hanna will be prepared once she sets her priorities.

"I think that going back to the previous role, she's just going to have to prioritize the importance of certain things that she's responsible for," said Espiritu. "It'll be challenging but I think she's up for it."

Brush acknowledges the difficulties of her previous job and offers advice for handling the new workload.

"It can be very overwhelming, so (she needs to) focus on balancing everything and taking care of herself too," said Brush.

At the beginning of the 2018-19 school year, Brush made the switch to the position of Assistant Principal of Guidance after working in various elementary schools for 16 years. Brush feels strongly that her experiences in different sectors of education have prepared her to step into the role of interim principal at Carson Elementary School.

"Coming from elementary and then getting to work at Pioneer, I think there's been a lot of positive changes for me because I got to see where students are going in their trajectory," Brush said, "The habits they develop now are going to affect them in high school where it's going to matter that they missed that test."

Hanna greatly valued Brush's partnership and support and felt that they worked well together, helping one another when the job became worrisome.

"I get stressed out very easily and she's very calm and so she balances me out. It was just great coming into Pioneer and having her here showing me the ropes," Hanna said. "I loved working with her every day, side by side. I really miss that. I'm so happy for her, this is something that she's been wanting for a long time, so I was sad but happy for her at the same time."

Espiritu appreciates Brush's contribution to the administrative team and wishes her the best in her new position.

"She really led the Pioneer community and what we're all about here and we're going to miss her positive attitude," said Espiritu.

While Brush is not an acting administrator at Pioneer for the remainder of the year, her former position as Assistant Principal of Guidance will be hers if she does not continue on as principal at Carson.

Skating to the Top of Their League

Roller hockey continues to dominate after winning fall championships

By Faith Martinez
Staff Writer

Since its founding in 2005, Pioneer's roller hockey team has won numerous championships, working its way to the top of their league.

Playing three seasons a year at the Silver Creek Sportsplex, roller hockey is the same age as some of the freshmen on campus, but is still not well known. Even so, the team has remained undeterred, emerging victorious in the most recent fall championships by 11-1.

Having transitioned into playing roller hockey after starting off his hockey career on ice, Zach Louvelle, 11, feels that the team's friendly and welcoming atmosphere was a core part of their success.

"I didn't know the guys very well, but they were like a family," Louvelle said.

He also noted that their record is something that should be noticed by the student body.

"We're one of the better teams in the league and we actually win compared to other sports teams here," said Louvelle.

Gino Rossetto, 11, agreed with Louvelle that their winning streak was, in part, reliant on their collection of players.

"Our team dynamic is well-rounded," said Rossetto. "We have a good amount of defensive men and offensive men and we all play together as a team."



On Friday, Jan. 10, Trevor West, 10, protects the puck in an offensive play against Valley Christian High School at the Silver Creek Sportsplex. Photo by Heidi Spence

However, some members of the team feel that despite their talent and hard work, they are not acknowledged for their accomplishments. Ben Neverve, 12, is frustrated with the school's lack of attention towards the roller hockey team.

"It's a little aggravating," said Neverve. "We have made the effort to put in all this work and to wear the school logo while doing so and we struggle to get any recognition for the work we do and the skill we put towards it."

On the other hand, Steve Neverve, who has coached roller hockey for the past seven years, gives recognition and thanks to the few-but-loyal supporters who have continued to help motivate the team to improve.

"Without the support of our team manager and the parents, this wouldn't be possible," said Neverve. "I'd like to give Espiritu a shoutout because he has helped with recruiting kids and getting the word out, so we're really appreciative of that."

Kat-ching Up

Katherine Rowe
Sports Editor



On Sunday, Jan. 26, the world collectively mourned the death of NBA star, Kobe Bryant, and his daughter, Gianna Bryant in a brutal helicopter crash in Southern California. While their deaths served as a sober reminder about the brevity of life, it is also important to take a moment to remember that there were seven others who were lost in the accident as well.

As the national newspapers began to focus on Bryant's tragic death, it became apparent that the true cost of the aviation accident was being ignored. There is less concern with the cause of this crash, than those lost to this tragedy. The Federal Aviation Administration and their current safety standards clearly need updating, which this incident demonstrates.

As someone who was never a huge fan of basketball, I can't say I understand the loss of Bryant to community, to his fans and to all those he inspired. The death of a role model can have a huge impact, but the Bryants and everyone else on that flight all mattered to someone, and his celebrity status does not mask the immense tragedy and the importance of all the others lost in that crash.

Wading For the Pool's Completion

Overdue pool renovations affect athletes and coaches as season approaches

By Dat Huynh
Staff Writer

With renovations to the swimming pool overdue and construction taking longer than expected, swimmers and coaches are prepared to start the season behind schedule.

According to the Amy Ruffo, the Manager of Construction at the San José Unified School District, a new boiler and lights were added, with some slight adjustments made to the heat and chemical exchanger for a total cost of \$500,000 completed on Feb. 3.

Returning swimmer Jeila Bacon, 11, was not surprised by the delay, but felt disappointed about this situation.

"I would say I'm upset, but not as mad

as one would be, because it's not surprising that the pool's not done on time," Bacon said. "Regardless, I'm still planning on going to practices, meets and staying committed."

Anthony Giacinto, 12, views the renovation as an ill-timed nuisance and would prefer to have the pool completely redone, as it is used by the swim and water polo teams.

"I strongly think we need to get a new pool," Giacinto said. "The pool constantly has problems and it is not deep enough to even host water polo games."

While the construction proved unnecessarily difficult and stressful for many, former Pioneer swimmer, now assistant swim coach, Alisabeth Bacon believes that extra time was crucial in

elevating the pool to a higher standard.

"The new lights and blocks will help keep us safe while swimming at night and will help us prepare for swimming fast at swim meets," said Alisabeth Bacon. "We are super grateful and excited to have an updated space for us to practice and compete."

Although the late finish cut into the team's conditioning time before meets, players and coaches still look forward to competing with these renovations.

Coming back for his last swim season, Ryan Edington, 12, prepared for this upcoming season with a positive, team-focused mindset, no matter the challenges.

"Swimming is the same in every pool," said Edington. "I just look forward to getting in the water with my friends, no matter where we are."

Athlete of the Month



Photo by Raven Estacio

By Katherine Rowe
Sports Editor

Starting soccer at age 5 and continuing her passion into high school, center forward Lauren Martinez, 11, is returning for her third year on varsity girls' soccer with the goal of helping bring the team back to the Central Coast Section after they failed to advance last season.

Striving to improve constantly, she has proven herself to be a dominant player on a large team, where playing time isn't necessarily a given. Team captain Jami Berticevich, 12, has a strong bond with Martinez and acknowledges all she brings to the team.

"She's like my little sister and I love her," Berticevich said. "She just brings such a good energy on the field — she always gives it 100% and you can always count on her."

Head coach Randy Worthington feels that she contributes heavily to the team, both in her attentiveness at practice and persistence through injury, as well as with her spirit and energy, which helps motivate the team.

"Lauren is our team dynamic," Worthington said. "She's always got a smile on her face and she makes everyone better to be around."

With the end of the season quickly approaching, Martinez is hoping that the team will make CCS this year with the current chemistry, as she continues working hard to surprise opponents, and fights for the other girls on her team as well.

"I like the competitiveness and I like having a second family on the field," Martinez said. "I just love the sport."

Coaching Staff Faces New Challenges

Interim coach hopes to lead girls' lacrosse to another winning season

By Hassan Bhatti
Staff Writer

With the season quickly approaching, the girls' lacrosse team is having difficulties finding a coach, with Mike Rosenbaum, currently head coach of the boys' team forced to step up to the job. The team went undefeated in the 2019 season, and they are hoping to continue their winning streak. However, coaching troubles might adversely affect their ability to achieve this goal.

Another result of this is the potential loss of a junior varsity lacrosse team, as without the proper coaching staff, it might not be possible for the program to support both teams. Nathasya Hardijanto, 10, who played JV last year, felt that this would be a significant loss to the program considering her own experience.

"A JV team is essential because it provides experience for younger players and builds a foundation for future varsity success," Hardijanto said.

Although there is a coach for the moment, returning player Olivia Boe, 12, feels that she will still have to help with less experienced players, as the differences between boys and girls lacrosse



On Monday, Jan. 27, Sammy Schweizer, 11, Francesca Fregoso, 11, and Seoun Ahn, 10, sprint during a preseason conditioning workshop. Photo by Natalie Sarsfield

are drastic, which may cause difficulty for Rosenbaum, as it takes time to transition from the two teams.

"It's a completely different sport, there's so much more contact," said Boe. "Our old coach had to get the hang of coaching girls at first too — it takes time."

Rosenbaum, acting as interim coach while the search process continues from the summer, feels a sense of responsibility towards the flourishing program and

is hopeful for the upcoming season considering the influx of talent coming in from junior varsity.

"I can't let that program fall apart because it's grown to such a great number of girls," said Rosenbaum. "We've got a lot of skilled upcoming juniors and seniors who are ready to fill those holes."

In the meantime, girls' lacrosse is conditioning with the boys, hoping to find a coach to fill the position soon as they strive for another successful season.

Guerra Gets Real

Emily Guerra
Features Editor



With a world full of responsibilities and never-ending work, we often forget to remember to take time for ourselves. I can recall many a time when I felt as though others' expectations and goals for me came before mine and looking back, I wish I had put myself first.

A few weeks ago, I began practicing more self-care in an effort to pick myself up after a bad breakup, and within the first day, I could already see the results. I started seeing everything from a different, more positive mindset. Waking up finally became a happy occurrence, and I became interested in returning to my hobbies. Drawing and writing, things that I used to have a huge passion for, were actually fun again. Having extracurricular activities to look forward to can help to act as a distraction from the stresses of everyday life.

Self-care is vital for mental health, especially for high school students. Somewhere between the SAT studying, college applications and school rallies, please remember to check in on yourself. Take a bath. Draw for a bit. Read a book. Take 15 minutes every day and save that chunk of time as a dedicated block for yourself.

Self-care also means managing your time in a responsible way. If you get your math homework done now, you can relax later instead of rushing to finish it before you go to sleep. I recommend keeping a planner and giving yourself a small reward for finishing all of the tasks on the list.

Whatever your form of self-care may be, do not forget that you have to love yourself before you can begin to love anyone else. Start now, and never stop.

Meaningful Mentoring Relationships

Administration is hopeful to combat lack of Latinos in higher education

By Tom Patterson
Staff Writer

A new mentoring program will connect male Latino seniors with incoming freshmen of the same demographic in hopes of combating high dropout rates coupled with low attendance.

The Latino Male Mentor Group, which includes 15 freshmen and 15 senior mentors, will also include an emphasis on engaging with the Pioneer community, meeting every other Wednesday during FLEX period in room 306.

Principal Herbert Espiritu is enthusiastic about the new program serving as another method of academic assistance.

"(The program) was formed so that we can help our ninth grade Latino male students acclimate to high school in order to set them up for success," said Espiritu. "Latino males are not progressing at a rate that the other demographics have progressed in our public school system, so we're trying to create a program where we can help bridge that gap."

The student-driven program consists of seniors running the meetings, designing slideshows and planning lessons for their freshmen counterparts. As the first person in his family to apply to college, mentor Connor Moore, 12, believes that the Latino mentorship group would have helped him significantly with filling out his college applications had it existed when he was a freshman.

"Since I'm first generation, I didn't really know about any of the college applications. I don't know the process of how to get them, and I really didn't know much about the FAFSA but through this, we teach them about that," said Moore.

Mentor Christopher Ortiz, 12, also feels that his experience as a freshman would have been positively benefited had the mentoring program already formed.

"I wish we could have started earlier. The Latino community, especially at Pioneer, has



On Wednesday, Feb. 5, seniors Ryan Renteria, Xavier Martin and Daniel Recinos help to plan out a future group lesson with their fellow mentors Photo by Katherine Rowe

been hidden for so long, so I feel like if we had this earlier, then we, as seniors, now would have felt more comfortable at the school," said Ortiz.

The group focuses both on the social and academic aspects of high school. Some lessons primarily focus on clubs and sports, straying from other typical college centric meetings the group partakes in.

"We talked about the sports, the clubs that we're in right now and the kind of things we do in those clubs or sports and how that affects us and how we connect to those clubs or sports," said Ortiz. "We also break up into groups and in those groups we talk about private things — things that they can feel comfortable talking about."

The meetings between the seniors and freshmen have proven successful with a consistent attendance rate of 80%. However, when discussing flaws in the program, Moore found that the brief time during FLEX to plan lessons, build slideshows and discuss topics can

pose a challenge for mentors. "It can be a little hard at times because the FLEX period is only 45 minutes, so you have to work quickly to plan through all this stuff that you want to teach the kids next week," said Moore.

Fernando Viñas, 9, views the senior mentors as not only a source of academic support, but also as a friend. "So far, Latino males have been one of the most struggling people in school. We all like to hang out, and if we need help, they'll come and assist us," said Viñas.

Alonso Teodoro Zamora, 9, has found a purpose through the mentoring program to work hard in his academic career.

"They motivate us to try hard in our classes — they make us plan our future too. They asked us if we want to go to college after high school," said Teodoro. "They just want to challenge us to take more AP classes to get college credits. It's motivated me to actually try in high school."

A Monumental Movement for Gender Equality

The Student Action Committee attends fourth annual Women's March in downtown San Jose



On Saturday, Jan. 18, Student Action Committee club president Renee Boissier, 11, participates in the Women's March by carrying a sign with fellow members at the downtown San Jose event, which started at City Hall and went to Arena Green. Photo by Michaela Harrel

By Selena Ganguly
Staff Writer

People of various backgrounds strode down with pride and gripped tightly onto their posters. Repressed anger and fear of injustice spewed out through blaring microphones. Four years strong, this march is just the beginning of the efforts to close the doors on gender inequality.

On Jan. 18, people all over the United States joined together at the Women's March in support of gender equality. The protest advocates for numerous minority groups, both social and economic. Representing

Pioneer, the Student Action Committee arrived in downtown San Jose to attend the local branch of the protest.

Club member Emerson Hill, 9, felt the march to be both empowering and comforting.

"There was a chant that said, 'Rise up! Rise up! We are women! I think it was beautiful,'" Hill said. "Not only is it that you're in this huge group of people and you feel immensely powerful, but there is music, there are signs and there are chants. So it's layers upon layers creating this wave of overwhelming safety and confidence in you."

While the true definition of the word "feminism" has been hotly debated, Hill believes that true feminism is gender equality, rather than female superiority.

"A common misconception I've heard of, is that women are better than men. That's not necessarily what feminism is," Hill said. "You believe what you want to believe, that's something that shouldn't be changed by anyone else's opinion. You should stand up for what you believe in and you will have support. It's equality — no one rules anyone else."

The women's suffrage movement began 150 years ago. 50 years after the movement

began, the 19th amendment was finally ratified, ending what many believed to be the final step in expanding women's rights. Yet, in 2020, Americans are still protesting for several rights relating to gender equality, using the Women's March as a platform for their message. SAC member Travis Hill, 12, hopes to see a change of pace.

"I hope 50 years from now, we would be able to see that our differences make us stronger. There is no question of equality, but rather the question of kindness or character. It's about not judging people based on the category they're put into, but rather who they are as a person," said the older Hill.

Michaela Harrel, 12, feels that all branches of freedom must be acknowledged in order to achieve true gender equality.

"You can't talk about gender equality if you're not considering the individual rights of women of color, working class women or women who are at risk of being environmental refugees. If you try to say that you are for gender equality and you are not supporting those individual parts, then people of all genders won't actually end up being all equal," said Harrel.

For those unsure about going to the next march, Harrel illustrates why the Women's March is important to attend.

"Gender equality is a basic human right. Just having more people to show up at the march (helps). If any part of you, even a little bit, like even your pinky finger, is for gender equality, I say that you show up to the march and talk to people that have a little bit more than a pinky finger," said Harrel. "You can learn more about it and see if you want to support it. If you do want to support it, then welcome to the club! We are always looking for new members."

Opportunity Arises to Perfect Student Artwork

Art students submit pieces to be featured at the New Museum in Los Gatos' annual competition

By Sydney Teves
Staff Writer

Working and perfecting art takes time, which is why students who take art in high school look forward to any opportunity to create and present their work in hopes of it being chosen to be featured in an art museum.

Last month, advanced art students submitted art pieces to New Museum Los Gatos, where it was judged against students' art from other competing high schools. After a lengthy vetting process, the museum chose only 75 entries from the nearly 1,000 submitted works to be shown in their ARTnow exhibition, with Pioneer artists Haily Phan, 10, Gabriella Lau, 11, and William Shen, 12, among the winners.

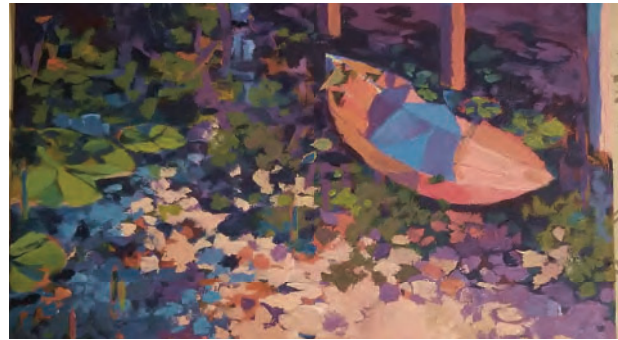
To prepare for the high level of art demanded by the competition, the art students jumped into the two-week process of brainstorming and designing their pieces as soon as the second semester started, focusing on the broad theme of "water."

Many students, like Phan, are entering their artwork into a competitive art show for the first time. "I was excited and a bit nervous as well, because this was my first time submitting artwork to an art show, but it was a nice experience," said Phan.

Last year, three Pioneer students also had their art chosen for the exhibition. Those students were Lydia Watson, 12, Saul Payan, 12, and Malia Cook, 11. Drawing and painting teacher Laurie Kirk recognizes that this can positively impact the future lives of the young students as artists.

"Getting into an exhibition that is this competitive is a huge feather in their cap and I think they learn a lot about the process of submitting to a formal exhibit. It's a hard process to get through and to meet those deadlines," said Kirk. "They also learn a lot about how work should be displayed and presented. They can put this on their resume for applying to colleges and say they were accepted into an art show."

NUMU gives students the



Artwork courtesy of Haily Phan

opportunity to prepare for their future and to learn to broaden their horizons. Angelina Tran, 10, is a student in advanced art and hasn't submitted work to an exhibition since middle school. She was excited to do it again and see the results.

"My favorite part of this was trying to push myself out of my comfort zone

with the topic of 'water.' I had never tried to do an artwork based on water, so it was different, but it was fun to see how far I could push myself," said Tran. "I think it was really cool to have this opportunity because I would've never tried to submit any of my artwork into a contest like this, so it was amazing to have this chance to be able to try it."

Dances Disappear as Student Interest Depletes

Lack of interest from the student body serves as a crucial factor in deciding the elimination of events

By Isabella Wight
Staff Writer

Following Leadership's confirmation that Homecoming and Prom will be the only two dances this year, the declining amount of school-sponsored rallies and events have caused alumni teachers and students to fear for the future lack of school spirit on campus.

This is in part due to the students' lack of interest and attendance. For students and staff alike, these events are one of the most important parts of creating a sense of unity around campus. However, moving forward it may damage the school's inclusivity and spirit.

For years, Pioneer hosted the annual Sadie Hawkin's dance. The non-formal event was known for the tradition of girls asking boys to the dance. Activities Director Michelle Mayhew claims the dance was removed because of its gender

and sexual exclusivity.

"The only reason we eliminated Sadie's was because we felt like it was culturally insensitive and it wasn't inclusive enough for our students," said Mayhew.

English teacher and alumna Beth Stafford has noticed the lack of dances when compared to her experience years ago at Pioneer.

"When I started teaching here about 11 years ago, we had a renaissance rally. It honored students for certain grade point averages, but also other achievements as well. I loved that event. I also feel Pioneer used to be more spirited in general, like more students participating in dress up days," said Stafford.

Indeed, as Pioneer ages, the student body's interest in dances has continued to decrease. According to Espiritu, the choice to lower the amount of annual dances was a direct result of leadership

students gathering opinions from members of the student body. When asked what events they would like to see, students expressed less of an interest in dances. Math teacher Eric Perry believes that disagreements among groups have resulted in abrupt cancellations of dances.

"I think leadership events have changed a bit because of how it seems that more and more groups get upset with things. When people try to do something and another group gets upset, instead of trying to sit down and talk things out, it's just canceled. I think that's just because people are afraid to make people angry," said Perry. "It's tough to say you want something back, because unfortunately, you have to worry about offending people. I think one of the things that I always thought was really cool here was a carnival. They would actually have a carnival company

come and do rides and stuff in the back of campus, it was pretty cool."

Every year, the leadership class changes and so does the student body. With different people come different views and opinions. For Nayanika Bhattacharya, 9, leadership needs to focus on inclusivity.

"I think they should be more inclusive. So kids who have a bit of trouble at more social events can feel more welcomed," said Bhattacharya.

Special education teacher Scott Rudolph thinks that these events help strengthen the community and give students a chance to socialize and meet new people while unifying the student body.

"When I was in high school, Pioneer was your crew," said Rudolph. "I think these kinds of dances and events help form the collectiveness of your class or your school, which I think is important."

Mustangs Meet Monsters in Dungeons & Dragons

Club allows students to escape everyday stresses of life through a popular role-playing game

By Emily Guerra
Staff Writer

In the quiet halls of Pioneer, one small classroom is being transformed into a world of monsters, mystery and dangerous lairs with the help of a new club.

The Dungeons & Dragons club debuted last year, now filling a classroom with 50 members eager to join before their first meeting. Every Monday and Wednesday since then, they gather to play the popular dice game, which has been enjoyed by millions of people since its creation in 1974.

Club leader Erhan Percival, 10, started playing the game three years ago and made the club to express his love for the game to his friends and peers on campus.

"Dungeons & Dragons is a role-playing game where players get to create their own character and those players go on an adventure and have fun as a group," said Percival. "I think my favorite part is the community aspects it brings, that you get to meet a lot of people that you wouldn't have met otherwise and you get to have fun with these people in a way that you don't really get to in so many other parts of your day."

In order to spread the enjoyment of the

game to as many people as possible, the club was designed to accommodate both newcomers and experienced players.

"We intentionally designed the club to make it accessible to all players, veterans and new players alike. So we wanted to make sure that even if you had no idea what Dungeons & Dragons was, but you were curious about it, we would be able to show you how to make a character and help ease you into the game."

The dice game gained global traction for its customizable nature, encouraging players to invent creative scenes to role-play. Vice president Andrew Newton, 10, plays Dungeons & Dragons as a favorable alternative activity to gaming on electronic devices.

"It became a really fun thing to do with friends other than just playing games on a computer, something more in-depth. Currently we're playing an extension of an old campaign we'd run last year called Burning Goblins, that the president of the club has been running," said Newton.

Elisa Hull, 9, finds the character-creation and role-playing aspect of the game most entertaining. In Dungeons & Dragons, each player fills out a sheet describing their character with aspects like character attributes, descriptions and



On Jan. 30, Lauri Mielikainen, 12, and Andrew Newton, 10, work together while playing a campaign, using dice to decide the actions of their characters. Photo by Emily Guerra

backstories. "I like the character creation because there are so many options. I also like role-playing, because it's like acting but much simpler," said Hull.

At the end of a stressful day, a role-playing game can help students unwind and enter a worry-free universe. Hull joined the club to escape from the real

world and encourages others to give the game a try.

"It's a fantasy world, so it's a good way to ignore everything that is going on in your real life and go into a separate world with a different character that you made yourself," said Hull. "It's kind of nice to forget what you were doing beforehand and go do something else."

Riley Reviews



Riley Fink
Entertainment Editor

Following months of speculation, on Jan. 16, Byleth from the Fire Emblem series was revealed to be added to Super Smash Bros. Ultimate as the final addition to the first Fighter's Pass. The internet's reaction that followed was extreme, to say the least. From angry tweets to death threats sent to the game's director, Masahiro Sakurai, no one seems to be happy about Byleth's inclusion so let's turn the clock all the way back to 2001 to see why people are so upset.

As a part of Super Smash Bros. Melee, Fire Emblem characters Marth and Roy were added to the game as an attempt to have the series sell better in the west. For fans, Roy's addition was a point of criticism, since Melee came out before Roy's starring game even released, and the two characters had nearly identical movesets.

Fast forward to 2016, and characters Ike, Lucina and Robin were added to Super Smash Bros. For Wii U and 3DS, with Corrin joining in DLC, just like Byleth. Some people were angry, as this seemingly obscure Japanese strategy series now had six spots. Smash fans see roster inclusions almost like political representation, with lots of people concerned about how few or how many characters from each series are in Smash.

Now, Smash Ultimate has 8 Fire Emblem representatives, with 4 of those 8 being somewhat similar in design. The outrage for Corrin was small, but since Ultimate has dwarfed the sales of any previous game, the fanbase has grown significantly, which means the minority of people who despise Fire Emblem has also grown significantly as well.

Now, let's play devil's advocate here. Fire Emblem is a game centered around dozens of characters, so it makes sense that there are 8 Fire Emblem representatives in Smash, just like how the Legend of Zelda series, a game about items, has a large amount of items in Smash. As such, it would be natural for this precedent to also apply for a game like Fire Emblem.

At the end of the day, it's a game, which means the characters are irrelevant as long as they're fun. Byleth is nothing like the typical sword fighter, switching between a sword that turns into a whip, an axe, a spear and a bow. It's okay to be disappointed by a character, but it gives you no excuse to be critical of the game developers and you should definitely give Byleth a chance.

Robert Downey Jr.'s Failed Comeback

Beloved childhood book comes to life, but should have just stayed dead

By Colin Smith
Staff Writer

After years of reshoots and re-edits, "Dolittle" ended up being the sloppy and absurd film the trailer made it out to be.

Starring Robert Downey Jr. as a doctor who can talk to animals, the story is quite a simple one. After finding out Queen Victoria is gravely ill, Dr. Dolittle, and his crew of quirky animals must go on an adventure to find the cure. Yet, the movie never seems to truly hit its stride — at every step, "Dolittle" stumbles, leaving the movie a jumbled waste of talent and time.

There really isn't much to talk about when it comes to "Dolittle" — it's one of those movies you walk out of and know immediately that it will not leave a lasting impression. Even looking at it from a kid's perspective, it seemed to barely sustain the

attention of the boy in front of me. Being family-friendly is one thing, but insulting our intelligence is another and with a plot that concludes on a fart joke, it feels like a child wrote the script.

Pictures release such a movie? And why is Robert Downey Jr. talking in such a strange accent? The movie was riddled with odd choices and in the end, just left me confused.

Since coming off of "Avengers: Endgame," Downey Jr. has been idolized as the charming Iron Man ever since the original 2008 blockbuster film. "Dolittle," I thought, would at least have some of that charm injected into his character. I was wrong, to say the least. It's an embarrassing performance from him and would've been the only redeemable part of the movie, if it wasn't so strange. I can't tell if he was directed to do this or given personal liberty — either way, it doesn't work.

I believe we have an early contender for possibly the biggest wasted opportunity of the year. Even if you like Robert Downey Jr., I'd recommend saving your money on anything else.

"Dolittle"	
Director.....	Stephen Gaghan
Writer.....	Stephen Gaghan & Dan Gregor
Rating.....	PG
Run Time.....	1h46m
Genre.....	Adventure, Comedy
Score.....	3/10

Whether it was the horrible looking computer-generated animals or the constant barrage of poorly written jokes, I started asking, what happened? Why did Universal

Saiyan Hello To a New Video Game

Dragon Ball Z Kakarot remains faithful to the beloved anime it's based on

By Kevin Rodriguez
Staff Writer

With Bandai Namco's new game, Dragon Ball Z Kakarot, comes my childhood memories of Saturday nights watching Dragon Ball Z. When this game was released, I felt such a wave of nostalgia and excitement — it is, by far, the best game I have played in my life. Indeed, with CyberConnect2 as a developer, came the best animations and fight scenes I have seen in the entirety of the Dragon Ball franchise. As a lifelong fan, I could see how every animation was made to mirror the anime perfectly, with an additional elegant flair that makes the fights feel original.

The story takes after the Dragon Ball Z anime from the Saiyan Invasion through Majin Buu arc. In an interesting twist, the game aims to bring an all-new single player open world experience to the franchise, while still relying on the fan-favorite saiyans of Goku, Vegeta, Trunks, Gohan, Goten and a namekian Piccolo to play to the franchise's powerful fanbase.

Moment to moment gameplay consists of exploring the world, spending time fishing, searching for the Dragon Balls, completing side quests or just fighting random enemies. Battles comprise of your quick attacks, super attacks, support attacks, transformations, energy blasts and shortcuts to items. Battles grow in



Photo by Kevin Rodriguez

Dragon Ball Z character Piccolo overlooks Gohan in a scene prelude his training arc.

excitement as time goes on because the longer you're in the battle, the harder it becomes, giving the player a sense of relief if they're able to survive. During a battle, while you try to use super attacks or normal attacks be careful because they can be disrupted by the enemy.

After completing the story, you can roam the world and chose characters to use for the random fights you encounter along the way. While I played through the game, the usefulness of these features became apparent and started to grow on me, especially during the emotional scenes that occur in the story. As they add more content, I'm hoping they add the Dragon Ball Super story into the game.

Unlike past iterations, the Dragon Balls now give you options to get money, rare items, Z orbs or to fight past enemies again. Training is also an option, in case you want to gain more powerful attacks. While training, you can learn a new attack by finding a certain item called a D Medal, though I personally find the requirement tiresome. D Medals are hard to find, as they are hidden around every part of the map and while I was playing, it took me more than 30 minutes to find 3 D Medals — and that's on multiple maps.

Even so, this game is a must buy for people who love or have watched Dragon Ball and I also recommend it to anyone who like single-player open-world games.

"Weathering With You" Storms Through Theaters

Director Makoto Shinkai returns to the big screen after three years with a climate-themed hit

By Catherine Dayton
Staff Writer

After director Makoto Shinkai's smash hit, "Your Name," entered theaters in early April of 2017 for American audiences, Shinkai had made it clear that he would not be producing another Studio Ghibli-esque movie.

Ironically, only three years separated his ill-fated promise from reality, as Shinkai's latest movie, "Weathering With You," takes up the mantle of being one of Shinkai's greats. Beginning in the rural countryside of Japan, Hodaka Morishima (Kotaro Daigo), a 16-year-old runaway, finds himself in the ever-imposing Tokyo, a far leap from his island home. There, he meets Hina Amano (Nana Omori), a 15-year-old aptly titled the "sunshine girl of Tokyo," who can bring joy to her city by getting the sun to shine through the rain. However, her power comes with a price — each time it's used, the rain comes

back harder than before. Centered around the pair and their series of unfortunate encounters with the Tokyo Police Force, "Weathering With You" follows the duo

through their battles with a multitude of supernatural entities in the sky that have the devastating ability to control the weather.

In order to properly display this, each scene is dripping with subtle and complex emotions. The desperation that Hodaka shows towards the end of the movie displays how much he was willing to give up to be with Hina. This was captured in one scene perfectly, in which Hodaka returns back to a drowned Tokyo after his

graduation to see Hina in a heartwarming moment where they meet each other's gaze, standing in the spot they first met in.

This movie has the ability to keep you enraptured while it goes through its phases. One moment in particular stood out, in which Hodaka was apprehended for helping Hina out of a dangerous situation. Each individual raindrop that landed and slid down his face was animated by hand and it was done quite beautifully. Since the movie was based around the torrential downpour in Tokyo at the time, each scene was filled with that pristinely drawn rainfall — it didn't take long for me to become a fan of

Shinkai's works due to the sheer beauty of the background stills and the amount of detail put into the animation.

The in-your-face rock soundtrack, produced by Yojiro Noda of the band "RADWIMPS," conveys most of Shinkai's theme — it also helps deter watchers from comparing "Weathering With You" to Shinkai's previous works. Since the art style of "Weathering With You" is highly similar to that of "Your Name," they tend to get compared but the truth is, they're separate works with noticeably different tones.

"Weathering With You" presents its youthful characters in such a way that each scene is filled with the message that nothing is impossible and that every struggle can be overcome if they fight for it. In all, Makoto Shinkai has managed to create yet another breathtaking animation. The overall mood this movie sets leaves you thoroughly pleased, and wanting a sequel — perhaps more than any blue sky.

"Weathering with You"	
Director.....	Makoto Shinkai
Writer.....	Makoto Shinkai
Rating.....	PG-13
Run Time.....	1h54m
Genre.....	Animation, Drama, Fantasy
Score.....	8.5/10



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Students Want More Out of Events

The Pony Express Editorial Board

It's no secret that over the past few years, student interest and participation in school events has drastically decreased, begging the questions of why and how a solution can be found. High school is a time of growth, which, when coupled with the surrounding social pressures, makes coming of age no easy feat. One fact, however, rings true. The events that act as emotional outlets and encourage the most unity are consistently the most popular among the student body.

For example, Senior Sunrise and Sunset are events that are built around classes coming together and forming pivotal bonds. The senior events are incredibly meaningful for friends who are about to graduate and reluctantly go their separate ways in life. It gives the class their last chances gathering as one to get to have a

relaxing and reflective experience.

Other key factors that make events interesting and exciting for students are seen in our rallies and sports games — a release of aggression and emotion. There is nothing like screaming your head off rooting for your class or the mustangs in battle. Emphasizing rivalry, Battle of the Den also encourages students to attend and be involved. For others like Mustang Madness, the classes wear matching colors and engage in their own rivalry expressed through violent games and activities like class yells.

While dances like Homecoming and Prom are important to a lot of students, they don't reflect every student's interests. In the past several years, however, leadership has extended homecoming to reach more students by offering alternative activities such as food trucks in the quad and movies in the PAC, seemingly increasing turnout. Prom offers seating, a

catered dinner and a photo booth, which also reaches out to more students to reduce the pressure of dancing for the entirety of the event.

Yet, there are still added pressures to the events. By March or April, students are left scrambling to find an outfit and a group to attend with. The day of the dance, many students feel the anxiety of trying to look as good as possible, getting into all of the pre-dance pictures and finding an open table so their group doesn't get separated.

Perhaps the solution to increasing school spirit is continuing to search for and create events that emphasize inclusivity and accommodate to different groups of students. It is impossible to create events that cater to the needs of all, but students want to connect and be a part of a community which needs to be considered to someday bring the school's spirit back to its previous glory.

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Instrumental, Yet Still Under-Credited

Ben Shiverdaker News Editor



Over break, I had a blast kicking back, eating some popcorn and soaking in the latest content that the box office has to offer. But after staying through tremendously long scrolling credits just to see an extra 30-second scene, I noticed that every name of every person in any department who worked on making these movies rolled past their screen,

except for one group — the musicians.

In fact, a majority of movies do the same thing. For example, the score for Disney's "Frozen 2," played a pivotal role in setting the mood for the film. But, gave none of the musicians' names in the scrolling credits.

However, there are some slight exceptions to this. In "Star Wars Episode IV: A New Hope," an attempt is made by listing the London Symphony Orchestra, but this simply does not do the musicians justice. This is the only general grouping given in the credits, as each department is listed with the name of their team followed by each person on it.

This begs the question — why not the musicians? The level of precision required by each musician, individually, as well as in an orchestra matches, if not exceeds, the

difficulty of the work of a cameraman or editor. Many executive producers choose to not honor the work of these tremendous musicians, sometimes instead finding other humorous credits to put in. Even Carlos Benavides gets his name in the credits for select Disney movies under the category, "Caffeination," for just merely picking up the cast and crew any caffeinated beverage.

What truly makes a movie beautiful, horrific or heart-wrenching, isn't just the smooth camera work and great acting — it's the music. So why not give credit to each of the tremendously talented people who dedicate countless hours perfecting their technique and recording in the studio trying to get the perfect sound to make each and every cinema enjoyable and what they are envisioned to be.

Disheartened by New "Doctor Who"

Katherine Rowe Sports Editor



With its second season featuring Jodie Whittaker as the doctor, "Doctor Who" has returned and the new edition is just as disappointing as the last.

After the first female doctor debuted back in 2018, the show took an unfortunate downhill turn due to subpar writing, the TARDIS interior changing and the

adoption of three new companions.

When Whittaker took on this role, Chris Chibnall also took over as head writer and executive producer, which previously belonged to Steven Moffat. Although Chibnall's writing has improved this year, the episodes still tend to be frustrating, as the doctor's character feels extremely preachy, almost as if instead of going on adventures through space and time, the audience is being lectured in a classroom.

Even with the return of established aliens, such as the Judoon and Cybermen, the show is still lacking. The new villains created also seem to try and serve a certain agenda more often than not, like Dregs, the new creatures that inhabit an Earth destroyed by climate change.

I was really hoping that this season would be better, but after the two-part

special that kicked it off with a bang, it reverted to the same exasperating tirades about the real world issues "Doctor Who" viewers try to escape through science fiction.

What used to be an enjoyable outlet has just become another reminder of everyday struggles and controversy that we are being told how to think on through these episodes.

Ultimately the blame does not fall on Whittaker, as her acting has been consistently good throughout these past two series. The difference between the previous doctors is not her, but a lack of outstanding writing. All Whovians can do now is hope that the return of the Cybermen, one of the most devious enemies to the doctor, will help the episodes come back around to being the incredible show it used to be.

Ending a Sentence with a Preposition? No Problem

Maxwell Moiseff Staff Writer



If you've ever dared to end a sentence with a preposition, you've probably had the misfortune of being reprimanded about it. Perhaps a misinformed teacher rushed to correct you or a militant grammarian dove in to tell you that by ending a sentence with a preposition,

you had broken a sacred, inviolable law of English composition. This is wrong, completely and utterly wrong.

The made-up rule that prepositions cannot end sentences originated with 17th century grammarians John Dryden and Joshua Poole, Latin-obsessed writers from the age of "thees" and "thous" who wanted to align the English language with the Latin language they so dearly adored. It is absurd that some writers still cling to this particular rule, despite gladly — and rightly — ditching the other outdated grammatical conventions of bygone eras.

Ending a sentence with a preposition is nothing to be afraid of. Consider, for example, the preceding sentence — "of" is a preposition. Despite ending with a preposition, this sentence feels natural

and idiomatic. The alternative phrasing ("nothing of which to be afraid") is incredibly awkward and may have to be read multiple times to be understood. Rearranging this sentence out of a misguided effort to banish prepositions from the end of all sentences will utterly ruin its natural flow.

Some argue that it is too informal and unmannerly to end a sentence with a preposition, but this line of reasoning has no basis in fact. Consider what the following passage from Strunk and White's "The Elements of Style" has to say on the issue. This style guide has served as a well-established set of guidelines for decades, on account of its clear and cogent advice. It reads, "Years ago, students were warned not to end a

sentence with a preposition; time has, of course, softened that rigid decree. Not only is the preposition acceptable at the end, sometimes it is more effective in that spot than anywhere else. 'A claw hammer, not an ax, was the tool he murdered her with.' This is preferable to 'A claw hammer, not an ax, was the tool with which he murdered her.' Why? Because it sounds more violent, more like murder. A matter of ear."

As argued in Strunk and White's guide, there is no universal rule, because every sentence is different and every sentence must be written according to what is clearest and what sounds best.

No other conclusion can be drawn — a preposition is a perfectly fine thing to end a sentence with.

Subject: Male Summit Conference Student list

Date: Thursday, March 7, 2019 at 12:02:54 PM Pacific Standard Time

From: Sosa, Areli

To: SJHS Staff

Hello Teachers,

Please see the list below to see what students are attending the Male Summit Conference. Only males are going. The purpose is to motivate students to graduate from High School and seek higher education. There will be series of workshops. Statistics show that males usually do not get a higher education.

If you have any of these students, please remind them to get signatures and TURN IT IN To Ms. Sosa by Lunch time. MAle Summit is tomorrow. Thank you for your support

Student Name	Dietary Restrictions	Email
REDACTED	NONE	_____
	NONE	_____
	NONE	_____
	NONE	_____
	NONE	_____
	NONE	_____
	NONE	_____
	NONE	_____

Exhibit
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