

## TRANSCRIPT OF DEPOSITION WITH PRINCIPAL

January 2, 2012

(Note: we only transcribed the parts of the interview that were relevant to the claim. Principal was duly sworn in and the initial social chatting between the Principal and the two attorneys was not transcribed.)

Bailey: What is your position at River Valley High, how long have you held it, and what is your relationship to the plaintiff?

Principal: I'm the principal of the school, and I've had that job for eight years. I know Plaintiff pretty well as a colleague.

Bailey: What are your responsibilities as the principal?

Principal: I am basically a supervisor. I keep tabs on what is going on with the teachers and students, and I handle a lot of the day-to-day financial issues.

Bailey: Do you have any role in preparing the school's budget?

Principal: Yes, I do. I generally put together a suggested budget that the board uses as a basis for drawing up the big annual budget. Most of the time they take my advice about expenses and tuition.

Bailey: How is River Valley High doing these days?

Principal: We are surviving. We have been through a lot of budget cuts and our fundraising is down, so don't have a lot of slack in the budget, but we are not as bad off as some smaller schools in the area.

Bailey: What are some of the bigger line items in the budget and how do these things measure up to the school's strengths?

Principal: The biggest line item is obviously teachers' salaries, but we're not far off from what the public schools pay. I think we may pay one to two percent more and our fringes are a little better. With the pay and the good work environment, we are able to attract good teachers and market ourselves as a school that provides good preparation for college. We offer a lot of AP courses beyond what the typical public high school can do. The physical plant of the school obviously eats up some money with maintenance and utilities so that we can keep it an attractive place for our students. We also spend a lot of money on our extracurricular programs. We have a steady stream of students because we are able to offer so many different extracurricular activities from sports to music to the performing arts. I think we're one of the only high schools in the state that has a dance program right there in the school. That type of thing is a big draw for parents who are aiming to send their children to good colleges that want to see a strong extracurricular record.

Bailey: So what you're saying is that the money you spend beyond providing the basics all has a clear purpose?

Principal: Yes, I'd say that we try to offer opportunities that the public schools cannot.

Bailey: And does this leave much slack in the budget?

Principal: No, it doesn't. According to the tax code, we're a nonprofit organization, and that's definitely the truth! We generally waver between running a \$20,000 deficit and ending up at the most \$50,000 ahead of the game at the end of the year.

Bailey: And how much of that is fixed costs?

Principal: A lot of it. We have some wiggle room with the extracurriculars, but as I've mentioned, we can't do much there because the parents expect excellent programs to be in place at all times.

Bailey: So if it were to take an additional \$15,000 per year to accommodate a blind teacher?

Principal: That would really hurt us. We'd have to cut something out, probably one of our more expensive extracurricular activities.

Bailey: OK. You mentioned that one of your major selling points was your teachers?

Principal: That's right. We have a brochure that we send to prospective students' families that gives a little background on all of our teachers. Many of our teachers have master's degrees or have otherwise demonstrated significant accomplishment in the field.

Bailey: Part of your job is dealing with parental complaints, right?

Principal: Yes. Not my favorite part.

Bailey: And did you have to deal with any complaints regarding Plaintiff?

Principal: Unfortunately yes. This never happened before last year; in fact, he was one of our most popular teachers. But last year I talked to ten parents during the course of the year who were very concerned about his performance in the classroom.

Bailey: And what was the gist of these conversations?

Principal: Well, they were mainly upset about the disruptions and delays brought about by Plaintiff's physical condition. Most of them were not as angry when I explained the situation.

Bailey: But they still overwhelmingly wanted you to do something?

Principal: Yes, they did. They felt a lot of sympathy for Plaintiff, but didn't want their children to have to suffer in their education as a result. Three of them made the point very clearly that they were paying a lot of money to get the best possible education for their children and one threatened to pull his child out of our school if we did not switch the child to a different class.

Bailey: When the board had its meeting to discuss Plaintiff's fate, you considered a letter from these parents?

Principal: It wasn't all the same parents, but yes, we did. I think that the one parent I was just talking about put it together. Basically the letter said that while the parents were sorry that Plaintiff was having such a tough time, it was the school's responsibility to make alternative arrangements for their children and ensure that the disruption didn't affect their children negatively. They asked the board to let Plaintiff go unless he could guarantee that his disability would not cause any problems for his students. The letter was signed by twenty-five parents, four or six of whom were married to each other.

Bailey: Thank you. Your witness?

Cochran: Thanks. I think this is a good place to start, with the letter. Now, how many students does the school have altogether?

Principal: We have about 1000 students.

Cochran: So a letter signed by twenty-five parents is perhaps not as frightening as it might be.

Principal: I can't think of a time that this has ever happened before.

Cochran: You got another letter, too, didn't you?

Principal: Yes. This one supported Plaintiff and was signed by ten parents.

Cochran: And the tone of that letter was as fervent as the tone of the other letter?

Principal: I would say so, yes.

Cochran: Did your decision depend at all on the fact that one of the parents who signed the negative letter was a wealthy person who has donated over \$50,000 to the school in the last 15 years?

Principal: I don't think so. We just tried to figure out the best solution to the problem. I was a little worried that this person would stop supporting us if we did not terminate Plaintiff, but I figured that we could probably try to talk to her. All the same, though, it is kind of scary to face losing that sort of support when we're really just breaking even.

Cochran: OK. Do you believe that it would cost \$20,000 to accommodate Plaintiff?

Principal: That's one estimate we worked out.

Cochran: How do you figure that?

Principal: [Referring to handwritten notes] Well, the transcriptions would be a cost. Rates for transcribing spoken words to written text generally run around \$15 per hour, so it would probably go the same way in reverse. Based on Plaintiff's estimates, he would probably need at least ten hours per week, maybe more. That alone works out to \$5700 based on a 38-week school year. We'd also have to hire monitors for each class period in which he administers an exam. Even assuming we can get some college students to do this, we'd probably have to pay them at least \$10 per hour. In the algebra classes last year he gave a quiz every week in all three of his classes plus midterms and finals every semester, and in the two calculus classes he gave tests every two weeks. That's \$610 more. The big expense would be dealing with this computer hookup system he's proposing. Because Plaintiff is a math teacher, his room has absolutely no real AV capability right now. We've been gradually trying to wire the school, but it's slow and the math teachers were at the bottom of the list because they never use multimedia stuff or show movies. A new computer with voice-recognition software that would be good enough for what he proposes to do would probably cost over \$3000. Then we'd have to get in there and wire the room. It would be really expensive because we'd have to tear out the walls with a hazardous materials team to deal with asbestos that was put in there when the building was built. The last room we did, which didn't need as much retooling as his would, cost us almost \$20,000 there alone. Then we figure we'd probably have to hire one more debate coach to help out. Our coaches get a \$5000 per year bonus. So we figure we're looking at about \$25,000 in renovations and then at least \$11,310 in recurring costs that would be a permanent part of our budget.

Cochran: Are you taking into account the restructuring that Plaintiff would likely do of his teaching style that would require less homework?

Principal: No.

Cochran: And the possibility that he could figure out ways to test his students without needing a sighted test monitor?

Principal: No, but that seems unlikely.

Cochran: Why couldn't Plaintiff switch into a room that has already been fixed up closer to what he needs?

Principal: That would displace another teacher who would then have to be accommodated.

Cochran: But aren't there any teachers other than math teachers who could use Plaintiff's room?

Principal: We haven't discussed it, because our teachers tend to feel pretty territorial about their rooms. Some of them have had the same rooms for fifteen or more years.

Cochran: Don't you think your students stand to gain anything from having a person with a disability as their teacher? Particularly any of your students who have disabilities?

Principal: Maybe. We don't really have a lot of kids with major disabilities, though.

Cochran: Do you think that your reaction and the board's reaction to all of this is just simply a result of fear and lack of knowledge about people with disabilities?

Bailey: You don't have to answer that.

Principal: I will. No, I don't think so. I think we're just trying to be practical. I wish Plaintiff the best and I hope he succeeds. I just don't think this is the place for him to succeed. If we had a lot more money and we had a lot of time to work all of the problems out, it might be different. But we have to keep in mind that the kids expect the best education possible for us, and it's not fair to them to subject them to some lengthy period of experimentation and adjustment until we can get it right. Their parents spend a lot of money to send them here, and they expect us to concentrate on giving them the best and most effective education that we can. Plaintiff, unfortunately, is counterproductive to that mission.

Cochran: All right. I think I'm all set.