

2-4-2010

**Submission of Deposition Testimony by Janice L. Yoshiwara
07-2-02323-2-134**

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BEST IMAGE POSSIBLE

FILED
KING COUNTY, WASHINGTON

FEB 04 2010

SUPERIOR COURT
BY NANCYL SLA

THE HONORABLE JOHN P. ERLICK

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

MATHEW & STEPHANIE McCLEARY,
on their own and on behalf of KELSEY &
CARTER McCLEARY, their two children
in Washington's public schools;
ROBERT & PATTY VENEMA, on their
own behalf and on behalf of HALIE &
ROBBIE VENEMA, their two children in
Washington's public schools; and
NETWORK FOR EXCELLENCE IN
WASHINGTON SCHOOLS ("NEWS"), a
state-wide coalition of community groups,
public school districts, and education
organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

NO. 07-2-02323-2 SEA

SUBMISSION OF DEPOSITION
TESTIMONY BY JANICE L.
YOSHIWARA

The parties offer into Evidence the following deposition testimony designations and exhibits, corresponding objections and attached pages from the March 25, 2009, deposition transcript for trial witness Janice L. Yoshiwara:

1 I. **Petitioners' Deposition Designations (transcript highlighted in yellow):**

2 Cover page (page 1)
3 Appearances page (page 2)

4 **In addition to the portions of the deposition transcript designated by Respondent, Petitioners designate the following:**

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
4:6-5:18	Petitioners offer Trial Exhibit 96 (Dep. Ex. 137)	No objection
8:12-11:12		
12:22-13:17		
17:22-18:16		
18:21-22:4	Petitioners offer Trial Exhibit 97 (Dep. Ex. 138)	No objection
22:20-24:25		
25:16-25		
26:17-30:16		
31:19-32:1		
34:20-35:23	Petitioners offer Trial Exhibit 98 (Dep. Ex. 139)	No objection
37:13-38:12		
42:14-43:14		
44:25-48:3		
49:17-63:23	Petitioners offer Trial Exhibit 99 (Dep. Ex. 140)	No objection
	Petitioners offer Trial Exhibit 100 (Dep. Ex. 141)	No objection
67:14-22		

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
69:24-70:5	Petitioners offer Trial Exhibit 101 (Dep. Ex. 142)	See Resp. offering of Tr. Ex. 101 (Dep. Ex. 142) which includes designation of testimony associated with the exhibit.
71:5-73:7		

II. Respondent's Designations (transcript highlighted in blue):

Page:Line Range	Trial Exhibit Offered	Petitioners' Objections
6:5-19		
13:18-17:13	See attached Change Sheet for witness' correction	
18:17-20		
22:5-19	See attached Change Sheet for witness' correction	
26:1-16	See attached Change Sheet for witness' correction	
30:17-31:18		
32:2-12		
33:2-34:19		
35:24-36:4		
36:11-37:12		
38:23-39:21		
41:16-24		
42:1-13		
43:15-44:24		
48:4-49:16		

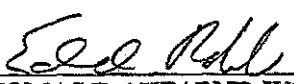
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Page: Line Range	Trial Exhibit Offered	Petitioners' Objections
63:24-64:9		
66:7-67:13		
68:11-69:21	Resp. offers Tr. Ex. 101 (Dep. Ex. 142)	
70:6		
73:8-22		
74:10-16		

DATED this 20th day of October, 2009.

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SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

MATHEW & STEPHANIE McCLEARY,)
 on their own behalf and on)
 behalf of KELSEY & CARTER)
 McCLEARY, their two)
 children in Washington's) No. 07-2-02323-2 SEA
 public schools; et al.,)
 Petitioners,)
 vs.)
 STATE OF WASHINGTON,)
 Respondent.)

30(b)(6) DEPOSITION UPON ORAL EXAMINATION
 OF
 JANICE L. YOSHIWARA

9:14 a.m.
 March 25, 2009
 1125 South Washington
 Olympia, Washington

Margaret Walkky, CCR, RPR, RMR, CRR
 Court Reporter, License No. 2540

A P P E A R A N C E S

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I N D E X

EXAMINATION

PAGE

By Mr. Robb

4

By Mr. Clark

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EXHIBIT

DESCRIPTION

PAGE

137 Amended notice of 30(b) (6) deposition
of Washington State Board for Community
and Technical Colleges

4

TrEx 96

138 SBCTC frequently asked questions

TrEx 97

18

139 Research report No.-07-2, December 2007

34

TrEx 98

140 Research report No.-09-2, March 2009

49

TrEx 99

141 SBCTC system direction, Creating

57

TrEx 100

Opportunities for Washington's Future

142 Research report No.-06-2, April 2005

68

TrEx 101

1 Whereupon,
 2 JANICE L. YOSHIWARA,
 3 having been first duly sworn, was called as a witness
 4 herein and was examined and testified as follows:

5

(6) EXAMINATION

(7) BY MR. ROBB:

(8) Q. Good morning. My name is Edmund Robb.

(9) I'm an attorney with Foster Pepper in Seattle and I'm
 (10) one of the attorneys representing the petitioners in
 (11) this action.

(12) A. Uh-huh.

(13) Q. Could you please state your name for the
 (14) record.

(15) A. Janice Lee Yoshiwara.

(16) Q. Could you spell your last name, please.

(17) A. Y-O-S-H-I-W-A-R-A.

(18) Q. And what is your address?

(19) A. My home address or my --

(20) Q. Your home address.

(21) A. Yes. 2615 Aspinwall Road Northwest,
 (22) Olympia, Washington, 98052.

(23) (Exhibit-137 marked.)

(24) Q. Could you identify what's been marked as
 (25) Exhibit-137 for the record, please?

1 A. (Could I identify it?)

2 Q. (Yes, yes.)

3 A. (Let's see, it says an Amended Notice of
4 30(b)(6) Deposition of the Washington State Board for
5 Community and Technical Colleges. Is that what you
6 mean?)

7 Q. (Yes.)

8 A. (Okay.)

9 Q. (Have you seen this deposition notice
10 before?)

11 A. (I have.)

12 Q. (And are you the witness who is appearing
13 on behalf of the Washington State Board for Community
14 and Technical Colleges?)

15 A. (I am.)

16 Q. (To respond to the questions 1 through 7 on
17 this notice?)

18 A. (Yes.)

19 Q. Well, let's start with a few introductory
20 questions. Have you ever had your deposition taken
21 before?

22 A. No, I haven't. It's a new experience for
23 me.

24 Q. Have you ever given sworn testimony
25 before?

1 A. I don't think so.

2 Q. Have you ever testified before the
3 legislature?

4 A. I have, many times.

5 Q. Were you involved in the Washington Learns
6 process?

7 A. I was.

8 Q. And did you testify before them?

9 A. No, I didn't. I was involved in a work
10 group.

11 Q. What was that work group?

12 A. It was the higher education -- I don't
13 remember the exact name, but it was the higher
14 education work group.

15 Q. How about the Joint Task Force on
16 Education Finance?

17 A. No, I was not.

18 Q. You weren't involved with that?

19 A. No, I wasn't.

20 Q. Have you ever been a party to any
21 litigation?

22 A. I don't think so.

23 Q. I think you'd probably know.

24 A. Probably.

25 Q. Okay. Well, let me start off with a few

1 question and then we can take a break.

2 A. Okay.

3 Q. There may be objections as we go through
4 the deposition. If so, you can still answer the
5 question. That's just noting the objection for the
6 record.

7 And finally, do have any physical,
8 emotional or medical condition that would affect your
9 ability to listen to my questions and concentrate on
10 your answers today?

11 A. I don't think so.

12 Q. Are you represented by counsel today?

13 A. Yes.

14 Q. Mr. Clark?

15 A. Yes.

16 Q. Let's start, if you could tell me, give me
17 a brief introduction to your education.

18 A. My personal education and background?

19 Q. Your personal education, yes.

20 A. I have master's degree in education in
21 student personnel administration and a bachelor's
22 degree of science in zoology.

23 Q. And what about high school?

24 A. I'm a high school graduate.

25 Q. Where did you go to high school?

(1) (A.) (In California.)
(2) (Q.) (Okay. Was it a public school?)
(3) (A.) (Yes.)
(4) (Q.) (What was it called?)
(5) (A.) (Aragon High School.)
(6) (Q.) (About what year did you graduate from)
(7) (college?)
(8) (A.) (Which degree?)
(9) (Q.) (Undergraduate.)
(10) (A.) (1974.)
(11) (Q.) (How about your graduate degree?)
(12) (A.) (1978.)
(13) (Q.) (You just had one graduate degree; is that)
(14) (right?)
(15) (A.) (That's right.)
(16) (Q.) (If you would briefly tell me, please, what)
(17) (is your job history starting after high school?)
(18) (A.) (After high school?)
(19) (Q.) (Yes.)
(20) (A.) (Okay. Let's see, that was a while ago.)
(21) (Let me think. Well, my father was a dentist, so I)
(22) (worked in my father's office during the summers and)
(23) (school vacations as an assistant in his office. I)
(24) (think one summer I had a job working for the school)
(25) (district as a teacher aide. And then, let's see, I'm)

(1) (trying to think.)

(2) (After college, I worked as a secretary for
(3) the City of Sacramento and I think I also, maybe it was
(4) before I got the secretary job, I worked on the -- I
(5) can't remember, I think it was for the city on a bus
(6) survey, transportation and mid decade census survey for
(7) the County of Sacramento.)

(8) (Then in graduate school, I had a half-time
(9) job as a graduate assistant in the student affairs
(10) office at Western Washington University. And then
(11) following completion of my master's degree, I got a job
(12) as the director of minority affairs at Pierce College,
(13) back then it was called Ft. Steilacoom Community
(14) College, but at Pierce College in Tacoma.)

(15) (And in 1984 I got a job at the State Board
(16) for Community and Technical Colleges as the assistant
(17) director for student services and I've been with the
(18) state board since 1984 in several different positions.)

(19) (Q.) (How has your job changed over the years at
(20) the state board?)

(21) (A.) (Well, my first job was in student
(22) services. My second job, my second position was as the
(23) assistant director for information services. So I was
(24) in charge of enrollment reporting to the state and for
(25) enrollment planning for the state system, and so I)

1 prepared the enrollment portion of our budget request
2 to the governor and the legislature.

3 And then my -- I've had my current
4 position I think for 12 or 13 years. I can't quite
5 remember, but as essentially director of the education
6 division, which is the instruction policy unit of the
7 agency. I've had various titles as reorganizations
8 have occurred over time but I'm currently the deputy
9 director.

10 Q. What areas fall under your control?

11 A. Instruction, student services, e-learning
12 policy research. I think those are the areas.

13 Q. Do you supervise in your job?

14 A. I do.

15 Q. How many people?

16 A. Directly I supervise eight people, and
17 there are between 50 and 55 people in my division. I
18 can't remember the exact number.

19 Q. Why don't you give me an idea of just kind
20 of what the organizational chart looks like, where
21 people fit in your department.

22 A. Okay. Let's see. Our agency is divided
23 into three units. There's the information technology
24 unit, which is largely located in Bellevue. There are
25 80 people in the information technology unit.

1 Q. And what do they do? What are they
2 responsible for?

3 A. They're responsible for running the
4 information system for the colleges and the state
5 board. So we have a centralized information services
6 function in the college system. All the colleges share
7 the same software for enrollment management, reporting,
8 fiscal, personnel management. So that's one.

9 Q. Okay.

10 A. The second unit is the finance unit, which
11 those folks are responsible for putting together our
12 budget request to the legislature, operating and
13 capital, and distributing those funds to the colleges
14 and accounting for the money. That unit also contains
15 our human resources and our communications offices and
16 legislative relations. So the education division,
17 which is the division that I head, what I described,
18 instruction, student services, and policy research and
19 learning.

20 Q. Who do you report to?

21 A. I report to the executive director.

(22) Q. (Could you give me just a brief overview of
(23) what the board is, the community and technical colleges
(24) board?)

(25) A. (Sure. Let's see. Do you mean the)

(1) (function of our agency?)

(2) Q. (Yes.)

(3) A. (We have a 10-member board appointed by the
(4) governor and our statutory responsibilities fall into
(5) two categories. One is that we receive state funds
(6) from the legislature for operating and capital
(7) purposes. So when the legislature appropriates money
(8) to the college system, it is appropriating one lump sum
(9) for all the colleges to the state board and then the
(10) board's responsibility is to distribute those funds to
(11) the colleges in a fair and equitable manner.)

(12) (So the other set of responsibilities we
(13) have are in certain policy areas. So we are
(14) responsible for establishing tuition rates for the
(15) colleges and policies such as program approval rules,
(16) transfer agreements with universities, things like
(17) that.)

(18) Q. (How many colleges are there in the system?)

(19) A. (There are 34 colleges.)

(20) Q. (I know there's community and technical
(21) colleges?)

(22) A. (Uh-huh.)

(23) Q. (Can you explain to me what the difference
(24) is?)

(25) A. (Sure. Community colleges are)

1 comprehensive and have, offer basic skills, academic)
2 transfer and workforce training programs.)

3 Technical colleges by statute are limited)
4 to basic skills and workforce training programs.)
5 They're not allowed to award transfer degrees.)

6 Q. How many technical colleges are there of
7 the 34?)

8 A. There are five.)

9 Q. Approximately how many students are there
10 in the city as a whole?)

11 A. Our annual unduplicated head count is
12 about 470,000 students.)

13 Q. You say unduplicated because some students
14 may be taking classes at multiple institutions?)

15 A. Yes, but it's more often the case that
16 students take classes in more than one quarter. And so
17 some people count enrollments by how many people are
18 enrolled each quarter and then they add them up. We
19 count them, each person who enrolls in a year counts as
20 one person. So it could be someone who took a class
21 and didn't come back, or it could be someone who
22 enrolled full-time for three quarters. They each count
23 as one.)

24 Q. What kind of degrees or certificates or
25 credentials are offered through the technical and)

(1) (community colleges?)

(2) (A. (We offer associate degrees in a number of
(3) (fields, transfer, several types of degrees that are
(4) (intended to transfer to baccalaureate institutions. We
(5) (have many degrees in technical fields and we offer
(6) (certificates, which are generally a year long and they
(7) (are in workforce training areas. We offer high school
(8) (diplomas and GED certificates, and more recently we got
(9) (authority from the legislature to award applied
(10) (baccalaureate degrees.)

(11) (Q. (What are those?)

(12) (A. (Those are bachelor's degree that are built
(13) (upon technology-associated degrees. It's the lower
(14) (division course work. An example would be a bachelor's
(15) (degree in nursing. So we offer an associate degree in
(16) (nursing and someone can go out to work and get a job as
(17) (a registered nurse with that degree. That degree
(18) (ladders into a bachelor's of science in nursing, and so
(19) (the students can take additional course work at Olympic
(20) (College and earn a bachelor's degree, be eligible for a
(21) (nurse supervisor position in a hospital or clinic.)

(22) (Q. (And that would be a four-year degree?)

(23) (A. (It is four-year degree.)

(24) (Q. (You mentioned that you have workforce
(25) (training programs.)

1 (A.) (Uh-huh.)

2 (Q.) (Can you give me an idea of what those
3 are? What is workforce training?)

4 (A.) (Oh, sure. They're job preparation
5 training programs. So they range -- I couldn't tell
6 you what all of them are. We have many, many, many
7 hundreds of them.)

8 (Q.) (Certainly.)

9 (A.) (But they're in fields like healthcare. So
10 some examples of healthcare are registered nurse,
11 radiology technician, dental hygienist, certified
12 nursing assistant. So those would be some examples in
13 the healthcare field.)

14 (We offer degree programs in information
15 technology, so people who want to be a webmaster,
16 programmer, IT help desk person. So those are some
17 examples in the IT field.)

18 (We offer blue collar trades programs,
19 carpenters, plumbers, electricians, pipefitters.)

20 (That's another whole area.)

21 (Office occupations, we train paralegals.
22 You can get an associate degree to be a paralegal at
23 one of our colleges.)

24 (Culinary programs. Does that give you
25 enough of an idea?)

1 Q. Yes.)

2 So, for instance, you mentioned you worked
3 as a dental assistant after high school?)

4 A. Uh-huh.)

5 Q. Is that the kind of job for which you
6 would provide training?)

7 A. Yes, we have dental assistant programs at
8 the colleges.)

9 Q. Teacher's aide, is that --)

10 A. Yes.)

11 Q. And the secretary position as well, is
12 that something for which you provide training?)

13 A. Yes.)

14 Q. Now, in your education, did you ever go
15 through a technical college or workforce training
16 program?

17 A. I didn't, not as an undergraduate. One
18 could argue that a master's degree program in -- one
19 could argue that through a lawsuit is a workforce
20 training program. But in the traditional sense, no, I
21 did not.

22 Q. Does the board have a mission statement?)

23 A. We do.)

24 Q. Do you know what it is?)

25 A. I knew you were going to ask that. That's)

(1) (why I was hesitating. Let me see. Our mission)
(2) statement essentially says that it is the vision of the
(3) board to raise educational attainment for the people of
(4) Washington state and to support the needs of the
(5) economy and the needs of individuals, something along
(6) those lines.)

(7) (Q.) (So in raising the educational attainment)
(8) of students, why is that important?)

(9) (A.) (There's a relationship between education)
(10) level and the ability to earn a living, and there is
(11) also among educators a belief that a well educated
(12) citizenry is important to support democracy so that
(13) people can be well informed and contributing citizens
(14) to a society.)

(15) (Q.) (Do you share that belief?)

(16) (A.) (I do.)

(17) (Q.) (So is it accurate to say that you're)
(18) preparing students to participate in the economy and in)
(19) democracy?)

(20) (A.) (Yes.)

(21) (Exhibit-138 marked.)

(22) (Q.) (Could you please identify Exhibit-138 for)
(23) the record?)

(24) (A.) (Well, it looks like a page from our)
(25) website.)

1 Q. (So if you would turn your attention to the)
2 bottom where it talks about the kind of courses that
3 (community and technical colleges offer, I'd like to
4 just go through these quickly and have you explain to
5 me in lay terms what each of these areas is.)

6 A. Sure.)

7 Q. (So starting with academic, what kind of
8 courses are those?)

9 A. (Those are courses that prepare students
10 for a transfer to baccalaureate institutions. They
11 provide the lower division course work for a bachelor's
12 degree.)

13 Q. (And approximately what percentage of the
14 students in the system are in academic courses?)

15 A. (About 35 percent.)

16 Q. (How do students enroll in academic
17 courses? In other words, do you have to apply to take
18 academic courses?)

19 A. (We do have an application process, but
20 it's different from a university application process in
21 that we don't have admission requirements. There isn't
22 a matriculation process where you apply and then you
23 can't enroll in courses unless you're accepted. So our
24 admission process is mainly to collect demographic
25 information about the students. So we have students

1 that come every quarter and declare an intent and meet
2 with an advisor and identify a program of study based
3 on what their goal is, their academic goal is.

4 Q. So anyone who wants to can enroll in the
5 academic program then?

6 A. Yes.

7 Q. As we go through these four programs, is a
8 student necessarily in one or the other, or can you be
9 in both at the same time, in two or more at the same
10 time?

11 A. Yeah, you can be in two or more at the
12 same time. I would have to say that enrollment in the
13 college doesn't mean you can enroll in any course that
14 you want to take. So, for example, we have some
15 programs where there is an admissions process. So the
16 nursing program and the dental hygiene program are two
17 good examples of that. There are prerequisites that
18 you have to take and there's an admissions process,
19 because those are cohort-based programs and they're
20 fixed in their capacity so there's a screening process
21 that you go through to enroll in those programs.

22 Q. Okay. So you have to take prerequisite
23 courses?

24 A. Yes.

25 Q. Do you have to have a certain GPA?

(1) (A.) (Often, yes, you do, and it varies from one
(2) college to another.)

(3) (Q.) (Is there any kind of entrance exam or
(4) test?)

(5) (A.) (No, there isn't. So it's based on taking
(6) prerequisite courses and filling out an application,
(7) talking about why you want to be a nurse, that kind of
(8) thing.)

(9) (Q.) (Now, workforce education, are those the
(10) courses we've talked about previously, like the dental
(11) hygienist program?)

(12) (A.) (Uh-huh, right.)

(13) (Q.) (Developmental studies, what is that?)

(14) (A.) (Developmental studies is precollege course
(15) work.)

(16) (Q.) (Those precollege courses, are they also
(17) referred to as remedial courses?)

(18) (A.) (They are referred to as remedial courses.)

(19) (Q.) (What kind of remedial courses are offered
(20) at the colleges?)

(21) (A.) (We have three different types generally,
(22) precollege math, which is the largest, precollege
(23) writing courses and precollege reading.)

(24) (Q.) (How do students get placed into remedial
(25) courses?)

(1) (A.) (We have placement tests that are offered)
(2) for incoming students and in all of those areas. So
(3) students take a placement test as a part of the new
(4) student advising process.)

(5) (Q.) (So every student who enrolls at the
(6) technical or community college takes the placement
(7) test?)

(8) (A.) (Not every student, because we have a
(9) certain share of students who enroll to take a computer
(10) literacy class at night and we don't.)

(11) (Q.) (Or they come to class?)

(12) (A.) (Exactly, or they're coming to take a
(13) parent education class. So we don't make those folks
(14) take a placement test. The colleges do ask students
(15) who are planning to earn a degree or a certificate to
(16) take a placement test because those programs require
(17) that you take a college level English or math course.
(18) So it's intended not as a screening device, but as a
(19) placement tool.)

(20) (Q.) (What is the name of the test that you use?)

(21) (A.) (Well, there are many tests, because the
(22) colleges make their own decisions, the colleges and
(23) their faculty make their own decisions about the
(24) tests. Most colleges currently are using Accuplacer.
(25) So for the most part, they use standardized tests that

(1) are developed by, the two main testing companies)
(2) nationally are ACT and the College Board. The College
(3) Board is the company that also administers -- or also
(4) has the SAT test.

(5) Q.) (Approximately, just in rough terms, what
(6) percentage of students take these tests as they come
(7) into the college?)

(8) A.) (I don't know. I don't know the answer to)
(9) that.)

(10) Q.) (The majority?)

(11) A.) (Probably, yes, I would say the majority.)

(12) Q.) (There are tests, am I right, in math,
(13) reading and writing?)

(14) A.) (Yes.)

(15) Q.) (So what sorts of things are on the math
(16) exam?)

(17) A.) (What sorts of things are on the math)

(18) exam?)

(19) Q.) (Yes.)

(20) A.) (You know, we serve a wide variety of)
(21) students. The age range is huge and their educational
(22) background is very diverse. So the math test tests)
(23) from arithmetic to calculus and everything in between,
(24) because it's a placement instrument, so we have to be
(25) able to identify where a student needs to start in

(1) taking a math course or a writing course.

(2) Q. And what point in that continuum from
(3) arithmetic to calculus would indicate that a student
(4) needs to be placed in a remedial course?

(5) A. Our precollege courses include algebra,
(6) geometry and what we call intermediate algebra and what
(7) K-12 calls algebra II. So if a student places into any
(8) of those competency areas in math, then the colleges
(9) would assign them to a precollege math course.

(10) Q. You said intermediate algebra or
(11) algebra II?

(12) A. Uh-huh.

(13) Q. Are those synonymous?

(14) A. Yes. We call it intermediate algebra.
(15) High schools call it algebra II. So the general math
(16) sequence in a high school is algebra, geometry, and
(17) algebra II.

(18) Q. Do you have a sense of when that starts,
(19) is algebra, in ninth grade?

(20) A. I think so. I mean, I think it varies,
(21) you know, by student, but generally I think algebra II,
(22) algebra is commonly taken by freshmen, high school
(23) freshmen. But you know, I really don't know what share
(24) of students in high schools take various levels of
(25) math. It's not my area of expertise.

1 Q. But these are all areas of math that
2 students are required to have in order to progress in
3 the academic program?

4 MR. CLARK: Objection, it's vague.
5 Talking about high school, their program, where?

6 MR. ROBB: The academic programs we were
7 talking about earlier.

8 MR. CLARK: For the board?

9 MR. ROBB: For the board, yes.

10 A. Could you restate your question?

11 Q. Sure.

12 Before a student progresses into the
13 academic courses, and those are college level courses,
14 correct?

15 A. Yes.

16 Q. Before a student progresses into college
17 level academic courses, he or she has to have
18 demonstrated knowledge of algebra, geometry and
19 algebra II; is that correct?

20 A. Kind of. Before a student progresses into
21 a college level math course, they have to show
22 competency at the college readiness level before they
23 get into a college level math course, and we don't hold
24 the students back from taking any college level course
25 until they have college level skills in all three

1 areas. So it's actually quite common for students to
2 be taking a mix, especially new students, to take a mix
3 of college level and precollege level courses if that's
4 what their placement test results show.

5 Q. That's helpful.

6 You mentioned college readiness level.

7 A. Uh-huh.

8 Q. Is that a term that you use to describe
9 when kids are ready to proceed into college?

10 A. That's a term we use to try when somebody,
11 is ready to proceed into a college level course in that
12 discipline. So, for example, we don't hold somebody
13 back from taking history or a writing course or a
14 psychology course if they place into precollege level
15 math. They proceed with taking those other areas.
16 Students do that.)

17 Q. Approximately what percentage of students
18 taking the placement test are placed in a remedial math
19 course?

20 A. I actually don't know that because the
21 test score data are college-specific. They're held by
22 the college. They're not part of our statewide
23 database. I do know how many students enroll in
24 precollege math courses.)

25 Q. Okay, and what is that?)

1 A. (About half of the students who enter each)
2 year take precollege courses.)

3 Q. (Okay. Is that half the students taking)
4 precollege math classes or any one of the three we've
5 talked about?)

6 A. (It's any one of the three, but it's)
7 largely math. 80 percent of our precollege activity is
8 in math.)

9 Q. (How is the student's writing ability)
10 tested?)

11 A. (The same way as the math ability. We use)
12 standardized placement tests.)

13 Q. (Multiple choice tests?)

14 A. (I believe they are multiple choice tests,
15 yes.)

16 Q. (And what kinds of things are tested on the)
17 writing exam?)

18 A. (Grammar, punctuation, sentence)
19 construction, paragraph construction, those kinds of)
20 things.)

21 Q. (Okay.)

22 A. (Things like an argument, does this)
23 paragraph lead to support this conclusion or that
24 conclusion.)

25 Q. (And why is it important to determine)

1) whether students have those skills when they're coming
2) in?

3) A.) College students are required to
4) communicate in writing in their college courses with
5) the instructor as a way of showing what they know, and
6) we get feedback from employers that writing skills are
7) important.)

8) Q.) Do you have to have, say, a 12th grade
9) writing ability in order to progress? Can you put it
10) into kind of common terms like that for me?

11) A.) I'm not sure I would put it as 12th grade,
12) I would characterize it as 12th grade writing ability.
13) I would say that because these placement tests are
14) nationally standardized tests, that there is a common
15) view about what college level writing is and what kinds
16) of abilities you need to have in order to be successful
17) in a college level writing course. So I think that's
18) what the placement tests test for. I would be
19) reluctant to say that, to identify it by grade level,
20) K-12 grade level.)

21) Q.) What percentage of students at the
22) colleges are in a precollege or remedial writing
23) course?

24) A.) I don't know the answer to that question.
25) It's smaller, it's much less than math. So what I can

(1) recall is that 80 percent of the precollege course work
(2) in our system is math, precollege math, and 20 percent
(3) is precollege writing and reading. The reading portion
(4) is very small. So I would estimate that 5 percent or
(5) less than 5 percent is reading and about 15 percent is
(6) precollege writing. But I don't know what percent of
(7) the students that that represents. I can't remember.
(8) So if 50 percent is the total, yeah, total taking
(9) precollege courses, a small fraction of the 50 percent
(10) are writing. I don't know. Less than a quarter, I
(11) would guess.

(12) Q. And then finally turning back to the
(13) exhibit, basic skills, what kind of programs are those?

(14) A. Adult basic education. So generally those
(15) are for people who have below an eighth grade level
(16) education. The largest portion of ABE that we offer in
(17) our system is English as a second language for adults.
(18) That also includes high school completion programs and
(19) GED preparation courses, but the bulk of it is ESL.

(20) Q. Are these programs, the basic education
(21) programs, are they for students who haven't completed a
(22) high school program?

(23) MR. CLARK: Object to the form of the
(24) question. You said basic education program and the
(25) reference in the document is basic skills. Maybe you

1 meant that, maybe you misspoke.)

2 Q. (No, no, adult basic education. Are there
3 separate programs, one for adult basic education, one
4 for GED, and one for English as a second language?)

5 A. Adult basic education is the umbrella term
6 for adult literacy programs, so it includes ESL.)

7 Q. So why don't you back up and tell me what
8 falls under the umbrella of adult basic education.)

9 A. I can say it's confusing. English as a
10 second language, high school completion programs, a
11 GED, and what we call adult basic education, which is
12 adult literacy for adults who are native English
13 speakers.)

14 Q. Okay.)

15 A. So people who have an eighth grade and
16 below level of education.)

17 Q. These courses, are these for people who
18 are seeking a degree?)

19 A. Sometimes they are for people who are
20 seeking a degree. They have -- the students who are in
21 our ABE programs, adult basic education programs, are
22 older. So the average age is 30 for these students and
23 many of them are enrolled for job training reasons.)

24 They want to get a better job. Sometimes --)

25 Q. Why would it be important to have a basic)

1 education to get a job?)

2 (A.) Well, as I said, the largest share of
3 those students are taking English as a second
4 language. So their lack of English proficiency is
5 hurting their ability to get a job or to get a better
6 job, a higher paying job. So we have a lot of
7 immigrants, recent immigrants that are enrolled in our
8 basic skills, adult basic education programs to learn
9 to speak English, read and write and speak English.

10 (Q.) The basic education course provides them
11 with the skills they need in order to get a job?

12 (A.) Let's see. I think it depends on what
13 kind of job. You know, one could -- there are all
14 different kinds of jobs and there are different
15 education levels required for those jobs, and so you
16 could probably say that learning to speak English
17 better will help somebody get a job, but it's not going
18 to qualify them for many kinds of jobs.

19 (Q.) So let's talk about what kind of jobs
20 there are out there. We're not talking about the kinds
21 of jobs that you need a four-year degree for, right?

22 (A.) Uh-huh.

23 (Q.) So when you talk about the entry level
24 jobs, what kind of jobs are those?

25 (A.) I'm not sure what you're asking, just to

(1) speculate about entry level jobs?)

(2) (Q.) (The kinds of jobs that folks are seeking
(3) who come in and take the basic education courses.)

(4) (A.) (I don't really know that, what kinds of
(5) jobs they're seeking.)

(6) (Q.) (Okay.)

(7) (A.) (I know they're seeking to improve their
(8) basic skills and English proficiency. I don't know
(9) what kind of jobs they're seeking.)

(10) (Q.) (What percentage of the people who enroll
(11) in the adult basic education are in the ESL program?)

(12) (A.) (I think it's about two thirds.)

13 Q. And for those who are not in the ESL
14 program, what kinds of courses are they taking?

15 A. The folks who are in the regular, in the
16 traditional adult basic education programs are taking
17 writing and reading and math courses.

18 Q. Do you ask people as they're coming into
19 the program why they're enrolling?

20 A. Into the --

21 Q. The basic education program.

22 A. The ABE program?

23 Q. Yes.

24 A. I can't remember. I don't think we --
25 some of the colleges may do that, but I don't think we

1 collect that as a regular part of our data.

(2) (Q.) (Can you tell me about the GED program.)

(3) (What does GED stand for?)

(4) (A.) (Let's see, that's a good question.)

(5) (General education diploma? I really can't remember.)

(6) (We've been using the acronym for so long, but I can't

(7) remember what --)

(8) (Q.) (Sure.)

(9) (A.) (It's a commonly understood acronym for a

(10) high school equivalency exam.)

(11) (Q.) (It's a test for people who haven't)

(12) completed high school?)

(13) (A.) (Yes.)

(14) (Q.) (And how do you get a GED?)

(15) (A.) (Well, you sign up for a test and you take)

(16) the test battery.)

(17) (Q.) (Is there a series of courses that you take)

(18) that are associated with it?)

(19) (A.) (You can, but you don't have to. It's not)

(20) a requirement for taking the GED test.)

(21) (Q.) (You just have to demonstrate a certain)

(22) level of skill?)

(23) (A.) (No. Actually, anybody could walk in and)

(24) say I want to take the GED test. So --)

(25) (Q.) (But on the test, you have to demonstrate a)

1 certain proficiency?)

2 A. Oh, yes, right, on the test.

3 Q. In the subjects?

4 A. Yes.

5 Q. And what subjects do you test on the GED?

6 A. I think it's -- I'm not familiar with the

7 full contents of the GED test. I know, I believe it

8 tests for reading, writing and math abilities. There

9 may be some civics component in there as well, but I'm

10 not positive.)

11 Q. Do you have a sense for how many students
12 take the GED test in a given year?

13 A. I don't know how many take the test. I'm

14 trying to remember the number of awards that we give.

15 I can't remember. I think it's several thousand GED

16 awards that are given by the colleges every year. So

17 the number of test takers must be at least that, and

18 probably a little more than that.)

19 Q. Okay.)

20 (Exhibit-139 marked.)

21 Q. Are you familiar with Exhibit-139?

22 A. I am.)

23 Q. Can you identify the document for the

24 record, please.)

25 A. Yes. This is a research report that's

(1) published by our agency.)

(2) Q. Is this an annual report?

(3) A. I think we tried to update it annually,

(4) but I can see that this is December 2007 and so this

(5) makes me think that we haven't published a report for

(6) 2008.)

(7) Q. I wasn't able to find a 2008 copy on the

(8) web.)

(9) A. We probably haven't published one yet.

(10) Q. So according to this, 45 percent of

(11) community and technical college students who graduated

(12) from high school took remedial courses?

(13) A. Uh-huh.)

(14) Q. And approximately what percentage of

(15) students who graduate from high school go directly into

(16) the community and technical college?

(17) A. Directly it's about 35 percent and then

(18) there's more students who come later, a year or two

(19) later. So within a couple of years, it's about half of

(20) the high school graduates that enroll.

(21) Q. I'd like to understand a little bit more

(22) what these remedial courses are like.)

(23) A. Uh-huh.)

(24) Q. How long does a remedial course last? Is

(25) it on a quarter basis?)

1 A. Generally, yes.

2 Q. So if you enroll, you would typically
3 enroll for one quarter?

4 A. Yes.

5 Q. Are there requirements for the teachers,
6 are they accredited or certificated in any way?

7 A. The teachers, we don't have a
8 certification process like K-12 does, but there are
9 qualifications for faculty, and the colleges hire
10 teachers based upon their norms for faculty.

11 Q. (I noticed in bullet point 3 on this
12 document, the last sentence there, "Colleges are
13 implementing strategies to assure that more students
14 take math early in their time at college." Why is that
15 the case?)

16 A. Because math skills, let's see, people
17 forget math at a much faster rate than they forget how
18 to write or read, because most people read on a regular
19 basis and write something on a regular basis, but
20 people don't do trigonometry on a regular basis or
21 geometry on a regular basis, so that knowledge and
22 skill is forgotten over time.

23 So what we have noticed is that students,
24 there are many students who start as freshmen and they
25 avoid taking math. So the longer the distance between

1 the time you took the placement test and the time you
2 enrolled in a math class, the less accurate that
3 placement test result is. So we have recently
4 concluded that students ought to be encouraged to take
5 math courses early in their college career rather than
6 delaying it until the end.

7 Q. Is there a correlation between when you
8 take math and whether you graduate or not?

9 A. We haven't found that kind of a
10 correlation as far as I know. You can't earn an
11 associate degree without taking a college level math
12 course.

13 Q. On page 5 of this document, the last
14 paragraph, "These precollege courses do not apply to
15 the student's degree credits and may extend the time
16 needed to earn a college degree."

17 A. The last paragraph?

18 Q. Yes.

19 A. Oh, yes, yes, I see that.

20 Q. Do you have any understanding of how long
21 it might extend the student's time in the community
22 college system?

23 A. No, I don't, because it varies by the
24 student, but I think what we're trying to communicate
25 is that our associate degree programs require 90

(1) credits and precollege courses don't count towards
(2) those 90 credits, 90 college credits. So if you have
(3) to spend some time taking precollege courses, it means
(4) there's more courses that you have to take and so it
(5) does, it can extend the time to your degree.

(6) Q. Do students pay tuition to take the
(7) precollege courses?

(8) A. They do.

(9) Q. Can you give me a sense of how much it
(10) costs?

(11) A. Tuition for precollege courses is the same
(12) as tuition for college level courses.)

13 Q. Okay. What's the approximate amount that
14 you would pay for one course at a community and
15 technical college, just ballpark?

16 A. I used to know these things, but I'm not
17 responsible for tuition policy anymore. I think it's
18 about \$65 or \$70 a credit, and our courses are
19 typically five credits.

20 Q. Okay.

21 A. So what is that, \$130 a course?
22 Approximately. No, no, no, more than that.

(23) Q. Is there state funding available for
(24) students who are taking the remedial courses?

(25) A. Yes. Precollege courses count as regular

1 state FTE just like any academic or workforce training
2 course. Adult basic education courses, we also claim
3 state FTE for those enrollments as well. So from the
4 point of view of any instruction at a public
5 institution is supported by the state, that same level
6 of support would apply to a precollege course as well.

7 Q. And FTE credit, what is that?

8 A. FTE means full-time equivalent and that's
9 how we measure student enrollment activity in the
10 colleges, in higher education actually.

11 Q. And then are you funded by the state on a
12 per-student basis or FTE basis?

13 A. We are funded by the state. Unlike K-12,
14 K-12 receives funding based on the number of students
15 that enroll. The higher education receives a fixed
16 appropriation from the legislature and an enrollment
17 target attached to that appropriation. So we get a
18 block of funds to serve a block of enrollments.

19 Q. Based on your enrollment projections?

20 A. No, based on what the legislature decides
21 to appropriate.

22 Q. Do you have any sense of how much it costs
23 the colleges to offer remedial courses?

24 A. Let's see, I think there is something in
25 this document about that. Is there? Oh, no, sorry.

1 curriculum.

2 Q. So the algebra, geometry and algebra II,
3 those are courses that all students wouldn't have taken
4 in high school?

5 A. No, I don't think so. That might be
6 something you can ask OSPI.

7 Q. Right, and reading?

8 A. I don't know about what students take in
9 high school, you know, in terms of their reading
10 curriculum.

11 Q. Are you familiar with the WASL exam?

12 A. Somewhat, yes.

13 Q. Are you aware that that tests reading,
14 writing, arithmetic, science?

15 A. Yes.

16 Q. Regardless of that, the skills that you're
17 testing for in the placement tests are skills that the
18 students need in order to proceed into college; is that
19 correct?

20 A. Yes.)

21 Q. And they're skills that they need to
22 proceed into the workplace; is that right?

23 A. I think it depends on the job. So the
24 workplace is a pretty diverse place.)

25 Q. I'll talk a little bit about that later.

(1) Do you know what percentage of students
(2) who enroll in remedial courses ultimately receive a
(3) degree or a credential from the technical and community
(4) colleges?

(5) (A.) I don't. I do know that students who
(6) complete precollege courses are as successful as
(7) students who don't take precollege courses. So our way
(8) of thinking about that is that the precollege course
(9) work is successful in bringing them up to college level
(10) skills because they subsequently go on to complete
(11) courses, earn credits, complete degrees, transfer at
(12) the same rate as the student who didn't take precollege
(13) courses.

(14) (Q.) Is there any way we could figure out, in
(15) other words, do you keep, do you track enrollments
(16) versus completion in the precollege courses?

(17) (A.) Let's see. I'm not clear about what
(18) you're asking. Completion of the course or completion
(19) of --

(20) (Q.) I'm trying to get a sense for, of the
(21) people who enroll in a precollege course, how many of
(22) them actually finish that course?

(23) (A.) Oh, yes, we do track course completion
(24) rates.

(25) (Q.) Okay.

(1) (A.) (I can't remember the precise course)

(2) (completion rate.) (I think it's in the three quarter, 75)

(3) (percent zone, though.)

(4) (Q.) (So approximately 25 percent of the)

(5) (students who begin a course, precollege course,)

(6) (remedial course, don't complete that course?)

(7) (A.) (Yes.)

(8) (Q.) (Okay.)

(9) (A.) (There's a share of students in every)

(10) (course who don't complete the course.)

(11) (Q.) (Do you have any sense of how the)

(12) (completion rates in remedial courses compare to the)

(13) (completion rate in the nonremedial courses?)

(14) (A.) (I don't know that off the top of my head.)

(15) (Q.) (What kind of class sizes are there for)

(16) (these remedial courses?)

(17) (A.) (I don't know the exact, I don't know that)

(18) (precisely. I do know that the average class size)

(19) (across all courses in the college system is about 25)

(20) (students per class, so I would guess that precollege)

(21) (courses are in that zone.)

(22) (Q.) (You don't have any sense of whether they)

(23) (would be smaller or larger than the nonremedial)

(24) (courses?)

(25) (A.) (I don't. Generally the academic courses)

(1) are larger than 25 and the workforce education courses
(2) are smaller than 25.)

(3) (Q.) Why are the workforce courses smaller than
(4) 25?)

(5) (A.) Because many of them are equipment or lab
(6) intensive. And so the welding program, for example,
(7) you have to have a welding station for each student and
(8) so there's a limit to the number of welding stations
(9) that you could put into a classroom. Nursing programs
(10) have recommended student faculty ratios by the
(11) accrediting body.)

(12) (Q.) Do you know what those are?)

(13) (A.) I don't remember. I know it's low.)

(14) (Q.) Okay.)

(15) (A.) Because it's a very high cost program for
(16) the colleges. So in general, there are fewer students
(17) in each technical education course on average than
(18) there are in the academic courses.)

(19) (Q.) Do those courses cost more to offer?)

(20) (A.) They do.)

(21) (Q.) Is that a function of the class size or is
(22) that a function of something else?)

(23) (A.) It's a function of both the class size and
(24) the equipment.)

(25) (Q.) When students enroll in a remedial course,

1 is there another test at the end of the course that
2 they take in order to move on, or is it simply you have
3 to achieve a certain grade point average?

4 (A.) There isn't a standardized test that the
5 students have to take to move on. Generally the
6 instructor uses, students get grades for these courses,
7 and the faculty member uses an evaluation method that
8 is traditionally used any other course, midterm exams,
9 homework assignments, final exam, that kind of thing,
10 grade, you know, papers, in a writing course.

11 (Q.) If you get a passing grade, then you would
12 be able to proceed?

13 (A.) Yes.

14 (Q.) What's a passing grade?

15 (A.) A C or better.

16 (Q.) When you test people who are coming into
17 the programs, do you give them some sort of score to
18 indicate where on the spectrum they are? In other
19 words, people who need additional help are slotted into
20 one course and people who are a little further along,
21 say, towards the geometry level of math are in a
22 different course?

23 (A.) Uh-huh, yes.

24 (Q.) You do, okay. What is that system?

25 (A.) Well, as I said earlier, the colleges

(1) don't all use the same placement tests, but generally
(2) how they operate is that they test for a range of
(3) skills and the most common tests that the colleges use
(4) are computer adaptive. So they start at a low level
(5) and if you answer the questions quickly and accurately,
(6) then they fast forward to the next level of math and
(7) they start asking you those questions.

(8) Once you start missing the questions, then
(9) they stop and ask you more questions in that content
(10) area until you're placed into the spot where you have a
(11) hard time. So that's generally how the placement tests
(12) operate.

(13) Q. Then does the course that you have to take
(14) differ based on where you fall in the spectrum?

(15) A. Yes.

(16) Q. Are there letters or numbers that you use
(17) to identify or some kind of label that you use to
(18) identify where a student is on the spectrum?

(19) A. Students get numerical scores on these
(20) tests. Generally those test scores are translated
(21) directly into course placement levels, because to a
(22) student, if they get a 45 or a 50, it's not
(23) meaningful. It doesn't tell them anything. So our
(24) colleges translate those test score results into a
(25) course placement level.

1 Q. Okay.

2 A. And then the course placement level is,
3 what's communicated to the student.)

4 Q. So what would an example of a course
5 placement level be?

6 A. In math, it would be algebra, geometry,
7 intermediate algebra, precalculus.)

8 Q. If you are at, I guess would algebra be
9 the low end of the spectrum, is that --

10 A. Arithmetic is the low end of the spectrum.)

11 Q. If you start out in arithmetic, would you
12 have to progress through a series of remedial courses?

13 A. Yes.)

14 Q. Before you would advance into college --

15 A. College level, yes.)

16 Q. Into college level courses?)

17 A. Uh-huh.)

18 Q. Do you know in general terms where most
19 people enter? In other words, of those people who
20 start in a remedial course, do you keep statistics on
21 how many are enrolled in arithmetic versus algebra
22 versus geometry?

23 A. Yes.)

24 Q. And what do those indicate?)

25 A. Let's see. Most students who place into

(1) precollege math place into intermediate algebra or
(2) geometry, so they place one or two math courses below
(3) college level. That's the majority of the students do.)

(4) Q. (Would that be true for students who are
(5) graduating from public high schools?)

(6) A. (That would be true of students graduating,
(7) leaving public high schools who place below college
(8) level.)

(9) Q. (So that's students who graduate and those
(10) who don't as well?)

(11) A. (Yes, because we don't require a high
(12) school diploma to enroll at a community or technical
(13) college. So we -- and when I say graduate from a
(14) public high school, is that what you said?)

(15) Q. (Yes.)

(16) A. (I assumed that you are thinking about
(17) people who are recent high school graduates, not
(18) somebody who graduated 25 years ago, got laid off from
(19) their job and then enrolls in a college because their
(20) industry is shrinking.)

(21) Q. (Right.)

(22) A. (Yes.)

(23) Q. (I understand there are a lot of people
(24) like that --)

(25) A. (Lots.)

1 Q. -- right now who are entering the system.)

2 A. Yes.)

3 Q. Is that true?)

4 A. Yes. As a matter of fact, 20 percent of
5 our students are recent high school graduates. 80

6 percent of our students are not recent high school
7 graduates.)

8 Q. So 80 percent are coming back in for some
9 sort of retraining?)

10 A. They're older students, yeah. Sometimes
11 people leave high school and they don't want to go
12 directly to college. And they go out to the labor
13 force for a while and they work, and they decide oh, I
14 want to do this and they need a college credential to
15 do that, and they come back in their later 20s or 30s.)
16 That's why our average age is 26.)

17 (Exhibit-140 marked.)

18 A. That's a big stack of paper you have.)

19 Q. It's not as bad as it looks.)

20 A. Oh, this is our new report.)

21 Q. Yes. This is hot off the presses, isn't

22 it?)

23 A. It is.)

24 Q. Is this a report that your research
25 department produced?)

1 A. It is.

2 Q. And that's part of your, that's under your
3 umbrella, correct?

4 A. It is.

5 Q. Can you just identify this for the record?

6 A. It's a research report about students of
7 color.

8 Q. And their access and success in the
9 community colleges?

10 A. Yes.

11 Q. And technical colleges; is that right?

12 A. Yes.

13 Q. Do you know why this report was done?

14 A. Yes. This is an annual or almost annual
15 report that we produce. Our board is interested in
16 students of color and whether we're doing a good job of
17 serving people of color in the state.

18 Q. Why is that?

19 A. Because students of color are
20 underrepresented in higher education and the degree
21 completion rates are lower for people of color who are
22 in college.

23 Q. Why does that matter?

24 A. Let's see. Why does that matter? Let's
25 see. I'm trying to go back to what I said earlier

1 about educational attainment. So our mission statement
 2 about educational attainment is to raise educational
 3 attainment for all. And there are groups of people
 4 historically who have not participated equitably in
 5 higher education, and people of color are among those
 6 groups. So it is one of the policy issues that we
 7 track and because we are concerned about providing
 8 ac *add to* ation through our system for all
 9 se *Sub-134* tion.
 10 groups are, as you said,
 11 un *Case #* n all students aren't getting that
 12 *0-7202323-2* education

13 A. Yes.

14 Q. So can you just in general terms tell me
15 what your study shows you about the various ethnic
16 subgroups that you track? How are they doing?

17 A. I haven't read this report yet. However,
18 I can tell you what the trend has been and what I think
19 this says because I was briefed on the findings of this
20 report before we published it.

21 Q. Please.

22 A. Our college system does really well in
23 terms of access for people of color. 35 percent of our
24 students are students of color compared to 25 percent
25 in the state population. So we do a great job of

1 enrolling people. We also do a great job of
2 contributing to baccalaureate degree attainment. A
3 higher share of people who earn bachelor's degrees in
4 Washington state were transfer students, a higher
5 percentage of people of color who earn bachelor's
6 degrees were transfer students. So we know we're
7 providing a very positive contribution to educational
8 attainment at a number of levels for people of color.

9 We also know that our retention rates for
10 students of color are lower than the retention rates
11 overall for our student population, and so that's a
12 concern for us. And we know that a lot of our Latino
13 students in particular are in basic skills programs,
14 ESL programs, and the transition from ESL to college
15 level is low. So that's an area where we're doing some
16 work.

17 Q. What kind of work are you doing?

18 A. We've created a program called I-BEST,
19 which is integrated adult basic education and
20 vocational training. So students can get blended
21 instruction with two teachers in the classroom at the
22 same time, learning English language and job skills
23 simultaneously.

24 Q. Interesting. Two teachers in the
25 classroom at the same time?

1 A. Uh-huh.

2 Q. How does that work?

3 A. They team-teach and the ESL teacher
4 redesigns the ESL portion of the course so that the
5 English language is contextual. It's all about, it's
6 vocabulary and that's related to the occupation that
7 the student is studying. And the vocational instructor
8 redesigns the vocational part of the curriculum to put
9 more focus on language acquisition along with the
10 vocational training.

11 In other words, let's say there's a safety
12 component to the course and so there will be safety
13 signs with some translations all around the classroom
14 for the students to understand not only the content of
15 the training, but the English language conversion of
16 that content.

17 Q. It sounds like a program that, well, it
18 sounds like something you don't get an extracurricular
19 curriculum off the shelf for.

20 A. No, you don't.

21 Q. How is the curriculum for that kind of
22 course designed?

23 A. The teachers work together to redesign
24 their curriculum.

25 Q. Okay.

1 A. That's why it's a team-taught course.

2 Q. Is that a program that's offered
3 throughout the college system?

4 A. Yes.

5 Q. Can you give me a sense of how large that
6 program is?

7 A. I think we have this year a thousand
8 full-time equivalent students in I-BEST programs.

9 Q. And has the program been successful in
10 helping students complete their course work?

11 A. Very successful.

12 Q. Can you give me a sense for how, like put
13 a number on that for me? And approximates are fine.
14 I'm not trying to test you.

15 A. Right, right. I'm hesitating because
16 we've looked -- this is a fairly recent program so
17 we've looked at it several times, but the college
18 credit earning activity by the students is two or three
19 times what a sequential system would look like. So
20 sequential would be, you got to finish your English
21 proficiency first and then enroll in a vocational
22 training program.

23 Q. Oh, I see.

24 A. So this one by definition they're doing it
25 at the same time. They're improving their English

1 proficiency and they're getting vocational training.
2 So the course completion rates are very high. Their
3 language acquisition is very speeded up. It's a great
4 program.

5 Q. How long has the program been in
6 existence?

7 A. Oh, let's see. Maybe four years. We had
8 a two-year pilot phase to develop the model and it's
9 been system-wide for about the last two years.

10 Q. Are there additional state funds provided
11 for that program, the I-BEST program?

12 A. We did receive in this current biennium a
13 targeted appropriation to expand I-BEST.

14 Q. I would imagine it's more expensive than
15 sitting in the classroom?

16 A. It is, with one teacher.

17 Q. With one teacher.

18 A. Yes, it is.

19 Q. Is the I-BEST program only for students
20 who are taking English as a second language courses?

21 A. No, we have some I-BEST programs for
22 students in adult basic education too, for people who
23 are native English speakers but have low literacy
24 levels.

25 Q. Are the completion rates for those

1 students also improved through the I-BEST program?

2 A. Yes.

3 Q. If you wouldn't mind turning to page 2,
4 under Access Findings, the third bullet down, "Part of
5 college level access is full preparedness for college
6 work at admission."

7 A. Uh-huh.

8 Q. Can you expand on that a little bit for
9 me?

10 A. Because we have so many Hispanic students
11 in particular in adult basic education, in ESL classes,
12 that we look at representation among people of color by
13 type of program, because for us, if it's about raising
14 educational attainment. If we have large percentage of
15 Latino students in ESL but they're underrepresented in
16 college programs, then we're not satisfied. So I think
17 that's what this bullet is referring to, is that we
18 look at, and I didn't read the whole bullet here, but
19 that we do look at the representation by level, level
20 of offering; that we distinguished between
21 representation in adult basic education classes, which
22 is high. We also want to see adequate -- our target,
23 our goal is to have appropriate representation in
24 college level programs as well.

25 Q. Let's flip to the next page.

1 A. Okay.

2 Q. Second bullet down.

3 A. Uh-huh.

4 Q. The last says, "Additional analysis in the
5 report shows that students of color who are not
6 successful longer term were extremely likely to leave
7 college very early after the first quarter."

8 A. Uh-huh.

9 Q. What does it mean by "successful longer
10 term"?

11 A. I'm not sure. I would assume that means
12 completing associate degrees or transferring. That's
13 what I will assume.

14 (Exhibit-141 marked.)

15 Q. Can you identify this exhibit for me,
16 please?

17 A. Yes. This is the system direction for the
18 community and technical college system. It's a 10-year
19 plan.

20 Q. How was it created?

21 A. It was created by our board, and the
22 presidents and trustees helped write it and review it.

23 Q. Do you work with members of the business
24 community in putting this together?

25 A. I'm trying to remember. I should know

1 these things. I don't think we worked directly with
2 members of the business community. We have business
3 members who are on our board, business and labor people
4 who are on our board. I don't recall working with the
5 business community outside of that on this.

6 Q. If I remember correctly, part of your
7 mission you said was to prepare students for work; is
8 that correct?

9 A. Uh-huh, yes.

10 Q. Why don't we go to page 3. This generally
11 talks about the need for a talented workforce and the
12 changing economy. Can you tell me a little bit about
13 how the system is adapting to meet the needs of today's
14 economy?

15 A. Yes. Let me see. I can think of a couple
16 of examples. One is that we focus our vocational
17 program offerings on demand occupations. So where we
18 understand that there are unmet needs for skilled
19 workers in particular fields, that we ramp up our
20 training programs in that area. So one good example of
21 that is nursing.

22 There's a national shortage of registered
23 nurses and our colleges are largely responsible for
24 newly trained registered nurses going out into the
25 workforce in Washington state. So over the last six

1 years, we have doubled the capacity of our output of
2 associate degree nurses into the labor force, which
3 requires a lot of effort to do that. So that's one, is
4 that we pay a lot of attention to skill gaps in the
5 labor force and work hard to meet those.

6 Secondly, we have what's called centers of
7 excellence, which are 11 colleges who have been
8 designated and provided some additional resource, small
9 additional resource from our office to be the statewide
10 experts in fields that drive the state's economy for
11 which we're the predominant trainers. So we have
12 centers of excellence in energy, in agriculture,
13 information technology, healthcare, transportation.
14 I'm going to forget other ones. And they're focal
15 points for paying special attention to the needs of the
16 labor market and employers.

17 Q. Would you agree that the economy demands
18 higher levels of knowledge and skills?

19 A. I would agree that the needs of the
20 economy are increasing, have been increasing over time,
21 yes. The long-term trend is that workers need higher
22 levels of education in general.

23 Q. And why is that, to your understanding?

24 A. I think technology has had a big impact on
25 jobs and therefore technology has had a big impact, and

1 that has meant there are fewer workers producing things
2 and that means that workers need to know more, have a
3 broader set of skills than they had a hundred years ago
4 or 50 years ago.

5 Q. It says, "As resource-based industries
6 decline"?

7 A. Uh-huh.

8 Q. Is that what you're talking about?

9 A. Yes.

10 Q. "Knowledge-based industries take their
11 place."

12 So is it true that the sources of
13 resourced-based jobs are declining in the economy?

14 A. I believe that's the case. I'm not an
15 economist. So I think, I can talk about what's in this
16 document.

17 Q. Sure.

18 A. But you might want to ask somebody who has
19 got more expertise in terms of labor market trends.

20 Q. Sure. But the state board is preparing to
21 educate citizens for more knowledge-based jobs?

22 A. Yes.

23 Q. In fact, it's part of your mission to
24 prepare students for those knowledge-based jobs?

25 A. Yes.

1 Q. Those sorts of jobs, "require people to be
2 more flexible, innovative and creative," I'm just
3 reading here.

4 A. Yes.

5 Q. And in order to get those kinds of jobs,
6 is that tied to the education that an applicant has?

7 A. I think there is a relationship, yes.

8 Q. How would you describe that relationship?

9 A. Let me see. Overall, the types of jobs
10 that are growing in the economy are jobs that require
11 higher levels of education, and jobs that are shrinking
12 in the economy are jobs that don't require much
13 education. And further, jobs that pay higher wages are
14 jobs that have higher levels of education attached to
15 them.

16 Q. On this following page with the three
17 graphs, when it says, "Growth will be concentrated in
18 populations of color"?

19 A. Yes.

20 Q. Can you explain that for me a little bit?

21 A. Sure. What this means is that the
22 populations of color in Washington state, this is also
23 true nationally, in Washington state are growing at a
24 faster rate than the white population has been
25 growing. So there's been a long-term trend in our

1 state as elsewhere of the share of the population that
2 is from people of color has been increasing over time.
3 So that's the point that this chart is making, is that
4 if you look at the net growth in the population, that
5 half of the net growth in the population is coming from
6 people of color.

7 Q. The report that we looked at just prior to
8 this, people of color.

9 A. Yes.

10 Q. Which is Exhibit-140.

11 A. Yes.

12 Q. That indicates that the people of color
13 have much lower educational attainment than their white
14 counterparts?

15 A. Yes.

16 Q. Is that true?

17 A. Yes, that's true.

18 Q. So what does that mean for Washington if
19 our population growth is among communities who don't
20 have the education, the same in educational attainment
21 as their white counterparts?

22 MR. CLARK: Objection, calls for
23 speculation. If you can answer the question, you can
24 go ahead.

25 A. Okay, can you rephrase the question?

1 Q. Sure. I guess what I'm trying to get at
2 is, the sentence that says, "The trend toward increased
3 diversity poses critical issues in the effort needed to
4 raise workers' skill levels."

5 A. Yes.

6 Q. I'm wondering whether that is in part due
7 to the fact that populations of color are increasing?

8 A. Yes. So from a college education
9 standpoint, which is what I worry about, if we have
10 groups that have a harder time staying in school and
11 earning degrees, and those populations are growing over
12 time, then we need to worry about that. Not that we
13 won't worry about it if they weren't growing over
14 time. It means that the issue is going to grow over
15 time if everything stays the same.

16 Q. The issue is going to become more severe?

17 A. Yes. It'll be a bigger problem over time.

18 Q. In fact, a greater percentage of people of
19 color who apply to the state technical and community
20 colleges are unprepared for the college level course
21 work; is that correct?

22 A. Yes, that's true, for a variety of
23 reasons.

24 Q. But those are the students who are more
25 likely to be placed in the remedial courses than

1 others; is that true?

2 A. Yes, that's true. For us, the predominant
3 factor is language proficiency and it's older students,
4 not direct-from-high-school students, in terms of
5 volume of activity and volume of the issue. So I
6 talked a little earlier about the I-BEST program and
7 it's one of the reasons we created the I-BEST program,
8 is in direct response to these issues that you have
9 quoted from these reports.

10 Q. Yes. Is the same trend true, though, for
11 students who are coming directly from high school or in
12 that three-year window after high school?

13 A. You mean for students of color?

14 Q. Yes.

15 A. Coming directly from high school?

16 Q. Yes.

17 A. I don't know that for sure.

18 Q. For those students who are needing to
19 enroll in remedial courses, that tells you, I believe
20 you testified, that they're not prepared for college
21 level classes, right?

22 A. Uh-huh, yes.

23 Q. Does that tell you whether they're
24 prepared for work as well?

25 A. That, I don't know. I think that's a good

1 statement about people who leave high school in
2 relationship to work.

3 Q. Let's go to page 5.

4 A. Okay.

5 MR. CLARK: Which exhibit, 141?

6 MR. ROBB: 141.

7 Q. Would you mind reading the last two
8 sentences of that first paragraph starting with "these
9 adults"?

10 A. "These adults" --

11 MR. CLARK: Do you want her to read it
12 aloud or to herself?

13 Q. Why don't you read it aloud.

14 MR. CLARK: Objection. I mean, the
15 document speaks for itself, Edmund.

16 MR. ROBB: Okay.

17 MR. CLARK: Do you want her to read it
18 aloud?

19 MR. ROBB: Please.

20 A. "These adults will be in the workforce for
21 the next 30 years and too many are stuck in low wage
22 jobs not fully contributing to a strong vibrant
23 economy. It is essential to improve educational
24 attainment among these undereducated adults to meet the
25 knowledge and skills demanded by the state's economy."

1 MR. CLARK: So the record is clear, the
2 reference to adults is adults 25 to 35 years old in the
3 prior sentence.

4 THE WITNESS: That's correct. I think
5 here we are trying to make the case that there are a
6 lot of people in our labor force who only have a high
7 school diploma, and that the needs of the economy are
8 driving towards jobs that require higher levels of
9 education.

10 Q. So in order to take part in today's
11 knowledge-based economy, often a high school degree is
12 not enough?

13 A. Yes.

14 Q. What about for those people who leave high
15 school without a degree?

16 MR. CLARK: What's the question?

17 Q. That certainly isn't enough; would you
18 agree?

19 A. I would agree that if someone leaves high
20 school and doesn't further their education at some
21 point, that their job opportunities are going to be
22 limited.

23 Q. In fact, it's not just a diploma that's
24 important; is that right?

25 A. For certain jobs.

1 Q. Yes.

2 A. Yes, certain jobs require post-secondary
3 education.

4 Q. Or I guess what I'm getting at is that
5 jobs require knowledge and skills, and not simply a
6 piece of paper?

7 A. Yes. I think the whole idea of a piece of
8 paper -- okay. I guess I'm not sure what you're
9 saying.

10 Q. Okay.

11 (Exhibit-142 marked.)

12 Q. You recognize this I take it?

13 A. I do, yes.

14 Q. Tell me about this report.

15 A. This is a research report that we refer to
16 as the tipping point study.

17 Q. What is the tipping point?

18 A. This was an analysis about at what point
19 does education make a substantive earnings difference
20 to people.

21 Q. What does it conclude?

22 A. It concludes that in order to make a
23 substantive difference, that students need a year of
24 college and a credential. A substantive difference in
25 earnings.

1 Q. And what is that substantive difference?

2 A. I think it's --

3 Q. Page 30 is where you've got it.

4 A. -- in here.

5 It essentially says the farther behind you
6 start in terms of your education level, the greater the
7 gain from getting to the tipping point.

8 Q. The farther behind you start?

9 A. In terms of your skill level. So adult
10 basic education students have more to gain from getting
11 to the tipping point than somebody who is a high school
12 graduate.

13 Q. Okay.

14 A. So in terms of their net difference in
15 earnings.

16 Q. Because their earnings otherwise would be
17 so low?

18 A. Yes.

19 Q. Okay.

20 A. On average. So this study is one of the
21 reasons why we developed the I-BEST program.

22 Q. We've talked about students of color.

23 A. Yes.

24 Q. Do you also track the achievement of
25 students from low income families?

1 A. We're starting to do that now. We don't
2 routinely have a means for identifying the income
3 levels of our students. We don't ask them that
4 question as part of the enrollment process. We ask
5 them their age and their gender and their race. We
6 don't ask them how much their family income is.

7 Q. Not in the financial aid process?

8 A. Yes, we do in the financial aid process,
9 but only students enrolled in financial-aid-eligible
10 programs fill out financial aid applications. So, for
11 example, adult basic education students aren't eligible
12 for financial aid.

13 Q. What other programs aren't eligible for
14 financial aid?

15 A. Short-term training programs are not
16 eligible.

17 Q. What are the short-term training programs?

18 A. Programs that are less than a year,
19 certificate. We have some training programs that are
20 10 weeks long.

21 Q. Generally speaking, what sorts of training
22 are people getting in those programs?

23 A. There are some, a common one is child
24 care.

25 Q. Okay.

1 A. So there is a child care credential whose
2 name I can't quite remember at the moment.

3 Q. Is that for preschool teachers?

4 A. It's for child care workers.

5 Q. So you say you're beginning to track
6 income?

7 A. Yes.

8 Q. How are you doing that?

9 A. We matched our student enrollment records
10 with census data, and so the census has, as you may or
11 may not remember, they ask you what your family income
12 is on the census. So we have been able to map
13 neighborhoods with income levels in those neighborhoods
14 and so we know that people who have similar
15 socioeconomic circumstances tend to live in the same
16 neighborhoods. So if students -- and we have student
17 addresses. So if they come from those neighborhoods,
18 we can guess or estimate what their socioeconomic
19 status is by where they live.

20 Q. Why have you begun to track this?

21 A. Because income, being able to understand
22 what happens with our students by income across the
23 board, access, what kinds of programs they enroll in,
24 their student progress, we have not been able to
25 understand that by income, by family income, and so it

1 was a breakthrough for us to figure out how to do that
2 without asking the students.

3 We didn't want to ask. It's an intrusive
4 question and the experience is nationally that lots of
5 people don't respond or they interpret the question
6 differently. Do you mean my income? Do you mean my
7 total family income? And interestingly, people are
8 often wrong.

9 Q. About their own income?

10 A. Yeah, because are you talking about my
11 paycheck, are you talking about my total compensation
12 package? So people, you know, they interpret it
13 differently. So the responses aren't very accurate.
14 So this is a way of getting more accurate information
15 about the socioeconomic profile of our students.

16 Q. So far, what you have been able to
17 determine from looking at the income of your students?

18 A. Well, a couple of interesting things. One
19 is that we determined that the lowest income students,
20 lowest income people don't come to college directly out
21 of high school. That lower income, people from lower
22 income families tend to delay coming to college when
23 they come.

24 Secondly, they tend to enroll in workforce
25 training programs rather than academic transfer

1 programs, which is not a bad thing. But if people have
2 a hard time, if our workforce training programs are not
3 accepted as transfer-eligible by universities, that
4 means that the lowest income students have barriers set
5 up for them to furthering their education up to the
6 baccalaureate level and beyond. So that's a concern
7 for us.

8 Q. Those workforce training programs, are
9 they accepted as transfer?

10 A. Some of them are, and some of them are
11 not. So that's one of the systemic policy issues that
12 we have been working on ourselves and with the
13 universities. Because of this socioeconomic analysis
14 we've been able to determine that the pathways to
15 higher raising educational attainment are tougher on
16 low income people because of the types of programs
17 they're enrolled in.

18 So it's not because they're low income in
19 and of itself. It's because they gravitate towards job
20 training programs. These are folks that need to go out
21 and get jobs as quickly as possible to help support
22 themselves and their families.

23 MR. ROBB: I think I'm done.

24 THE WITNESS: Great.

25 MR. CLARK: I want to ask you something

1 before we conclude. I don't know that I'll have any
2 questions, but before I let you go, I want to ask you
3 something.

4 (Discussion off the record.)

5 MR. CLARK: I do have a question before we
6 discharge the witness.

7

8 EXAMINATION

9 BY MR. CLARK:

10 Q. Ms. Yoshiwara, do the community and
11 technical colleges require students to take and pass
12 math courses in order to get a degree or a certificate?

13 A. Yes, all of our associate degree programs
14 require that students complete a college level math
15 course and a college level writing course. It's a
16 requirement of all of our degrees.

17 MR. CLARK: Okay. That's all I have.

18 (Deposition concluded at 11:39 a.m.)

19 (Signature reserved.)

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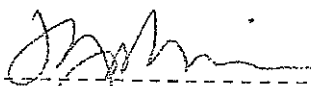
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C H A N G E S H E E T

PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,
SHOWING PAGE, LINE AND REASON.

PAGE LINE CORRECTION AND REASON

Page	Line	Correction and Reason
12	17-19	which is the division that I head, includes instruction, student services, policy research and eLearning. Clarifies response
15	13	upon technical associate degrees. Reporter misunderstood what was said.
17	19	could argue that a law degree is a workforce... Reporter misunderstood what was said.
22	10	literacy class at night and we don't test them. Clarifies response.
26	10	That's a term we use when somebody... Grammatical correction.
28	11-12	I'm not sure I would characterize it... Clarifies response.
65	9	He is one of the nine members of their... Grammatical correction.


JANICE L. YOSHIWARA, 30(b)(6)
TAKEN: March 25, 2009

Re: McCleary v. State of WA, No. 07-2-02323-2 SEA
Reporter: Margaret Walkky