

2-4-2010

**Submission of Deposition Testimony by Rod Regan**  
**07-2-02323-2-152**

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3 **BEST IMAGE POSSIBLE**

**FILED**  
KING COUNTY, WASHINGTON

**FEB 04 2010**

**SUPERIOR COURT WASHING  
BY NANCYL SEYE**

8 THE HONORABLE JOHN P. ERLICK

9 **STATE OF WASHINGTON**  
10 **KING COUNTY SUPERIOR COURT**

11 MATHEW & STEPHANIE McCLEARY,  
12 on their own and on behalf of KELSEY &  
13 CARTER McCLEARY, their two children  
14 in Washington's public schools;  
15 ROBERT & PATTY VENEMA, on their  
16 own behalf and on behalf of HALIE &  
17 ROBBIE VENEMA, their two children in  
18 Washington's public schools; and  
19 NETWORK FOR EXCELLENCE IN  
20 WASHINGTON SCHOOLS ("NEWS"), a  
21 state-wide coalition of community groups,  
22 public school districts, and education  
23 organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

NO. 07-2-02323-2 SEA

SUBMISSION OF DEPOSITION  
TESTIMONY BY ROD REGAN

22 The parties offer into Evidence the following deposition testimony designations and  
23 exhibits, corresponding objections and attached pages from the July 10, 2009, deposition  
24 transcript for trial witness Rod Regan:  
25  
26

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

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

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
24:13-21		
26:8-27:3		
28:1-5		
28:24-30:24		
31:11-33:3		
38:7-18		
38:22-39:13		
39:16-17		
39:19-22		
39:25-40:7		40:2-7 Resp. moves to strike as non-responsive <i>petitioners oppose motion to strike for reasons stated in transcript</i>
40:10-20		40:12-20 Resp. moves to strike as non-responsive <i>petitioners oppose motion to strike</i>
40:23		
41:1-3		41:2-3 Resp. moves to strike as non-responsive <i>petitioners oppose motion to strike</i>
41:6-7		
41:10-11		
41:14-15		
46:6-25		
48:1-16		

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
50:1-7		
50:21-51:3		
71:3-15		
75:15-21		
76:21-77:15		
77:24-78:21		78:20-21 Resp. moves to strike as non-responsive <i>both times oppose motion to strike</i>
78:25-79:10		
82:5-83:6		
85:1-3		
86:18-23		
97:18-25		
103:12-104:8		
104:24-105:13		

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

Page: Line Range	Trial Exhibit Offered	Petitioners' Objections
5:17-25		
7:21-24		
9:15-10:6		
14:18-24		
15:3-9		
15:18-21	Resp. offers Tr. Ex. 1350 (Dep. Exs. 2008-2009)	

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<b>Page: Line Range</b>	<b>Trial Exhibit Offered</b>	<b>Petitioners' Objections</b>
16:3-10		
18:5-19:1		
19:11-20:2		
20:9-20		
20:25-23:22		
24:9-12		
24:22-26:7		
27:4-25		
28:14-23		
34:22-36:14		
36:19-22		
37:4-8		
37:10-38:5		
38:19-21		
40:8-9		
40:21-22		
41:4-5		
41:8-9		
42:10-43:12		
43:21-45:20		
48:17-49:25		
50:8-20		
51:4-52:8		

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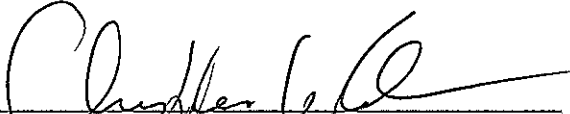
<b>Page: Line Range</b>	<b>Trial Exhibit Offered</b>	<b>Petitioners' Objections</b>
54:8-11		
64:11-66:14	Resp. offers Tr. Ex. 1352 (Dep. Ex. 2010)	
68:19-69:24		
70:6-24		
71:16-24		
72:11-24		
74:14-75:14		
75:22-25		
77:16-23		
78:22-24		
79:19-80:10		
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83:7-84:25		
85:14-86:17		
86:24-87:7		
87:25-88:13		
89:7-90:22		
91:2-93:11		
93:15-97:17		
98:1-18		
98:23-25	Resp. offers Tr. Ex. 1354 (Dep. Ex. 2018)	
99:7-100:10		


Page: Line Range	Trial Exhibit Offered	Petitioners' Objections
100:18-101:15		
101:22-102:14		
104:17-23		
106:4-11	Resp. offers Tr. Ex. 1355 (Dep. Ex. 2020)	Petitioners admit that Trial Exhibit 1355 is an unsigned letter that the Respondent obtained from a 1983 court file and can be admitted as such. Because the document is over 25 years old, it would be considered an ancient document.

DATED this 20<sup>th</sup> day of October, 2009.

FOSTER PEPPER PLLC

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1                                    IN THE SUPERIOR COURT  
 2                                    OF THE STATE OF WASHINGTON  
 3                                    IN AND FOR THE COUNTY OF KING

4 -----  
 5 MATHEW & STEPHANIE McCLEARY, on )  
 6 their own behalf and on behalf )  
 7 of KELSEY & CARTER McCLEARY,    )  
 8 their two children in                )  
 9 Washington's public schools;        )  
 10 et al.,                                )

11                                    Petitioners,                            )

12                                    vs.                                        ) No. 07-2-02323-2 SEA

13 STATE OF WASHINGTON,                )

14                                    Respondent.                            )

15 -----  
 16                                    Deposition Upon Oral Examination Of  
 17                                    ROD REGAN

18 -----  
 19                                    2:05 o'clock p.m.

20                                    Friday, July 10, 2009

21                                    800 Fifth Avenue, Suite 2000

22                                    Seattle, Washington

23  
 24 REPORTED BY: Michelle E. Diskin, RPR

25                                    CSR 2657



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25

## 1 EXHIBITS

2	NO.	DESCRIPTION	PAGE
3	2007	Amended Notice of Deposition	13
4	2008	Subpoena <span style="border: 1px solid black; padding: 0 2px;">TrEx 1350</span>	14
<span style="border: 1px solid black; padding: 0 2px;">TrEx 1350</span>	2009	Collection of subpoenaed WEA documents	17
6	2010	Email dated July 9, 2009, from Aimee	63
7	<span style="border: 1px solid black; padding: 0 2px;">TrEx 1351</span>	Iverson to Bill Clark	
8	2011	WEA document beginning "HB 1410 and	79
9		SB 5444: The wrong bills at the wrong	
10		time"	
11	2012	CD "Show Me the Money" <span style="border: 1px solid black; padding: 0 2px;">TrEx 1352</span>	85
12	2013	Email dated January 26, 2009, from	85
13		Rod Regan to Speaker Frank Chopp	
14	2014	CD "We Can Get It Done" <span style="border: 1px solid black; padding: 0 2px;">TrEx1353</span>	91
15	2015	Email dated April 10, 2009, from Rod	91
16		Regan to Speaker Frank Chopp	
17	2016	Document beginning "Possible floor	92
18		speech material"	
19	2017	Email dated March 11, 2009, from	93
20		Lucinda Young to various Washington	
21		State House Representatives, with	
22		attached HB 2261 testimony	
23	2018	Letter dated April 18, 2009, from	98
24	<span style="border: 1px solid black; padding: 0 2px;">TrEx 1354</span>	Laura Bay to Mary Lindquist	
25			

1                                    E X H I B I T S (Continued)

2	NO.	DESCRIPTION	PAGE
3	2019	Letter dated May 1, 2009, from Mary	100
4		Lindquist to Governor Christine	
5		Gregoire	
6	2020	Letter dated January 28, 1983, from	106
7	TrEx 1355	Faith Hanna to Don Johnson	

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E X A M I N A T I O N

BY	PAGES
MR. CLARK	5 - 109

1 Seattle, Washington; Friday, July 10, 2009

2 2:05 P.M.

3 -----

4 ROD REGAN, witness herein, having been  
5 duly sworn by the Notary,  
6 testified as follows:

7 E X A M I N A T I O N

8 BY MR. CLARK:

9 Q. Good afternoon, Mr. Regan, is it?

10 A. Regan.

11 Q. Regan, thank you. Mr. Regan, my name is  
12 Bill Clark and I'm an Assistant Attorney General with  
13 the State Attorney General's office in Seattle here,  
14 and I'm one of the lawyers representing the State in  
15 the case of McCleary versus State, the basic education  
16 funding lawsuit.

17 (And could we start today by having you state  
18 your name for the record, please.)

19 A. (Rod Regan.)

20 Q. (That's R-e-g-a-n?)

21 A. (Yes.)

22 Q. (Mr. Regan, where do you live?)

23 A. (I live at 4825 49th Avenue South, Seattle,  
24 98118, and my legal name is James, but I work under  
25 Rod, so --)

1 counsel concerning the deposition process, but I'll  
2 just go over a few brief ground rules before we  
3 proceed.

4 As you know from prior experience and  
5 because you were asked to raise your right hand, it's  
6 testimony under oath as if you were in a court of law,  
7 even though we aren't in a court of law today.

8 I will be asking you a series of questions.  
9 When I conclude, Mr. Emch, who represents the  
10 petitioners in our case, may have questions for you.  
11 Indeed, perhaps your own counsel may have questions  
12 for you, but that's how we will proceed.

13 If any of my questions are vague or  
14 ambiguous or you just don't flat-out understand them,  
15 ask me to repeat or rephrase and I'll be happy to do  
16 so, and if I don't hear from you that I need to  
17 restate the question, I will just assume you  
18 understand it and I'll pay attention to your answer  
19 accordingly. Is that okay?

20 A. Yes.

(21) Q. (Are you represented by counsel today?)

(22) A. (Yes.)

(23) Q. (For the record, who is that?)

(24) A. (Faith Hanna and Shelby Hopkins.)

25 Q. We were introduced, but you have to say it

1 begin?

2 A. No.

3 Q. When we're through, a transcript will be  
4 generated, and you'll have the opportunity to review  
5 it and make changes to it to make it reflect the  
6 testimony that you gave today, and they can range from  
7 punctuation or grammar to some matter of substance.  
8 You have the right to make those changes. If we get  
9 to trial and you were to testify there and you were to  
10 testify contrary to what your deposition said, it may  
11 be pointed out that you said this in your deposition  
12 and now you're saying that at trial. That  
13 notwithstanding, you do have the right to make changes  
14 to the transcript.

(15) Who is your current employer, sir?

(16) A. Washington Education Association.

(17) Q. How long have you worked for the WEA?

(18) A. For 19 years.

(19) Q. Since around 1990?

(20) A. Yes.

(21) Q. What position do you currently hold with the

(22) WEA?

(23) A. Managing director.

(24) Q. How long have you been the managing

(25) director?

① A. Approximately four months.

② Q. What position did you hold with the WEA  
③ prior to managing director?

④ A. Legislative and political director.

⑤ Q. And how long did you hold that position?

⑥ A. Approximately two years.

7 Q. Could you just give me a brief summary of  
8 the positions you've held with the WEA and indicate  
9 for me whether you're starting from the start and  
10 leading up or if you're going backwards so I can keep  
11 track.

12 A. I'll try to recall them. I'm not sure that  
13 I'll be able to recall them all.

14 Q. Sure.

15 A. I started as a community organizer for the  
16 WEA. I then became the health care field  
17 representative. I then was the compensation organizer  
18 for the WEA, special projects organizer, political  
19 organizer, political manager, legislative and  
20 political director, managing director, approximately.

21 Q. All right. That spans the 19-year career  
22 you've had with WEA?

23 A. I was on a small contract to begin with, but  
24 that spans the 19-year career.

25 Q. Where did you work prior to joining the WEA?

1 Q. The Exhibit-2007 is entitled "Amended Notice  
2 of Deposition of Washington Education Association  
3 Pursuant to CR 30(b)(6)." The notice has three  
4 exhibits to it, Exhibits 1, 2, and 3. Have you  
5 reviewed the entire document before, including the  
6 attachments or exhibits?

7 A. Yes, I have reviewed them.

8 Q. On page 2 of Exhibit-2007 is a series of six  
9 topics and my question of you is, are you the person  
10 designated by the Washington Education Association in  
11 response to this notice of deposition?

12 A. Yes.

13 Q. And are you here to testify as to all six of  
14 the topics that are on page 2 of Exhibit-2007?

15 A. Yes.

16 MR. CLARK: Let's go to 2008.

17 (Exhibit-2008 marked.)

18 (Q.) (You've been handed what's been marked as  
19 Exhibit-2008 to your deposition, Mr. Regan. Have you  
20 seen this document before?)

21 (A.) (I may have.)

22 (Q.) (Were you aware that our office had sent a  
23 subpoena to the WEA?)

24 (A.) (Yes.)

25 Q. Are you aware that we have received some



1 documents in response to that subpoena?

2 A. Yes.

3 (Q.) (Were you involved in the effort to either)  
4 (identify or gather the documents that were produced to)  
5 (us?)

6 (A.) (Yes, to some degree.)

7 (Q.) (And are you generally familiar with what was)  
8 (produced to us?)

9 (A.) (Yes.)

10 Q. Who else worked on the response to the  
11 subpoena, Exhibit-2008?

12 A. Aimee Iverson.

13 Q. What is Aimee Iverson's position?

14 A. General counsel.

15 Q. Anyone else assist in the effort to  
16 respond --

17 A. I don't know for sure.

18 (Q.) (What effort did you undertake in order to)  
19 (either identify or gather documents for production in)  
20 (response to Exhibit-2008?)

21 (A.) (I went through my email on my computer.)

22 Q. Do you know who, within the WEA, was asked  
23 to look for documents in response to our subpoena?

24 A. I believe that Lucinda Young in our  
25 government relations office was asked.

1 Q. Anyone else?

2 A. I don't know.

3 (Q.) (Did you gather documents from the files you  
4 reviewed for response?)

5 (A.) (I think they already had the documents.)

6 (Q.) (That were responsive to the subpoena?)

7 (A.) (Yes, yeah.)

8 (Q.) (So, you reviewed them after they were all  
9 put together?)

10 (A.) (Yeah, yes.)

11 Q. Do you know if Lucinda Young provided any  
12 documents?

13 A. I don't know.

14 Q. Do you know if Aimee Iverson either provided  
15 or located responsive documents?

16 A. Yes.

17 Q. Did Ms. Iverson have the primary  
18 responsibility for doing so?

19 A. Yes.

20 Q. Keep those two available to you. I only  
21 have one of these because they didn't make extra  
22 copies, so let me have this marked. I don't have a  
23 lot of questions about it, but it will be available  
24 for all of us.

25 MR. CLARK: Could you mark this as the next

1 MS. HOPKINS: They're not Bates-stamped.

2 MR. CLARK: We could probably put it in the  
3 right order.

4 Q. My question doesn't necessarily relate to  
5 the order of it. My question will be, (does it appear)  
6 to be the complete set of materials that were produced  
7 to us?)

8 A. Other than this one (indicating), I believe  
9 I've seen them all. I may have missed this in going  
10 through them. This may have been behind something,  
11 but other than that --

12 Q. Can you identify the record you're referring  
13 to.

14 A. Communication from LeAnn Perry to Lan Nguyen  
15 in Speaker Chopp's office with information for Speaker  
16 Chopp, and it is several emails back -- a couple  
17 emails back and forth on that, and then some talking  
18 points on the Basic Education Finance Joint Task  
19 Force.

20 Q. All right. The person who sent the email to  
21 Speaker Chopp, you mentioned the name?

22 A. It's Bill Freund, is the beginning of the  
23 email.

24 Q. Do you believe that that was part of the  
25 documents?)

1           A.    (I just missed it.)

2           Q.    Is it a document that comes out of the files  
3 of the WEA?

4           A.    I'm sorry?

5           Q.    Is it a document that comes out of the files  
6 of the WEA?

7           MS. HANNA:  Could we take a break, go off  
8 the record for just a minute?

9           MR. CLARK:  Sure.

10                   (Discussion off the record.)

11           Q.    (Is it a document that comes out of the files  
12 of the WEA?)

13           A.    (Yes.)

14           Q.    (Bill Freund, what position, if any, does he  
15 hold with the WEA?)

16           A.    (He's the lobbyist for the WEA.)

17           Q.    (Was he a lobbyist at the time of the  
18 generation of that document you identified?)

19           A.    (Yes.)

20           Q.    (Now that we have questions or issues about  
21 that particular document resolved, does this  
22 collection appear to you to be the complete paper  
23 response to our subpoena to the WEA?)

24           A.    (Yes, it appears to me to be that.)

25           Q.    (Are these all records that came out of the

(1) files of the WEA?)

(2) (A.) I would assume that they did, yes.)

3 Q. Whether they are documents that were sent to  
4 the WEA or from the WEA to someone else, are they all  
5 documents that are kept and maintained in the ordinary  
6 course of the business operations of the WEA?

7 A. Could you ask that again. I'm not sure I'm  
8 following what you're asking.

(9) (Q.) (Are the records that are collected in)  
(10) Exhibit-2000 -- is it 2009?)

(11) (A.) Yes.)

(12) (Q.) -- whether they are generated by somebody at)  
(13) the WEA or whether they are sent by someone to the)  
(14) WEA, do they all appear to you to be records that are)  
(15) kept and maintained in the files of the WEA as part of)  
(16) the business that the WEA conducts?)

(17) (A.) Yes.)

(18) (Q.) Do they all appear to be authentic  
(19) documents?)

(20) (A.) Yes.)

21 Q. Do you know if there are any other documents  
22 that have yet to be collected and produced to us in  
23 response to the subpoena?

24 A. No, I don't know.

(25) (Q.) (As far as you know, the production is)

1 complete?

2 A. As far as I know.

3 (Q.) (What is, generally speaking, the business of  
4 the Washington Education Association?)

5 (A.) (It's -- the business of the Washington  
6 Education Association is to represent the members of  
7 the Washington Education Association in collective  
8 bargaining with school districts to make sure that  
9 they have the resources that they need to do their  
10 jobs and that they are protected in their jobs and  
11 that school districts follow the collective bargaining  
12 agreements.)

13 (Q.) (Does the WEA from time to time conduct  
14 lobbying activities?)

15 (A.) (Yes.)

16 (Q.) (Does it lobby the Legislature of the State  
17 of Washington?)

18 (A.) (Yes.)

19 (Q.) (Does it tend to do so each and every year?)

20 (A.) (Yes.)

21 (Q.) (And what is the purpose of the lobbying  
22 efforts that are made by the WEA?)

23 (A.) (To represent the interests of our members.  
24 The State Legislature determines the budgets and  
25 determines the laws that govern our members' lives in

(1) the classroom.)

(2) (Q.) (So, you advance positions on behalf of your  
(3) membership --)

(4) (A.) (Yes.)

(5) (Q.) (-- for consideration by the Legislature as  
(6) it enacts laws and appropriates funding, et cetera?)

(7) (A.) (We -- yes, we represent our, the  
(8) association's, positions on the laws that they're  
(9) considering enacting.)

(10) (Q.) (And on the funding they appropriate for the  
(11) programs that are of interest and concern to your  
(12) membership?)

(13) (A.) (On the funding they appropriate and the  
(14) funding they fail to appropriate, we represent them on  
(15) both.)

(16) (Q.) (Do you lobby them on issues about how they  
(17) should spend the money they appropriate?)

(18) (A.) (Yes.)

(19) (Q.) (Do you also conduct -- and by "you," I'm  
(20) referring largely to the organization, not you  
(21) personally, and I'll try to make that clear by saying  
(22) "does the WEA" instead of "do you," but if I slip up,  
(23) that's who I'm referring to. Does the WEA also lobby  
(24) local government entities?)

(25) (A.) (School districts would be -- is -- are you

(1) (considering a school district to be a legal government)  
(2) (entity?)

(3) (Q. (I would consider it to be a local entity.)  
(4) (We might talk about whether it's governmental or not.)  
(5) (But that's the type of organization I'm interested in  
(6) (finding out about, yes.)

(7) (A. (The WEA itself does not lobby local school  
(8) (districts.)

(9) (Q. (To the extent those activities are  
(10) (conducted, who conducts those?)

(11) (A. (The local education associations.)

(12) (Q. (So, for example, in Issaquah, it would be  
(13) (the Issaquah Education Association?)

(14) (A. (Yes.)

(15) (Q. (Is there an affiliation between the local  
(16) (education associations and the WEA?)

(17) (A. (Yes.)

(18) (Q. (What's the nature of that affiliation?)

(19) (A. (They are members of the Washington Education  
(20) (Association. If you're a member of the Issaquah  
(21) (Education Association, you are also a member of the  
(22) (Washington Education Association.)

23 Q. All right. Thank you. Turning to the  
24 notice of deposition document, which is  
25 Exhibit-2007 --



1 A. This is back to this document (indicating)?

2 Q. Yes, sir, I believe. It will have the  
3 number 2007 on the cover page.

4 A. Got it. Okay.

5 Q. I want to turn our attention to the first  
6 topic, which generally speaking relates to  
7 communications between the WEA and members or staff of  
8 the 2009 State Legislature in regard to certain

9 (bills. Do you recognize the bills that are identified)  
10 (or listed in paragraph 1 of Exhibit-2007?)

11 (A.) (Yes, I believe they are all variations of)  
12 (House Bill 1410.)

13 (Q.) (Why do you say you believe they're all)  
14 (variations of House Bill 1410?)

15 (A.) (Well, there were a number of subsequent)  
16 (bills that really did not move very far, so that's)  
17 (like Senate companion bills.) (House Bill 1410, and)  
18 (Senate companion 5444, and then some -- I believe that)  
19 (Senate Bill 5607 and 1817 were variations of those)  
20 (two, and then we ended up with the Senate Bill 6048)  
21 (and what finally passed, House Bill 2261.)

22 (Q.) (Of the bills that are listed in paragraph 1,  
23 (which, if any of them, did pass the Legislature?)

24 (A.) (House Bill 2261.)

25 (Q.) (And the others did not?)

1 A. No.

2 Q. Did the WEA lobby the 2009 State Legislature  
3 with regard to any of the pieces of legislation that  
4 are listed in paragraph 1?

5 A. Yes.

6 Q. What position, for example, did the WEA take  
7 with regard to House Bill 1410?

8 A. We opposed House Bill 1410.

9 Q. What position did the WEA take with regard  
10 to Senate Bill 5444?

11 A. We opposed Senate Bill 5444.

12 Q. What position did it take with regard to  
13 Senate Bill 5607?

14 A. I don't know whether we actually ever took  
15 an official position or if the bill was ever heard in  
16 a committee.

17 Q. All right. What about with regard to House  
18 Bill 1817?

19 A. Same with House Bill 1817.

20 Q. Same thing that happened with 5607?

21 A. Yes.

22 Q. Both in terms of what the WEA did and what  
23 you believe happened to it?

24 A. Yeah, yes.

25 Q. How about Senate Bill 6048, what position

(1) (did the WEA take with regard to that?)

(2) (A.) (We took a position of opposition to elements  
(3) of the bill and called, I believe, for revenue in the  
(4) bill, but we did not emphatically state opposition to  
(5) Senate Bill 6048.)

(6) (Q.) (How about with regard to House Bill 2261?)

(7) (A.) (We opposed House Bill 2261.)

(8) (Q.) (Were 6048 and 2261 related?)

(9) (A.) (Yes.) ("Related"?) (In what do you mean by  
(10) "related"?)

(11) (Q.) (You're asking me the next question I was  
(12) going to ask you.) (And that's fine.) (Did they relate  
(13) to the same subject matter?)

(14) (A.) (Yes.) (They had different sponsors and  
(15) different contents.)

(16) (Q.) (Were they companion bills?)

(17) (A.) (You'd have to ask the sponsors of the bills  
(18) whether they were companion bills.) (I'm not sure Eric  
(19) Oemig and Rosemary McAuliffe and Pat Sullivan all  
(20) agreed or whether they were -- saw their bills as  
(21) separate and distinct bills, so I could not answer  
(22) that question.)

(23) (Q.) (They were different in at least one sense.)  
(24) (6048 was legislation that came out of the Senate,  
(25) correct?)

(1) (A.) (Yes.)

(2) (Q.) (Whereas HB 2261 came out of the House?)

(3) (A.) (Yes.)

(4) (Q.) (Did the WEA prefer 6048 over 2261?)

(5) (A.) (The WEA, I don't think we preferred it. We  
(6) -- we testified differently on it to stress areas  
(7) where we felt we could reach agreement and areas such  
(8) as funding where -- and revenue sources where there  
(9) was nothing there and there needed -- they needed to  
(10) address the funding issue. So, I would not say that  
(11) we preferred Senate Bill 6048.)

(12) (Q.) (Was the opposition to 2261 opposition to it  
(13) completely?)

(14) (A.) (We were opposed to 2261 because there was  
(15) absolutely no funding in the bill to do what the bill  
(16) called for.)

(17) (Q.) (Was there anything in 2261 that the WEA  
(18) supported?)

(19) (A.) (There were two or three elements in the bill  
(20) that we supported; however, without funding there was  
(21) no -- the bill was a sham.)

(22) (Q.) (The upshot of it is that the WEA opposed  
(23) 2261?)

(24) (A.) (We opposed 2261 because there was no funding  
(25) in 2261 at all.)

(1) (Q.) (Was there any other reason why you opposed)  
(2) (2261?)

(3) (A.) (There were other reasons that we opposed it,  
(4) but the primary reason we opposed 2261 was that there  
(5) was no funding in 2261 at all.)

6 Q. Was the opposition to portions of 6048  
7 accompanied by anything -- any support rather for any  
8 provisions that were in 6048?

9 MR. EMCH: Objection, ambiguous.

10 Q. You can go ahead and answer.

11 A. Could you restate the question.

12 Q. Sure.

13 A. Lost track of it.

(14) (Q.) (You opposed HB 2261 on the grounds that)  
(15) (there wasn't any funding in it, correct?)

(16) (A.) (Yes.)

(17) (Q.) (Did you oppose 6048 for the same reason?)

(18) (A.) (We testified on 6048 trying to point out  
(19) where we thought there were areas of agreement and  
(20) then stating that there were large gaps, such as no  
(21) funding. That's my recollection of our testimony on  
(22) 6048. So, we had a different lobbying tactic in terms  
(23) of our testimony before the Senate committee.)

(24) (Q.) (Okay.) (Were there changes made to 6048 in)  
(25) (light of the testimony of the WEA about it?)

(1) (A.) (Not on -- as I recall on the essential --  
(2) any essential area of funding.) (There may have been  
(3) changes.) (It was a constantly moving process.)

(4) (Q.) (Did any of the bills that are reflected in  
(5) paragraph 1 of Exhibit-2007 have funding in them?)

(6) (A.) (There was a revenue source in one bill that  
(7) got stripped out, and I don't know -- recall the  
(8) number of that bill or whether that's listed here, but  
(9) there was a revenue source in one bill that was  
(10) stripped out of the bill.) (That's my recollection of  
(11) what happened.)

(12) (Q.) (All right.) (Why did the WEA oppose House  
(13) Bill 1410?)

(14) (A.) (There was no funding in the bill at all.)  
(15) (That was our primary reason in opposing it.) (We felt  
(16) that the bill was an absolute false promise.)

(17) (Q.) (Were there any other reasons why it opposed  
(18) 1410?)

(19) (A.) (Yes, there were other reasons.)

(20) (Q.) (Why did the WEA oppose Senate bill 5444?)

(21) (A.) (I believe it was the same reason, and I  
(22) think they were companion bills.) (I believe that was  
(23) sponsored by Senator Fred Jarrett, although I may be  
(24) wrong, in terms of prime sponsor.) (I think those two  
(25) bills were fairly close.)

(1) (Q.) (Were the reasons the WEA opposed 5444 the)  
(2) same as the opposition to 1410?)

(3) (A.) (I would say yes, that there was no funding)  
(4) in 1410 or 5444, and there were no revenue sources)  
(5) identified.)

(6) (Q.) (Were the reasons for opposing 2261 the same)  
(7) as the reasons for opposing House Bill 1410?)

(8) (A.) (The reasons plural or the primary reason?)

(9) (Q.) (Let's start with the primary reason.)

(10) (A.) (The primary reason was that there was)  
(11) absolutely no funding in 2261, yes, it was the same as)  
(12) 1410.)

(13) (Q.) (Were there nonprimary reasons asserted in)  
(14) opposition to HB 2261 that were not part of the)  
(15) opposition to HB 1410?)

(16) (A.) (Yes, the bills had changed over the course)  
(17) of a legislative session, so we were dealing with a)  
(18) different piece of legislation.)

(19) (Q.) (When you say there was no funding in the)  
(20) bills that were opposed on that primary reason, is it)  
(21) that there was no funding at all?)

(22) (A.) (As I recall, there was no revenue source)  
(23) identified in those bills to provide the funding)  
(24) necessary to do -- to provide resources to schools.)

25 Q. What do you mean by there were no revenue

1 sources to provide the funding?

2 A. We identified a revenue source that was 50  
3 percent of revenue growth to the State over a certain  
4 inflation factor as a way to provide funding to begin  
5 to fully fund schools. So, there was no tax source,  
6 there was no revenue source in terms of 50 percent of  
7 growth. There was no commitment to provide additional  
8 share of the State property tax. There was no revenue  
9 identified at all in the bill to finance any aspects  
10 of the bill.

(11) (Q.) (Was there any language in the bill that  
(12) passed, in 2261, that anticipated funding in the  
(13) future?)

(14) (A.) (In 2261?)

(15) (Q.) (Yes.) (Regardless of the source of the  
(16) funding, was there any contemplation of funding in the  
(17) future?)

(18) (A.) (I'd have to read through the bill again to  
(19) see if there was.)

(20) (Q.) (As you sit here today, you couldn't answer  
(21) the question?)

(22) (A.) (I recall very clearly that there was  
(23) absolutely no funding source identified in the bill,  
(24) no revenue source identified in the bill, and that the  
(25) bill was an empty promise.)



(1) (Q.) (How many times in your experience, within  
(2) your knowledge, has the WEA opposed legislation on the  
(3) grounds that it doesn't identify a specific funding  
(4) source?)

(5) (A.) (Legislation of this magnitude?)

(6) (Q.) (Legislation of any kind, of any magnitude.)

(7) (A.) (I think we do on a number of occasions.)

(8) (Q.) (That's what I want to find out.)

(9) (A.) (I think we do on a number of occasions.)

(10) (Q.) (Can you give me some examples.)

(11) (A.) (I think in much of the early learning we're  
(12) asking what's the funding source for this.) (I think  
(13) it's a constant refrain of the WEA and has been for a  
(14) number of years that the State needs to identify  
(15) funding sources to provide additional funding to the  
(16) schools, otherwise these are unfunded mandates on  
(17) school districts.)

(18) (Q.) (I was going to ask you that as we went  
(19) along, but what do you consider to be an unfunded  
(20) mandate on school districts?)

(21) (A.) (I consider -- you want a specific example?)

(22) (Q.) (I want a definition of the phrase.)

(23) (A.) (Calling on school districts to provide  
(24) education services to students in order to meet State  
(25) standards that the State then doesn't say here's how)

- (1) (we're going to be able to fund this, and to provide)  
(2) (the resources that the school districts need to meet)  
(3) (the standards that have been outlined.)

4 Q. How is it that you know about instances  
5 where the State passes a mandate and then doesn't fund  
6 it? How does that come to your attention? You're  
7 testifying about it today, and what I want to know is,  
8 what's your basis for saying that?

9 MR. EMCH: Objection. Ambiguous, calls for  
10 speculation.

11 MS. HANNA: And I'll object because I think  
12 it mischaracterizes the testimony. I think he's  
13 testified as to what he considers an unfunded mandate  
14 to be, and then I think you're asking him a different  
15 question.

16 MR. CLARK: I am.

17 Q. Do you have the question in mind?

18 A. No, I'm sorry, now I've lost track of the  
19 question.

20 Q. That will happen from time to time and the  
21 court reporter can repeat.

22 (Reporter read back as requested.)

23 MR. EMCH: Same objections.

24 A. I'm in Olympia. As part of the legislative  
25 process, we're watching this very closely. If there

1 are additional requests of school districts, staff, if  
2 there are requests of them, we need to know how  
3 they're funded. We ask how will the State provide the  
4 resources necessary to do the job, to educate all  
5 students.

6 Q. So, you get that understanding because you  
7 read proposed legislation?

8 A. Lobbyists read proposed legislation, we  
9 debate it in the offices, yes.

10 Q. Do you exchange information about it, people  
11 tell you things, you tell people things?

12 A. Yes.

13 Q. Have you ever been in the Legislature?

14 A. As a member of the Legislature?

15 Q. Yes.

16 A. No.

17 Q. Have you ever drafted legislation?

18 A. Personally drafted or worked with groups to  
19 draft legislation?

20 Q. Let's start with personally.

21 A. No.

(22) Q. (Have you ever worked with groups to draft  
(23) legislation?)

(24) A. Yes.)

(25) Q. (Did you do so in this last legislative

1 session with respect to anything that has to do with  
2 K-12 education?

3 (A.) Yes, we drafted the Full Funding Coalition  
4 report with other groups, with the lobby staff and  
5 with the Full Funding Coalition, the superintendents,  
6 the school directors, we had a proposal in terms of  
7 the Basic Education Funding Task Force called the Full  
8 Funding Coalition report, and we had a bill that we  
9 drafted, worked on quite a bit.)

10 (Q.) Now, the Full Funding Coalition, what  
11 affiliation, if any, does the WEA have with that?

12 (A.) We are a member of the Full Funding  
13 Coalition.)

14 (Q.) And the position that was put forward by the  
15 Full Funding Coalition, was that based upon the report  
16 of Dr. David Conley?

17 (A.) Yes.)

18 (Q.) The "Washington Adequacy Funding Study," I  
19 believe is the title of his report?

20 (A.) Yes.)

21 (Q.) In addition to what's contained in that  
22 report, did the WEA also propose funding sources as  
23 part of the Full Funding Coalition effort --)

24 (A.) Yes.)

25 (Q.) -- that could be looked to to fund what)

1 Conley had proposed?

2 (A.) (Yes, we identified two funding sources. We  
3 identified revenue growth to the State and that 50  
4 percent of revenue growth over an inflation factor  
5 would be dedicated to funding this, and we also  
6 identified the unused portion of the State property  
7 tax as another source of tax revenue available to the  
8 State to provide the funding needed to begin to fully  
9 fund schools. So, we had two revenue sources  
10 identified.)

11 (Q.) (How likely a source of generating revenue  
12 for State programs is targeting expected future State  
13 growth as a funding source in a time when we're in a  
14 fairly deep recession?)

15 MR. EMCH: Objection, vague and ambiguous.

16 MS. HANNA: Calls for speculation on the  
17 part of the witness.

18 Q. Can you answer my question?

19 (A.) (As we move forward and as the economy  
20 rebounds, there will be additional revenue growth and  
21 that would provide additional revenue that could be  
22 used for schools, dedicated to schools.)

23 Q. Okay. You don't agree that it would be  
24 speculative to target future growth as a source of  
25 funding for K-12 education when we don't know when

1 this recession is going to end?

2 A. I don't -- I'm sorry? Could you restate  
3 that.

4 Q. (You don't agree that it would be speculative  
5 to target -- forecast percentages of growth in State  
6 revenues as a funding source for K-12 education when  
7 we don't know when we're going to emerge from this  
8 recession or when those revenues are going to go up?)

9 MR. EMCH: Objection, vague and ambiguous.

10 A. (It is speculative.)

11 Q. (But that's one of the funding sources that  
12 the Full Funding Coalition put forward in the last  
13 legislative session?)

14 A. (We put forth two.)

15 Q. (That's one of them?)

16 A. (That's one of them and the other one is the  
17 unused share of the State property tax.)

18 Q. (Those were the only two, right?)

19 A. (Those were the two that were in the Full  
20 Funding Coalition report as I recall the Full Funding  
21 Coalition report.)

22 Q. (The one that targets future expected growth  
23 was speculative, and the second one called for raising  
24 taxes, I take it?)

25 A. (It called for the share of the unused)

(1) portion of the State property tax.)

(2) (Q.) (That would, in effect, raise taxes that)  
(3) would have to be paid by property owners in the state  
(4) in order to fund it?)

(5) (A.) (Yes.)

6 MR. EMCH: Objection, argumentative.

(7) (Q.) (Were there any other funding source)  
(8) proposals put forward by either the Full Funding  
(9) Coalition or the WEA, other than the two you've  
(10) described?)

(11) (A.) (There were others that were put forth and)  
(12) discussed. (I don't know that any were actually)  
(13) drafted into legislation.)

(14) (Q.) (The two that we've been talking about,  
(15) though, were actually part of some draft legislation)  
(16) that was prepared for consideration by the  
(17) Legislature?)

(18) (A.) (Yes, as I recall they both were.)

(19) (Q.) (What happened to the proposal of the Full)  
(20) Funding Coalition?)

(21) (A.) (I don't believe it even got a hearing.)

(22) (Q.) (What happened to the two revenue sources)  
(23) that were put forward as proposals for how to fund  
(24) either the Full Funding Coalition approach or any  
(25) other?)

(1) (A.) (I think all revenue sources that were  
(2) debated were ignored by the State Legislature.)

(3) (Q.) (Why do you say they were ignored?)

(4) (A.) (I don't think the Legislature dealt with the  
(5) funding issue at all in these bills.)

(6) (Q.) (That's what you mean when you say they  
(7) "ignored" it?)

(8) (A.) (Yeah, yes, exactly.)

(9) (Q.) (As opposed to considering it and turning it  
(10) down?)

(11) (A.) (I think that -- I think that they ducked the  
(12) funding issue entirely in this legislative session,  
(13) and not for the first time.)

14 MR. CLARK: I move to strike the latter part  
15 of that answer as nonresponsive.

(16) (MR. EMCH:) (I object to the motion to strike.)

(17) (MS. HANNA:) (Object for the same reason.)

18 MR. CLARK: Fine.

(19) (Q.) (Does the action that was taken or inaction  
(20) of the Legislature in this last legislative session  
(21) mean that they can't take this up in the future?)

(22) (A.) (Take --)

23 MR. EMCH: Objection, calls for speculation,  
24 someone else's state of mind.

(25) (Q.) (Funding sources for K-12, K-12 education,)



(1) reforming the system?

(2) (A.) I know they did not take it up in this  
(3) session and have not taken it up in past sessions.  
(4) That's what I know. So, if past behavior is any  
(5) prediction of future behavior, it is unlikely the  
(6) State will take up funding of schools as a main  
(7) topic.

Resp. moves to strike as non-responsive

O - responsive to

(8) MR. CLARK: I move to strike that answer as  
(9) nonresponsive.)

(10) MR. EMCH: I object to the motion. It's  
(11) responsive.)

(12) Q. Is it your position and testimony that the  
(13) Legislature has not funded K-12 education for several  
(14) years now?

(15) A. I would say it has not funded education  
(16) since 1993 and the passage of House Bill 1209.)

(17) Q. Not at all?

(18) A. It has funded parts of education. It has  
(19) not fulfilled its paramount duty to amply fund  
(20) education for all children.

Resp. moves to strike as non-responsive

O - responsive

(21) MR. CLARK: I'll move to strike that answer  
(22) as nonresponsive.)

(23) MR. EMCH: Same objection.)

24 Q. Are you trained in the law?

25 A. No.

*O*  
*responsive to Q*

Resp. moves to strike  
as non-responsive

(1) (Q.) (Are you a constitutional scholar?)

(2) (A.) (No.) (But I have been working on these issues  
(3) for 18 years.)

(4) (MR. CLARK: I move to strike that comment.)  
(5) (There wasn't a question pending.)

(6) (MR. EMCH:) (You can't move to strike his  
(7) answer because you don't like the answer.)

(8) (MR. CLARK: That's true, but when there's no  
(9) question pending, there's no answer that's proper.)

(10) (MR. EMCH:) (This was a continuation of his  
(11) answer.)

12 MR. CLARK: It wasn't a continuation. You  
13 know better than that, Chris.

(14) (MS. HANNA:) (He was talking about unfunded  
(15) mandates.)

16 MR. CLARK: He wasn't answering a question  
17 that was pending.

18 Q. I want you to give me every reason why the  
19 WEA opposed 2261. You've identified funding or lack  
20 of a funding source. And I want you to give me the  
21 other reasons as well, please.

22 A. Well, I will --

23 MR. EMCH: Calls for speculation, objection.  
24 He doesn't have the legislation in front of him. He's  
25 acting on memory here.

1 MR. CLARK: Would you confine what you say  
2 to making an objection and not make a speech. You  
3 can't coach this witness. He's not yours.

4 MR. EMCH: I'll make my objections, Bill, as  
5 I see appropriate.

6 MS. HANNA: I will make the objection if  
7 necessary. Because you have asked him for every  
8 reason why the WEA opposed, and it's not even clear  
9 that he knows every reason why the WEA opposed.

(10) (Q.) (Tell me every reason you know that the WEA  
(11) opposed House Bill 2261.)

(12) (A.) (I'll tell you the reasons that I can recall  
(13) that we opposed House Bill 2261.)

(14) (Q.) (That's fine.)

(15) (A.) (The reasons that I recall, the primary and  
(16) most compelling reason was that, once again, we had an  
(17) education reform bill calling for major change in the  
(18) education system that had absolutely no funding  
(19) attached to it. That was the overwhelming reason that  
(20) the WEA opposed this. We made that clear in all of  
(21) our testimony. We identified the bill as false  
(22) promises.)

(23) (We also opposed elements of 2261 that dealt  
(24) with certification, that called for changes to  
(25) certification for -- I think these were the fourth)

(1) time in 12 years that the State was going to change  
(2) the certification system.)

(3) (There were accountability measures that were  
(4) identified or outlined in the bill that we opposed.)

(5) There was -- there were changes to the definition of  
(6) basic education we opposed in the bill. There was a  
(7) prototypical school model that did not appropriately  
(8) begin the funding of the prototype schools and could  
(9) have resulted in a significant and immediate loss of  
(10) revenue to schools that concerned us. I think we  
(11) outlined our reasons for opposing House Bill 2261 in a  
(12) fairly thorough veto letter to Governor Gregoire.)

13 Q. Okay. Are those all the reasons you can  
14 recall as you sit here today right now?

15 A. I think my best recollection would be  
16 looking at the veto letter to Governor Gregoire.

17 Q. Without looking at that, is that the best  
18 your recollection can do right now?

19 A. Those are the reasons that I can recall at  
20 this time.

(21) (Q.) (You mentioned certification as one of the  
(22) reasons for opposition. Certification of what?)

(23) (A.) (Certification of teachers.)

(24) (Q.) (What does that mean and what does that  
(25) relate to?)

(1) (A.) (How they are licensed to teach in the state  
(2) of Washington, what steps they have to take in order  
(3) to obtain a teaching certificate.)

(4) (Q.) (Did the opposition to that portion have  
(5) anything to do with that being unfunded?)

(6) (A.) (As I recall, it did, that it did not  
(7) identify areas where funding would be provided so that  
(8) teachers could actually reach these new levels of  
(9) certificates, to the best of my knowledge. It's been  
(10) a while since the legislative session. You're asking  
(11) a specific question about a specific section of a  
(12) bill.)

(13) (Q.) (So, the WEA was opposed in part to 2261  
(14) because it had new certification requirements for  
(15) teachers?)

(16) (A.) (And those certifications were not at all  
(17) funded. It called for new levels of certification, as  
(18) I recall, without providing any funding or a means for  
(19) teachers to be able to obtain those levels of  
(20) certification.)

(21) (Q.) (Are teachers currently compensated by the  
(22) State for obtaining certification?)

(23) (A.) (I believe for some things they are. I don't  
(24) know if they're compensated exactly, but I'm not  
(25) familiar enough with the certification system to say)

(1) exactly how that would occur.)

(2) Q. Then what about the certification process  
(3) that was contemplated by 2261 relating to funding  
(4) prompted the opposition?)

(5) MS. HANNA: Objection, ambiguous.)

(6) Q. You told me something about funding and  
(7) certification. Funding of what?)

(8) A. I think funding of the -- I think there were  
(9) -- as I recall, there were different certificates --  
(10) this is recollection -- that teachers would actually  
(11) be asked to obtain in certain amounts of time, and  
(12) that there was no funding provided for that, and no  
(13) funding provided for reaching those. Currently you  
(14) get a national board certificate. There's funding  
(15) available to -- as a bonus.)

(16) Q. Is that funding provided by the State?)

(17) A. Yes.)

(18) Q. It's not provided locally?)

(19) A. I think local school districts provide some  
(20) funding for -- no, it's provided by the State.)

21 Q. You mentioned accountability. What was it  
22 about accountability and 2261 --

23 A. What I --

24 COURT REPORTER: If you could let him finish  
25 his question before you start your answer --

1 MR. EMCH: We've gone about an hour.  
2 Targeting our first break here.

3 Q. Would you like to take a break?

4 A. Sure.

5 (Break taken.)

(6 (Q.) (Mr. Regan, before we took the break, I had  
(7 gotten as far as the reason for opposing it on grounds  
(8 of the accountability section of it, and at the risk  
(9 of going over old ground, I want to go back to  
(10 accountability and just ask again, what was it about  
(11 the accountability section in 2261 that the WEA  
(12 objected to, if you know?)

(13 (A.) (I think it was that there were going to be  
(14 -- schools were going to be held accountable for)  
(15 meeting certain standards and that there was a  
(16 procedure then for -- in place if schools did not meet  
(17 those standards, but it did not identify the ways that  
(18 they would provide the funding necessary for those  
(19 schools to meet standards, if they were struggling.)  
(20 So, again, I think much of it comes back to the  
(21 failure throughout this bill to identify the resources  
(22 necessary, the revenue, the funding necessary to meet  
(23 these standards.) (Schools will be held accountable for  
(24 new, higher standards, but there will be no resources  
(25 there, additional resources there to meet them.)

(1) (Q.) (You identified the definition of basic)  
(2) (education as one of the grounds for opposition.)  
(3) (Please explain what it was about the definition of)  
(4) (basic education that prompted opposition by the WEA.)

(5) (A.) (Well, change the definition of basic)  
(6) (education to include early learning without having any)  
(7) (funding there to provide for covering early learning.)  
(8) (The State does not provide enough money to provide)  
(9) (ample education for all students now.) (I'm not clear)  
(10) (how with an expanded definition of basic education you)  
(11) (were going to be able to provide that.) (It's not able)  
(12) (to educate K-12 students to standards.) (How are we)  
(13) (going to add on early learning?) (That was, I think,  
(14) (the portion -- one of the portions of basic ed.) (I'd  
(15) (have to look back through documents to see if there)  
(16) (were other reasons.)

(17) (Q.) (Are you familiar with the Basic Education)  
(18) (Act that was passed in the 1970s?)

(19) (A.) (In the 1970s?)

(20) (Q.) (In the state of Washington.)

(21) (A.) (Not in -- no, not in any --)

(22) (Q.) (Are you familiar with the current version of)  
(23) (the Basic Education Act?)

(24) (A.) (That was based on House Bill 1209 in terms)  
(25) (of the standards that were set there?)



- (1) Q. No, I mean the Basic Education Act.)
- (2) A. I think I'm generally familiar with it.)
- (3) Q. Are you familiar with the process whereby
- (4) K-12 public schools are funded by the State today?)
- (5) A. The process, yes, to some degree, yes.)
- (6) Q. That process is contained in State statutes,
- (7) is it not?)
- (8) A. Yes.)
- (9) Q. And there are certain formulas and ratios
- (10) that are in statutes that pertain to how the State
- (11) funds K-12 public education, correct?)
- (12) A. Yes, that's my understanding.)
- (13) Q. Do those laws identify a funding source as
- (14) far as you know, the laws that currently fund or
- (15) provide State funding for basic education?)
- (16) A. I don't know whether they do or do not,
- (17) other than I think the general fund. And the
- (18) Education Legacy Fund.)
- (19) Q. What do you mean by "the general fund"?)
- (20) A. That section of the budget, of the operating
- (21) budget, that provides revenue to schools and to other
- (22) things.)
- (23) Q. Was there anything about 2261 that said it
- (24) could not be funded out of the general fund?)
- (25) A. I don't recall that there was.)

(1) (Q.) (In your experience with legislation before  
(2) the State -- let's confine ourselves to education  
(3) funding legislation.) (Does the Legislature always  
(4) identify a specific source of funding that will  
(5) provide the funding for the education bill?)

(6) (A.) (No, and we believe that the Legislature  
(7) currently underfunds schools as a result.)

(8) (Q.) (But the answer to my question is, as far as  
(9) you understand it, the Legislature does not identify  
(10) specific funding sources in education funding  
(11) legislation that you've been familiar with?)

(12) (A.) (That the Legislature does not identify?)

(13) (Q.) (Correct.)

(14) (A.) (It does to some extent with the Education  
(15) Legacy Trust Fund which dedicates the estate tax  
(16) proceeds and some of the tobacco State proceeds to  
(17) fund in particular, I think, Initiative 728, passed by  
(18) the voters in 2000, and is to reduce class size and do  
(19) other things, provide professional development, some  
(20) other things.)

(21) (Q.) (Other than the example of the identification  
(22) of specific funding sources that you just described,  
(23) are you aware of any other examples of K-12 education  
(24) funding legislation that identifies a specific funding  
(25) source?)

(1) (A.) (I imagine that there are others, but our  
(2) main contention is that the Legislature as a result  
(3) then underfunds schools.)

(4) (Q.) (I know what your contention is. I didn't  
(5) ask you about your contention. I'm asking you, you  
(6) provided me one example of education legislation that  
(7) identifies a specific funding source for the  
(8) legislation. And I'm asking you to give me other  
(9) examples you're aware of where the Legislature has  
(10) identified a specific funding source.)

(11) (A.) (I'm not aware of others, but I'm not saying  
(12) there are not others.)

(13) (Q.) (You said something about the prototype  
(14) school model that was part of the WEA's opposition.  
(15) Please explain to me what that related to.)

(16) (A.) (Prototype school model was a way, built a  
(17) prototypical school, said if we were going to meet  
(18) standards in this prototypical school, elementary  
(19) school, you would need to have these kinds of staffing  
(20) ratios, this kind of library services available, other  
(21) things, in order to meet State standards. That's in a  
(22) nutshell the prototypical school. Then there were  
(23) bases set in terms of floor set in terms of where you  
(24) would have to begin that. And then move from there  
(25) forward.)

(1) In the legislation that passed, I believe,  
(2) there were no floors at all, the prototypical school  
(3) model was changed, altered some, and it got rid of  
(4) some of the initial protections we had built in, and  
(5) that was, as I recall, our opposition to the prototype  
(6) school model, although the concept of the prototype  
(7) school model is something we did support and spoke in  
(8) favor of.)

9 Q. Let's go back to Exhibit-2007, to paragraph  
10 2, with regard to communications between the WEA and  
11 members or staff of the 1993 Legislature with regard  
12 to House Bill 1209. You recognize what House Bill  
13 1209 is?

14 A. Yes.

15 MR. EMCH: Do you need the document back?  
16 You need 2007.

17 A. This one (indicating), is this 2007? It  
18 says 2007.

19 Q. You got it. Turning to paragraph 2, and  
20 I'll ask the question again. Are you familiar with  
21 the reference to HB 1209 that's there?

22 A. Yes.

23 Q. Do you know whether or not the WEA opposed  
24 HB 1209 back in 1993?

25 A. I believe -- I don't know whether we

1 A. Not that I recall, and I think that funding  
2 actually dropped off after House Bill 1209 passed.

3 Q. I'm asking, was there a specific funding  
4 source identified in that legislation?

5 A. I don't recall if there was or was not. I  
6 don't believe that there was. I think that was the  
7 concern of the WEA.

8 Q. All right. Was the funding source for HB  
9 1209 not the general fund?

10 A. Would it not be the general fund? It could  
11 be the general fund, I imagine.)

12 Q. Couldn't a funding source for HB 2261 be the  
13 State's general fund, whether it's identified as such  
14 or not?

15 MR. EMCH: Objection, calls for speculation.

16 A. It's our belief that the general fund is not  
17 large enough to fund House Bill 2261, was not large  
18 enough to fund what was required in House Bill 1209.

19 Q. That's a different issue. That's the size  
20 of the funding source. But my understanding was that  
21 the opposition to 2261 was there wasn't a funding  
22 source identified.

23 A. There was no revenue source identified to do  
24 the job.

25 Q. No specific revenue source?

1 subpoena, are you referring to the video links that  
2 are referred to in this communication from Ms. Iverson  
3 of the WEA to me?

4 A. It appears that that's the way the videos  
5 were provided to you.

6 Q. Was this what you were referring to when you  
7 said you believed the videos had been provided?

8 A. Yes. I didn't know how they'd been  
9 provided, but my understanding was that the videos  
10 that you had subpoenaed had been provided.

11 Q. All right. Are you familiar with any of the  
12 four video items that are listed in Exhibit-2010?

13 A. I recall "Show Me the Money," and I know  
14 that we had produced other videos. I'm not sure I  
15 know them exactly by title.)

16 Q. You said you knew something about the "Show  
17 Me the Money" video. What was the "Show Me the Money"  
18 video?)

19 A. "Show Me the Money" video was on House Bill  
20 2261, and asked where was the money to fund the bill.)

21 Q. Who was provided this video, if anyone?)

22 A. The video was provided to WEA members.)

23 Q. How was that done?)

24 A. Through email and it was also posted on our  
25 website.)

1 Q. Is that the washingtonea.org website that's  
2 identified next to "Show Me the Money" on  
3 Exhibit-2010?

4 A. Yes.

5 Q. Did you actually watch that video?

6 A. A number of times.

7 Q. When was the last time you reviewed it?

8 A. Probably the last day of the legislative  
9 session.

10 Q. That's the video that has Tom Cruise in it?

11 A. Yes.

12 Q. The actor Tom Cruise, and at times during  
13 the video he's screaming "Show me the money" into a  
14 phone, I think?

15 A. Yes, I believe so.

16 Q. Do you know the origin of that clip that has  
17 Tom Cruise in it?

18 A. I think it's from the movie "Jerry McGuire."

19 Q. Have you seen the movie "Jerry McGuire"?

20 A. I've seen a lot of movies. Tom Cruise is  
21 not my favorite actor. I don't know whether I've  
22 actually seen the entire movie. I did enjoy that  
23 video clip, though.

24 Q. Do you know what business the character  
25 Jerry McGuire was in?

1 A. I think it was sports.  
2 Q. He was a sports agent?  
3 A. I believe so, but I'm not sure that I saw  
4 the movie exactly. I could not tell you the plot.  
5 Q. Okay. Who produced the video?  
6 A. It was produced by the Washington Education  
7 Association.  
8 Q. Do you have a division or unit or some  
9 department?  
10 A. Communications staff and others who work on  
11 these.  
12 Q. It was produced as part of the campaign in  
13 opposition to 2261?  
14 A. Yes.)  
15 Q. Are you familiar with the "Get It Done"  
16 video that's listed in this list?  
17 A. I would have to see it. By title I don't --  
18 Q. Don't recognize it?  
19 A. Yeah. If I saw it, I may.  
20 Q. How about the other two? One is called  
21 "Kernan" and the other is "Teachers oppose."  
22 A. I would have to see both of those.  
23 Q. Do you believe you've seen them before?  
24 A. I may have seen them. But I'm not positive.  
25 Q. Is the same true for the "Get It Done"



1 Q. Do you know if you need one to access  
2 washingtonea.org?

3 A. No, I don't believe that you do.

4 Q. Do you believe these videos were generated  
5 by or on behalf of the WEA as part of its -- part of  
6 the lobbying activities that it conducts on behalf of  
7 its members?

8 A. I believe they were. I only know the first  
9 by title.

10 Q. In terms of the title on the first one,  
11 "Show Me the Money," the content of the "Show Me the  
12 Money" video, was that something put together entirely  
13 by the WEA?

14 A. The WEA and folks who work for the WEA, we  
15 put that video together.

16 Q. You mean people who work for it, the  
17 employees or staff?

18 A. Employees, staff, consultants, others.

19 Q. (Let's go back to the notice of deposition)  
20 exhibit, please.)

21 A. (That's 2007?)

22 Q. (Yes, sir.)

23 (Item number 5 on page 2 of Exhibit-2007)

24 refers to documents that are attached to the notice as)

25 Exhibits 2 and 3, does it not?)

- 1 A. Yes, that's what it states.)
- 2 Q. Could you turn to Exhibit 2 of 2007.)
- 3 A. Yes.)
- 4 Q. Can you identify this document for the
- 5 record, please.)
- 6 A. This is a Washington Education Association
- 7 2006 New Business Item No. 2. The title is
- 8 "Compensation." The source is the compensation
- 9 strategy planning group. The chair is Kevin Teeley.)
- 10 Q. Who is Kevin Teeley?)
- 11 A. Kevin Teeley is a member of the Washington
- 12 Education Association.)
- 13 Q. Do you know Mr. Teeley?)
- 14 A. Yes.)
- 15 Q. You've worked with him in your career at the
- 16 WEA?)
- 17 A. Yes.)
- 18 Q. Does he represent a local education
- 19 association as well?)
- 20 A. Yes, I believe he is the president of the
- 21 Lake Washington Education Association.)
- 22 Q. He must be part of the compensation strategy
- 23 planning group, at least as of March of 2006?)
- 24 A. Yes.)
- 25 Q. Is he still today?

1 A. I don't know.

2 Q. How frequently are documents such as  
3 Exhibit-2 --

4 A. I don't know that there is a compensation  
5 strategy planning group any longer.

6 Q. Okay. All right. How frequently are  
7 documents such as New Business Item No. 2 in 2006, how  
8 frequently are documents like this generated?

9 A. They are prepared annually for the  
10 Washington Education Association representative  
11 assembly, which meets annually.

12 Q. Could you turn to Exhibit 3 attached to  
13 deposition Exhibit-2007, please. Could you identify  
14 Exhibit 3 to Exhibit-2007.

15 A. This is -- appears to be a Washington  
16 Education Association document, January 28, 1983.

17 Q. And the author is Faith Hanna?

18 A. Appears to be Faith Hanna.

19 Q. Is that the same person who appears next to  
20 you today?

21 A. Yes.

22 Q. I mean is the author the same person.

23 A. It's not signed, but it says "Faith Hanna,  
24 Staff Attorney."

25 Q. When was the first time that you reviewed

1 Attachment 3?

2 A. Probably yesterday or this morning.

3 (Q.) (Do you know whether or not this document)  
4 (was, in fact, provided to Mr. Don Johnson, who)  
5 (apparently in January of 1983 was a deputy executive)  
6 (director for the Washington Education Association?)

7 (A.) (I did not work for the Washington Education)  
8 (Association in 1983.)

9 (Q.) (Do you know if this is an authentic)  
10 (document?)

11 (A.) (I do not.)

12 (Q.) (Do you know if it is a document that was)  
13 (generated and maintained in the ordinary course of the)  
14 (business operations of the WEA?)

15 (A.) (I don't know.)

16 (Q.) (Were you provided as a witness to respond to)  
17 (paragraph 5 on page 2 of Exhibit-2007?)

18 (A.) (I assume if it is a copy that came out of)  
19 (our files, that that is a WEA document. It's the WEA)  
20 (letterhead from that period of time.)

21 (Q.) (Let me ask you this, then: Do you have any)  
22 (reason to believe this is not an authentic WEA)  
23 (document?)

24 (A.) (No, not at all.)

25 Q. Do you have any reason to believe that this

1 is not kept and maintained as a record of the WEA?

2 MS. HANNA: Objection. This was not  
3 provided by the WEA.

4 MR. CLARK: It was provided to somebody. It  
5 wasn't provided in response to the subpoena.

6 MS. HANNA: That's correct.

7 A. I thought it was provided in response.

8 MS. HANNA: This was attached to the amended  
9 notice of deposition, as I recall.

10 MR. CLARK: Correct.

(11) (Q.) (Are you the witness provided by the WEA to  
(12) testify about this document?)

(13) (A.) (Yes.)

(14) (Q.) (What are you going to testify about it?)  
(15) (What do you have to say about it, since it predates  
(16) your tenure?)

(17) (A.) (Appears to be a Washington Education  
(18) Association document.)

(19) (Q.) (Does it appear to be something that is  
(20) maintained by the WEA?)

(21) (A.) (I don't know.)

(22) (Q.) (Do you have any reason to doubt that this is  
(23) a business record of the WEA?)

(24) (A.) (Not at this time.)

25 Q. Why do you say "not at this time"?

1 MR. EMCH: Do you know the case name or the  
2 nature of the case, Bill?

3 MR. CLARK: Seattle School District versus  
4 State No. 2.

5 MR. EMCH: Do you have a copy of the  
6 pleading it was attached to?

7 MR. CLARK: Not with me. And I don't know  
8 if I have one upstairs or not. I can try to find out,  
9 ask my staff what the title of the pleading was. And  
10 I don't have any problem sharing that with you.

11 MS. HANNA: Thank you.

12 Q. Have you completed your review, sir?

13 A. Yes, I've read it.

14 (Q.) (You said you were familiar with portions of  
15 the contents of the letter.)

16 (A.) (I'm familiar with the -- some of the  
17 principles in here.)

18 (Q.) (Can you give me an example of what you're  
19 talking about.)

20 (A.) (In terms of would a local school district  
21 and a local education association be able to bargain  
22 for additional salaries, additional class size  
23 reduction, additional programs over and above what was  
24 funded as basic education.)

25 (Q.) (What is it that you know about that?)

1 (A.) (The WEA feels that we would -- we'd support)  
2 (additional funding above basic education if districts)  
3 (and local school education associations agree to)  
4 (those.)

5 (Q.) (And that is for compensation that is)  
6 (bargained for locally pursuant to collective)  
7 (bargaining agreements?)

8 (A.) (Wouldn't just be compensation. Could be any)  
9 (number of things.)

10 (Q.) (That's in addition to amounts of money that)  
11 (are appropriated by the State and provided to that)  
12 (district?)

13 (A.) (Would be over and above basic education)  
14 (funding.)

15 (Q.) (The date of this letter predates your)  
16 (affiliation with the WEA, does it not?)

17 (A.) (Yes.)

18 (Q.) (So, you really have no firsthand knowledge)  
19 (about the preparation of this letter or its)  
20 (dissemination or otherwise?)

21 (A.) (No.)

22 (Q.) (But you were the person produced by the WEA)  
23 (to respond to paragraph 5 of Exhibit-2007 with regard)  
24 (to this document?)

25 (A.) (Yes.)

1 Q. Were there any other subject matters that --  
2 in addition to the one that you just testified about  
3 that appear in this document that you're familiar  
4 with?

5 A. This (indicating) predates my employment.  
6 The others are all within the scope of my employment.

7 Q. This letter predates your employment?

8 A. Yes.

9 Q. And you say the others are --

10 A. Well, the others are all within House Bill  
11 2261, 1209, I was employed by the WEA at that time  
12 period and am more familiar with the context and the  
13 circumstances.

14 Q. Of those matters and those bills than you  
15 are with this letter?

16 A. Yes.

17 Q. Are there other subject matters, though, in  
18 the letter of January 28, 1983, that you are familiar  
19 with?

20 A. I'm sorry?

(21) Q. Are there other subject matters, other than  
(22) the ability of local districts to provide funding --

(23) A. This is a continuing debate whether local  
(24) associations can bargain additional -- it's an ongoing  
(25) debate in the Legislature and with the WEA. This is a



(1) (debate that has been going on for more than 20 years.)

(2) (Q.) (Because, in fact, there are statutes that  
(3) (authorize the local districts to bargain with local  
(4) (education associations to provide money over and above  
(5) (what the State provides; is that what you're referring  
(6) (to?)

(7) (A.) (I'm referring to only from WEA's point of  
(8) (view, not from what the statutes may or may not say.)

(9) (Q.) (What's that point of view, then?)

(10) (A.) (That over and above the funding for basic  
(11) (education, that the WEA's position is that we would be  
(12) (able to bargain, if there is an agreement at the local  
(13) (level to provide additional above what would be  
(14) (provided through basic education, should we ever be  
(15) (amply funded for basic education.)

(16) (Q.) (You have the ability -- the WEA has the  
(17) (ability to negotiate with local school districts in  
(18) (order to get funding that is above what the State  
(19) (provides for basic education, correct?)

(20) (A.) (Well, not for funding per se, but for  
(21) (additional salaries, for additional class size  
(22) (reductions, to other programs that local school  
(23) (districts and the association would agree to.)

(24) (Q.) (That, in fact, has happened over the past 20  
(25) (years, has it not?)

(1) (A.) (To some degree.) (It varies from district to  
 (2) district and it is dependent on -- it varies widely  
 (3) across the state and is somewhat erratic at best.)

(4) (Q.) (Why do you say "erratic"?)

(5) (A.) (Well, I'm trying to think of a term that --  
 (6) a better word than "erratic.") (It's not stable and  
 (7) secure.)

(8) (Q.) (Okay.) (It depends upon school district by  
 (9) school district, does it not?)

(10) (A.) (Yes.)

(11) (Q.) (There are some districts where, for example,  
 (12) there are no resources provided locally in addition to  
 (13) the resources that the State provides, correct?)

(14) (A.) (I believe that is correct.)

(15) (Q.) (However, in most districts there has been  
 (16) over the last 20 years, in fact, negotiations, if not  
 (17) by the WEA then by the local education association  
 (18) with the school district, to provide resources from  
 (19) local funds in addition to what the State provides?)

(20) (A.) (To provide resources that -- to make up for  
 (21) the failure of the State to provide the resources.)

(22) (Q.) (I'm sorry, sir, that doesn't answer my  
 (23) question.)

(24) (MR. CLARK: I move to strike it.)

(25) (Q.) (My question is this:) (In most districts in)

Resp. moves to strike as  
non-responsive

*0 -  
inspiration*

(1) your experience over the last 19 years the local  
(2) education association has been able to negotiate with  
(3) the local school districts an amount of funding  
(4) provided by the locals that would be in addition to  
(5) what the district got from the State?

(6) A. (And it varies from district to district how  
(7) well they've been able to do that or whether they've  
(8) been able to do that.)

(9) MR. EMCH: (Object to the motion to strike,  
(10) for the record.)

11 Q. I'm going to go through some documents that  
12 actually -- and I'll tell you if they're not out of  
13 the stuff that was produced by the WEA so we're  
14 clear.

15 MR. CLARK: Would you mark this, please.

16 (Exhibit-2011 marked.)

17 (Brief recess.)

18 (Aaron Williams joins the proceedings.)

(19) Q. (Could you describe the two-page document  
(20) marked as 2011.)

(21) A. (It's a WEA flyer on House Bill 1410 and  
(22) Senate Bill 1544. Says, "The wrong bills at the wrong  
(23) time.")

(24) Q. (Does this document summarize the reasons why  
(25) the WEA opposed 1410 and 5444?)

(1) (A.) (I think in general ways it does. There are  
(2) probably other specific things that we testified to,  
(3) but I think in general this would cover the general  
(4) reasons.)

(5) (Q.) (On the second page, the last boldface  
(6) sentence indicates, "We encourage legislators to  
(7) support the Full Funding Coalition's school funding  
(8) proposal," and that's the Full Funding Coalition  
(9) school funding proposal that we talked about earlier?)

(10) (A.) (It was an actual bill, but yes.)

11 Q. It's the same thing we were talking about  
12 earlier?

13 A. Yes.

14 Q. It wasn't just a proposal; it was proposed  
15 legislation?

16 A. Yes.

(17) (Q.) (Do you know what use was made of this  
(18) document? Was it distributed?)

(19) (A.) (Distributed to WEA members.)

20 Q. Was it distributed outside the membership of  
21 the WEA, do you know?

22 A. I don't know. It may have been.

23 Q. Do you know if this document, Exhibit-2011,  
24 was provided to members of the State Legislature?

25 A. I don't recall whether it was or was not.

1 MR. CLARK: For the record, what we're going  
2 to do is just put on a couple of the videos and let's  
3 -- I'll either move or we'll turn the screen so Mr.  
4 Emch can see it, too. What I'm going to do is I'm  
5 going to play it. I'll ask you some questions about  
6 it. And then I'll have the reporter mark it as an  
7 exhibit in the proceedings as well. Is that  
8 acceptable to everybody?

9 MR. EMCH: That's okay.

10 (CD played.)

11 Q. Were you able to see -- I apologize for the  
12 size of our screen -- were you able to see the video  
13 as it was played?

14 A. Yes.

15 (Q.) (Is that the "Show Me the Money" video that  
16 was provided as part of the response to our subpoena?)

17 (A.) (Yes.)

18 (Q.) (That's the one you testified about earlier  
19 this afternoon?)

20 (A.) (Yes.)

21 (Q.) (That was generated by the WEA as part of its  
22 lobbying campaign with regard to House Bill 2261?)

23 (A.) (With regard to House Bill 2261 and with  
24 regard to the almost \$2 billion in proposed education  
25 cuts that occurred during the 2009 legislative

(1) session. It was -- there were two things occurring  
(2) during the 2009 session. The Legislature was cutting  
(3) funding to schools and they were debating an ed reform  
(4) bill.

(5) Q. And the cuts you just referred to, they were  
(6) not cuts to basic education, were they?

(7) A. They were cuts to basic education. They  
(8) were cuts to the program of the schools. They were  
(9) cuts to class size, to the ability to attract and  
(10) retain teachers, they were cuts across the board.

(11) Q. Okay. It's your --

(12) A. Teacher layoffs are occurring across the  
(13) state. Those are cuts to basic education.

(14) Q. I just want to understand that. You believe  
(15) that in the 2009 legislation, the Legislature did make  
(16) cuts to its program of basic education?

(17) A. I would say that they cut into education,  
(18) the bone of basic education.

(19) Q. They made cuts to K-12 education funding?

(20) A. Substantial cuts to K-12 education across  
(21) the board.

(22) Q. It's your opinion that those cuts included  
(23) cuts to the State's program of basic education?

(24) MS. HANNA: Objection insofar as this is  
(25) asking for a legal conclusion on the part of the

(1) witness.) (If you're not asking for a legal conclusion,  
(2) that's another matter.)

(3) MR. CLARK: (I wouldn't ask a nonlawyer a  
(4) legal conclusion question.)

(5) A. (They basically cut the hell out of education  
(6) in the last legislative session.) (Again.)

(7) Q. (And it's your opinion that in those cuts  
(8) there were cuts to the Legislature's program of basic  
(9) education?)

(10) A. (They -- in terms of our ability to meet the  
(11) State standards for teachers and for school employees  
(12) and for school districts, not just for the people we  
(13) represent, but for the school districts themselves,  
(14) the cuts are extremely harmful to our ability to meet  
(15) those State standards.)

(16) Q. (I understand they were cuts to education  
(17) funding.)

(18) A. (Does it meet the legal definition of a cut  
(19) to basic education? I'd have to ask WEA attorneys for  
(20) an answer to that.)

(21) Q. (This video, "Show Me the Money," was  
(22) actually used by WEA, was it not?)

(23) A. (What do you mean by "used"?)

(24) Q. (It was put on its website?)

(25) A. (Yes.)

1 Q. To be accessed by anyone who could access  
2 that website?

3 A. If it's on the website and the website --  
4 and people can access the website, yes.)

5 Q. I believe, and you can look at the email  
6 exhibit that described this, but the website for this  
7 was washingtonnea.org?

8 A. Yes.)

9 Q. And that's the one you believe is accessible  
10 by the public?

11 A. I believe so.)

12 Q. And it was put on that website with the  
13 intent that anyone who can access that website could  
14 access that video?

15 A. I don't know when it was posted to that  
16 website.)

17 Q. But whenever it was posted to that website,  
18 it was put on there so that those members of the  
19 public who could access that website could access the  
20 website and this video?

21 A. What I recall of the "Show Me the Money"  
22 video was that it was emailed to WEA members. It was  
23 a link in an email, and that encouraged them to then  
24 go to ourvoicewashingtonnea website. That's what I  
25 recall of the "Show Me the Money" video.)



(1) (Q.) (Do you know if it is accessible by going to)  
(2) (the washingtonea.org website?)

(3) (A.) (I don't know whether it is or is not.)

4 MR. CLARK: Let's take that one out and  
5 pause for a second and I'll have the reporter put an  
6 exhibit number on it.

7 (Exhibit-2012 marked.)

8 Q. Let's go to another document while Aaron is  
9 taking care of that.

10 MR. CLARK: I'm told there are copies for  
11 counsel, so there you are.

12 MR. EMCH: Thank you.

13 (Exhibit-2013 marked.)

(14) (Q.) (Have you been able to look at Exhibit-2013,  
(15) sir?)

(16) (A.) (Yes.)

(17) (Q.) (This is a document dated January 26, 2009,  
(18) that was sent by you to Speaker Frank Chopp?)

(19) (A.) (Yes.)

(20) (Q.) (And did you, in fact, send it to Speaker  
(21) Chopp?)

(22) (A.) (Yes.)

(23) (Q.) (What was the purpose of this communication?)

(24) (A.) (This was to explain to Speaker Chopp exactly  
(25) why we would oppose House Bill 1410 and to outline our

1 reasons at his request.)

2 Q. Do you know what use, if any, Speaker Chopp  
3 made of this document?

4 A. I don't.)

5 Q. It says on the first page, "Outlined below  
6 are some of the major reasons WEA will firmly oppose  
7 House Bill 1410." And in fact the WEA did firmly  
8 oppose House Bill 1410, did it not?

9 A. Yes.)

10 Q. There are sponsors identified, "Sponsors and  
11 Public Hearing" is a heading in the document on page  
12 1. Do you see where I'm referring to?

13 A. Yes.)

14 Q. Did some of the legislators that are listed  
15 in the house and the Senate, did they include members  
16 of the Basic Education Finance Task Force?

17 A. Yes.)

18 Q. Did you, sir, have anything to do with any  
19 presentations before the Basic Ed Task Force?

20 A. Personally?

21 Q. Yes.)

22 A. I did not present personally before the  
23 Basic Education Finance Task Force.)

24 Q. Did you interact on behalf of the WEA with  
25 members of the task force while the task force was

(1) convening?)

(2) (A.) Yes, I did.)

(3) (Q.) Whom, for example, did you?)

(4) (A.) Chairman Grimm, with -- I don't recall all,

(5) but I attended at least one of the meetings and)

(6) interacted with members of the task force at that)

(7) time.)

8 Q. Do you recall anything about that meeting  
9 that you attended?

10 A. I'm sorry, I tried to this morning, but I  
11 could not recall what the topic was at the time.

12 Q. Do you recall if it was in 2007 or 2008?

13 A. I would think it was in 2008.

14 Q. What is it that makes you think it was in  
15 2008?

16 A. I think the Basic Ed Finance Task Force met  
17 in 2008.

18 Q. But you don't recall the subject matter of  
19 the particular meeting?

20 A. Not of that particular meeting.

21 Q. Was that the only one you attended?

22 A. I might have attended two. I don't think I  
23 attended more than two, although WEA had  
24 representatives at the meetings.

(25) (Q.) I was just going to ask you that. Did the)

1 (WEA have members in attendance at all of the meetings)  
2 of the task force?)

3 (A.) (All public meetings of the task force I  
4 think we had either staff or governance leaders in  
5 attendance.)

6 (Q.) (As far as you know at the meetings that were  
7 attended by representatives from the WEA, were those  
8 representatives afforded an opportunity to speak or  
9 comment at the meetings?)

10 (A.) (If there was a public comment time, I would  
11 assume that there was an opportunity to speak, and if  
12 there was not and it was a working session, then no.)  
13 (It would depend on the nature of the meeting.)

14 Q. Have you ever read the Basic Ed Finance Task  
15 Force report?

16 A. I would believe that I have either read a  
17 summary of it or parts of it, but it has been quite a  
18 while since I would have done that.

19 Q. Did you review the summary or the report  
20 shortly after it came out?

21 A. Perhaps. I'm not sure.

22 Q. Do you remember as you sit here today when  
23 it was that the financial report --

24 A. I think it came out while I was on vacation.  
25 That's why I'm not quite clear. I forget the date

1 when the finance task force was --

2 Q. Do you recall a month?

3 A. I think December, but I'm not sure.

4 Q. Of 2008?

5 A. Of 2008, I believe, but I'm not positive of  
6 that.

7 (MR. CLARK: At this point let's go to the  
8 next disk that we wanted to show you. This one is  
9 entitled "We Can Get It Done." You may not be able to  
10 read -- now you can.)

11 (CD played.)

12 Q. Have you seen that video before, sir?

13 A. I don't recall seeing that video before.)

14 Q. One of the videos identified on the earlier  
15 exhibit that is the email of yesterday from Ms.  
16 Iverson to me -- and wouldn't you know it's the one I  
17 can't find in front of me. Was that 2009? 2010. Do  
18 you believe the video we just watched is the fourth  
19 video listed on 2010?

20 A. Yes, nothing to indicate that it is not.  
21 Nyda Smith is correct, yeah.)

22 Q. Do you recognize the woman who appeared in  
23 the video?

24 A. Yes.)

25 Q. Who is that?)

1 (A.) (She's the president of the UniServ Council)  
2 (in Bellingham.)

3 (Q.) (And I heard her say "fourth" something, but)  
4 (I couldn't make out what it was. What is the)  
5 ("fourth"?)

6 (A.) (Fourth Corner, it's the name of the UniServ)  
7 (Council. UniServ is how WEA provides services to)  
8 (local members.)

9 (Q.) (It is a reference to a service or program)  
10 (that the WEA provides?)

11 (A.) (It's a reference, yes, yeah.)

12 (Q.) (What is it that it provides?)

13 (A.) (That's how we provide staff assistance to)  
14 (local associations and to members, through UniServ)  
15 (offices. Unified Service.)

16 (MS. HOPKINS: She's referring to a regional)  
17 (office. "Fourth Corner" refers to a region.)

18 (A.) (Instead of a local, it's a region.)

19 (Q.) (And the region is a region within the WEA?)

20 (A.) (Yes. It is the area of the state that's the)  
21 (fourth corner of the state, which I never knew, but I)  
22 (guess it is. It's the Bellingham area.)

23 (Q.) (Now we both know.)

24 (MR. CLARK: Let me have that marked as  
25 (well. I believe we have copies of that, too.)

1 (Exhibit-2014 and 2015 marked.)

2 Q. Exhibit-2015 is a one-page document, Mr.

3 Regan. Have you ever seen it before?

4 A. Yes.

5 Q. What is Exhibit-2015?

6 A. It is a memo from Rod Regan and from Lucinda

7 Young to Speaker Frank Chopp dated April 10th, 2009,

8 and to Mike Ryherd, Frank Chopp's chief of staff.

9 Q. And was this document, in fact, sent to

10 Speaker Chopp?

11 A. It was given to Speaker Chopp, yes.

12 Q. At the bottom of the page it says "Bills

13 that must be killed." Do you see what I'm referring

14 to?

15 A. Yes.

16 Q. It identifies HB 2261 and SB 6048?

17 A. Yes.

18 Q. Those are two of the pieces of legislation

19 we've been discussing in the course of your deposition

20 today?

21 A. Yes.

22 Q. Those are both pieces of legislation that

23 the WEA opposed?

24 A. Yes.

25 Q. But the Bill 2261 did pass over the

1 opposition of the WEA?

2 A. Yes.

3 (Exhibit-2016 marked.)

4 Q. Could you identify Exhibit-2016, Mr. Regan?

5 A. This is "Possible floor speech material."

6 Q. Do you know who prepared this?

7 A. This was prepared by lobby staff of the WEA.

8 Q. What was the purpose of this two-page  
9 document?

10 A. These are possible speech material for  
11 legislators in floor speeches on House Bill 2261.

12 Q. Was this, in fact, provided to someone  
13 outside of WEA?

14 A. Yes.

15 Q. Who?

16 A. It would have been provided to some of the  
17 legislators who opposed House Bill 2261.

18 Q. Do you know if any portions of Exhibit-2016  
19 were actually part of floor speech material that was  
20 given by a legislator in this past session?

21 A. I don't recall whether they were -- used  
22 these exact words or these arguments or not.

23 Q. Do you know what became of Bills 1410 and  
24 5444 in this last legislative session?

25 A. They died, I assume, in committee.



(1) Q. Were they withdrawn, do you know?

(2) A. Don't know if they were withdrawn or if they  
(3) died or just exactly what happened. New bills were  
(4) introduced.

(5) Q. Do you know if what happened to 1410 and  
(6) 1544 was as a result of the opposition of the WEA to  
(7) those bills?

(8) A. If they were -- if those bills were  
(9) withdrawn or died as a result? I think that our  
(10) opposition had something to do with it, yes. I would  
(11) hope our opposition had something to do with it.

12 MR. CLARK: I have a few more documents to  
13 go and then I'll be able to wrap up.

14 (Exhibit-2017 marked.)

(15) Q. Have you seen Exhibit-2017 before, Mr.  
(16) Regan?

(17) A. Yes, I have.

(18) Q. Would you identify it for the record,  
(19) please.

(20) A. Exhibit-2017 is an email from Lucinda Young,  
(21) WEA lobbyist, to members of the State House.

(22) Q. And the second page of Exhibit-2017?

(23) A. It is testimony from Bill Freund, WEA  
(24) lobbyist, in House Ways and Means Committee on House  
(25) Bill 2261.)

(1) (Q.) (Do you know if Mr. Freund actually provided)  
(2) (this testimony to the House Ways and Means Committee)  
(3) (with regard to 2261?)

(4) (A.) (I believe he did.)

(5) (Q.) (Does this summarize the WEA's position with)  
(6) (regard to 2261?)

(7) (A.) (Let me read through it.)

(8) (Q.) (Sure.)

(9) (A.) (It summarizes our position at that point in)  
(10) (time in the legislative process that we were trying to)  
(11) (work with 2261, there was no revenue source)  
(12) (identified, and we outlined the three areas in the)  
(13) (bill where we felt we could work with them.)

(14) (Q.) (Okay. When you say it was the position at)  
(15) (that time, are you referring to the March 11, 2009,  
(16) (time frame, which is the date on the cover?)

(17) (A.) (I'm referring to the last paragraph which)  
(18) (says, "We understand that this is a work in progress."  
(19) (So, this was testimony given in House Ways and Means,  
(20) (but the bill then continued through the legislative)  
(21) (process and then went through additional changes.)

(22) (Q.) (What relationship does the timing of this)  
(23) (testimony have to the March 11, 2009, date of Lucinda)  
(24) (Young's email?)

(25) (A.) (I'll have to look at when this testimony was

(1) given. It doesn't have a date on it. It may have  
(2) been attached to this letter.)

(3) Q. (I'm sorry?)

(4) A. (It may have been an attachment to this  
(5) email, but I'd have to look at when the House Ways and  
(6) Means Committee met and when this testimony was  
(7) delivered.)

(8) Q. (I note on the first page of Exhibit-2017 in  
(9) the next-to-the-last paragraph Ms. Young reports,  
(10) "I've attached our earlier testimony on HB 2261."  
(11) From that we can deduce that it was prior to March 11?)

(12) A. (Yeah, thank you for pointing that out.)

(13) Q. (I just noticed it myself again. But does  
(14) that refresh any recollection you have as to when this  
(15) testimony may have been submitted to the House Ways  
(16) and Means Committee?)

(17) A. (Early March or late February. The session  
(18) concluded, I think, on April 22nd, so another 45 days  
(19) later. This is halfway through the legislative  
(20) session.)

(21) Q. (We're talking about the 2009 --)

(22) A. (2009 legislative session. I may be wrong on  
(23) the date, but it was around April 22nd.)

(24) Q. (With regard to Mr. Freund's testimony, it  
(25) does identify three concepts in 2261 that at that)

1 point in time the WEA could support, correct?)

2 A. Yes.)

3 Q. Those are "A redefinition of the program of  
4 basic education," is one of them?)

5 A. Right, right.)

6 Q. The other two are mentioned on the second  
7 page of this document as well.)

8 A. Yes.)

9 Q. After the three concepts that could be  
10 supported by the WEA at that point in time, it says,  
11 "Although not in this bill, we support revenue  
12 sources to fund the phase-in such as dedicating a  
13 portion of new state revenues starting in 2011-13 or  
14 recapturing a portion of the uncollected state  
15 property tax authority." Those are the two funding  
16 sources we discussed earlier that were put forward by  
17 the Full Funding Coalition?)

18 A. Yes.)

19 Q. Can you tell me, because Mr. Freund's  
20 testimony holds out the prospect that the WEA would  
21 like to continue working with the Legislature, the  
22 committee, on these four concepts, did it, in fact, do  
23 so?)

24 A. Did they continue working on those four  
25 concepts?)

(1) Q. Was the WEA able to follow through and work  
(2) with the Legislature on those four concepts?

(3) A. We attempted to. We were not successful.

(4) Q. Do you know if any of these three concepts  
(5) that at least at that time the WEA could support  
(6) remained in 2261?

(7) A. I think to some degree those three concepts  
(8) remained in 2261. I think we had problems with 1 and  
(9) 2, and to some extent with the formation -- the actual  
(10) composition of the oversight committee.

(11) Q. So, while there was agreement on the  
(12) concepts at some point in time, the way in which  
(13) concepts 1 and 2 and 3 were implemented was not the  
(14) way that the WEA wanted those concepts to be  
(15) implemented?

(16) A. Disagreed -- in general we agreed with the  
(17) concepts. We had disagreements over the details.

(18) Q. And the implementation of those concepts?

(19) A. Yes, and there was no funding, absolutely no  
(20) funding.

(21) Q. I was going to say, you also had  
(22) disagreement with point 4 which is not listed as point  
(23) 4, but the lack of identification of a specific  
(24) revenue source for the funding of 2261, correct?

(25) A. Yes.

1 Q. Before I leave Exhibit-2017, concept number  
2 3 that's on the second page of the exhibit makes  
3 reference to a six-year phase-in that starts in  
4 2011-2013. My question is this: Did the WEA oppose  
5 the six-year phase-in aspect of 2261?

6 A. We believe that it would have to take a  
7 phase-in period.

8 Q. In fact the Full Funding Coalition proposal,  
9 and I presume it's draft legislation, it also had a  
10 phase-in period, did it not?

11 A. It had a phase-in period with funding  
12 attached as the funding increased and allowed for  
13 things to be implemented, that they were implemented.

14 Q. Full funding of the full funding proposal  
15 would occur over what period of time?

16 A. I believe in the Full Funding Coalition, it  
17 was over a six-year period.

18 (Exhibit-2018 marked.)

19 MR. CLARK: Let me state for the record that  
20 Exhibit-2018, while it has production numbers assigned  
21 to it, I do not believe was provided to us in response  
22 to the subpoena.

23 Q. Have you ever seen a copy of this document,  
24 Exhibit-2018, before?

25 A. Yes, I have.

1 Q. When was the first time you saw it?

2 A. Probably shortly after it was sent.

3 Q. Now, there's a reference to a Mike Ragan in  
4 the first paragraph of Exhibit-2018, but that is not a  
5 reference to you?

6 A. No, that is not.

7 Q. Who is Mike Ragan?

8 A. The WEA vice-president.

9 Q. Who is John Okamoto?

10 A. John Okamoto is the WEA executive director.

11 Q. Bill Williams, who is referred to here, is  
12 associated with the PTA, correct?

13 A. Yes.

14 Q. Are you familiar with the events that are  
15 related in Laura Bay's letter to Mary Lindquist of  
16 April 18, 2009?

17 A. To some degree.

18 Q. What was the nature of the issue that's  
19 being discussed in the letter?

20 A. I think that Laura Bay was upset with an  
21 email that was sent under Mary Lindquist's signature.

22 Q. Do you know if Mary Lindquist responded to  
23 this letter from the PTA?

24 A. I believe that she did.

25 Q. Did you have any role in preparing a

(1) response to Exhibit-2018?)

(2) (A.) (I don't recall whether I did or did not.)

(3) (Q.) (But you recall that there was some response  
(4) provided?)

(5) (A.) (I think there was a response provided. I  
(6) don't recall what form it took.)

(7) (Q.) (And it's your recollection that the WEA,  
(8) perhaps including Mary Lindquist, received a copy of  
(9) the letter that is Exhibit-2018?)

(10) (A.) (Yes.)

11 (Exhibit-2019 marked.)

12 Q. I think you made reference to this letter  
13 earlier in your testimony today. Did you end up with  
14 an extra copy?

15 A. I think so.

16 MR. CLARK: Then I'll put that out for  
17 anybody who doesn't have one that needs one.

(18) (Q.) (Is Exhibit-2019 the letter you were  
(19) referring to in your earlier testimony today?)

(20) (A.) (Yes.)

(21) (Q.) (It's a letter from the WEA of May 1, 2009,  
(22) to Governor Gregoire requesting that she veto House  
(23) Bill 2261?)

(24) (A.) (Yes.)

(25) (Q.) (The reference says "full veto." What does



1 that mean?

2 A. To veto the bill in its entirety.)

3 Q. And the letter is at least signed, if not

4 authored, by Mary Lindquist, the president of the WEA?

5 A. Signed by Mary Lindquist.)

6 Q. Did you have any role in the preparation of

7 this document?

8 A. Yes.)

9 Q. What role was that?

10 A. I worked with the lobby staff in preparing

11 the document.)

12 Q. Who are the lobby staff that you worked with

13 in preparing this?

14 A. Bill Freund, Lucinda Young, Randy Parr, and

15 Wendy Rader-Konofalski.)

16 Q. Do you know if there was a response from  
17 Governor Gregoire or the Office of the Governor to  
18 this letter?

19 A. I do not know if there was or there was  
20 not. I don't recall that there was a written  
21 response.

22 Q. The governor did not fully veto 2261,

23 correct?

24 A. Correct.)

25 Q. She did veto a portion of it, correct?)

1 A. Yes, correct.)

2 Q. Did the WEA concur in that partial veto?)

3 A. I don't believe that we did.)

4 Q. Why not?)

5 A. I think it was not in our veto letter at

6 all. I don't think it was one of the areas -- I think

7 the vetoes that -- her veto did not cover any of the

8 areas that we covered in this letter.)

9 Q. (But in this letter, Exhibit-2019, you're  
10 asking her to veto the entire package, correct?)

11 A. (Right. And we go into "Should you determine  
12 you wish to enact at least part of this legislation,"  
13 then we went to the "following parts or sections would  
14 match the standards which WEA has advocated.")

15 Q. On page 2 of Exhibit-2019 under Part III,  
16 Sections 304 to 311 --

17 A. Page 2? Where are you? Under Section III?

18 MS. HOPKINS: It says page 3 at the top.

19 A. I don't have a page 2.

20 Q. What we have, they've done -- I've gotten a  
21 two-sided copy myself, so I'm going to share my  
22 document with you with its highlighting. I apologize.

23 MS. HOPKINS: We might have it in here.

24 MR. CLARK: I'll wait to ask you for you to  
25 catch up. In the meantime, he can look at mine or he

1 can look at your copy.

2 A. You were asking me about Section III?

3 Q. Part Roman numeral III, Sections 304 to 311,  
4 if I'm remembering it correctly.

5 A. Yes.

6 Q. There is a reference to transportation  
7 funding can be addressed in a separate bill next  
8 year. And I'm kind of quoting without having the  
9 benefit of the document in front of me. Do you see  
10 where I'm referring to?

11 A. Yes.

(12) (Q.) (The sentence that talks about transportation)  
(13) (funding can be addressed in a separate bill next)  
(14) (year --)

(15) (A.) (Yes.)

(16) (Q.) (-- what is that a reference to?)

(17) (A.) (I think there was a concern -- I would have)  
(18) (to -- as I recall, this was a concern that the way the)  
(19) (bill addressed transportation, that transportation)  
(20) (funding would actually be reduced rather than)  
(21) (increased.) (That was the -- one of the problems that)  
(22) (was in 2261.)

(23) (Q.) (You say the transportation funding would be)  
(24) (reduced?)

(25) (A.) (Would have actually been reduced, had the)

(1) (State followed 2261.) (It would have opened)  
(2) (transportation funding up -- it gave it fewer)  
(3) (protections and there could have been reductions as a)  
(4) (result of it, the way the bill was drafted.) (That's my)  
(5) (recollection of transportation in 2261, is that the)  
(6) (phase-in period and some of the other things were)  
(7) (troublesome and would have actually opened it up to)  
(8) (reductions in transportation funding.)

9 Q. Now, you mentioned a phase-in. Did that  
10 concern the WEA in terms of potential reductions?

11 A. No, but simultaneously with this bill there  
12 were substantial cuts being made to schools, so we  
13 have two concerns here. One is with the bill itself  
14 and the other is the budget and what could happen in  
15 subsequent budget years in terms of reduced funding,  
16 the potential for reduced funding.

(17) (Q.) (Is it your testimony that 2261 cut)  
(18) (transportation funding for this year?)

(19) (A.) (No, I said it could have opened up the)  
(20) (possibility. That's -- it's been a while, and it's)  
(21) (one element in a fairly -- I forget how long the bill)  
(22) (was. It started out at 111 pages. I forget what it)  
(23) (ended up being.)

(24) (Q.) (In any event, that's what you recall about)  
(25) (it?)

(1) (A.) (That's what I recall about the)  
(2) (transportation concerns.)

(3) (Q.) (If I can characterize it, it was a concern)  
(4) (that there was a potential that the Legislature could)  
(5) (reduce transportation funding?)

(6) (A.) (Yes.) (Simultaneously with the date around)  
(7) (2261, the Legislature was enacting substantial cuts,  
(8) (so we have two concerns.) (One is what's going to be)  
(9) (cut, and then the details of this bill.) (So, writing,  
(10) (drafting, testimony in a time of economic distress)  
(11) (where there are substantial cuts being made to)  
(12) (schools, so that sometimes colored the testimony and)  
(13) (things we were asking for.)

14 Q. As a result of this last legislative session  
15 were there, in fact, cuts made to K-12 school  
16 transportation?

17 A. I don't recall whether or not there were  
18 exactly cuts made. I don't recall.

19 Q. I would like to have that marked as part of  
20 your record, but it's a document we talked about in  
21 connection with another exhibit before.

22 MR. EMCH: Before we mark this, should we  
23 swap out the full letter? I think I have a clean copy  
24 here. I think that came from the copy service.

25 MR. CLARK: I would welcome substituting a

1 correct copy and if nobody objects, that's what we'll  
2 do and our reporter can take care of that.

3 (Exhibit-2020 marked.)

4 (MR. CLARK: 2020 will be the letter we've  
5 already discussed before.)

6 (Q.) (Mr. Regan, just for the record, could you  
7 identify Exhibit-2020.)

8 (A.) (It is the letter on Washington Education  
9 Association letterhead dated January 28th, 1983,  
10 addressed to Mr. Don Johnson, deputy executive  
11 director of the WEA, from Faith Hanna, staff attorney.)

12 Q. Have you met with representatives of the law  
13 firm representing the petitioners in this case before  
14 today?

15 A. Yes.

16 Q. On what occasion did you meet with them?

17 A. The beginning of the -- sometime in early  
18 January.

19 Q. Of this year?

20 A. Yes.

21 Q. Was it in connection with this McCleary  
22 lawsuit?

23 A. Yes.

24 Q. Who was present at that meeting?

25 A. Tom Ahearne.