

LEON BEASLEY

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
MAY TERM, 2006
NO. 002850

RACHEL RANDOLPH,)
)
 Plaintiff,)
)
)
 - vs -)
)
)
KHEPERA CHARTER SCHOOL,)
)
 Defendant.)

TRANSCRIPT OF DEPOSITION OF LEON
BEASLEY, taken by and before JENNIFER MULRANEY,
Registered Professional Reporter and Notary
Public, at the offices of REGER, RIZZO, KAVULICH
& DARNALL, LLP, Cira Centre, 13th Floor, 2929
Arch Street, Philadelphia, Pennsylvania, on
Monday, November 27, 2006, commencing at
12:40 p.m.

ERSA COURT REPORTERS
30 South 17th Street
United Plaza - Suite 1520
Philadelphia, PA 19103
Phone (215) 564-1233

LEON BEASLEY

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A P P E A R A N C E S:

LAW OFFICE OF LEON ARISTOTLE WILLIAMS
BY: LEON ARISTOTLE WILLIAMS, ESQUIRE
327 South 13th Street
Philadelphia, Pennsylvania 19107
Attorneys for the Plaintiff

REGER, RIZZO, KAVULICH & DARNALL, LLP
BY: ROBERT FOSTER, ESQUIRE
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, Pennsylvania 19104
Attorneys for the Defendant

A L S O P R E S E N T:

Rachel Randolph

LEON BEASLEY

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- NO EXHIBITS WERE MARKED -

- - -

1 (By agreement of counsel, the
2 signing, sealing, filing and certification
3 of the transcript has been waived; and
4 all objections, except as to the form of
5 the question, have been reserved until the
6 time of trial.)

7

8 LEON BEASLEY, after having
9 been duly sworn, was examined and testified
10 as follows:

11

12 BY MR. WILLIAMS:

13 Q. Good morning, Mr. Beasley.

14 A. Good morning. How are you?

15 Q. You and I met before.

16 A. Yes.

17 Q. As you know, I represent Rachel
18 Randolph in her complaint against the Khepera
19 Charter School, and I just have a few questions
20 for you.

21 Do you know Ms. Randolph?

22 A. Yes.

23 Q. How long have you known her?

24 A. I met her probably during the -- I

1 guess it's been about four years.

2 Q. Okay. Do you know she was once a
3 teacher in the Khepera Charter School?

4 A. Yes.

5 Q. Were you on the board of trustees at
6 that time?

7 A. Yes.

8 MR. FOSTER: Just try to
9 keep your voice up. I'm having a hard
10 time hearing you, so -- and you're
11 facing my direction.

12 BY MR. WILLIAMS:

13 Q. And at some point Ms. Randolph was
14 terminated by the board. Were you involved in
15 that decision?

16 A. Yes, I was.

17 Q. Okay. Can you tell us why, if you
18 remember why she was terminated?

19 A. Well, actually, her position was
20 eliminated, so she was terminated because of
21 that.

22 Q. Do you know what position was
23 eliminated?

24 A. Executive administration.

1 Q. Okay. Did you know of what she was
2 hired to do?

3 A. Teach, I think, literacy.

4 Q. Okay. And were you -- did you take
5 part in any discussions with the board on these
6 issues that we're talking about right now?

7 A. There wasn't a lot of discussion. I
8 was there every board meeting.

9 Q. Can you tell me why she was terminated
10 instead of, let's say, allowed to go back to the
11 teaching position?

12 A. I guess for a lack of knowledge of
13 being able to do that, it was just we had no
14 other -- how would you say it -- advice as far
15 as saying this is what we could do or would do.
16 There was no discussion or no one actually
17 raised that question at all.

18 Q. So that alternative for her to go back
19 to teaching never came up?

20 A. No.

21 Q. Can you tell us how the conclusion was
22 reached to eliminate that position? Was it some
23 discussion that this is a position that we don't
24 need, so just eliminate it?

1 A. Basically that position was created on
2 site at the school by the then CEO, and it
3 wasn't one of the original positions. So we
4 thought it was a position that was needed at
5 that time, and so we approved of it. So then
6 when the original principal was dismissed, then
7 that position was not needed.

8 Q. So the board actually approved a
9 position of executive administrative assistant?

10 A. I don't know we had a -- whether it
11 was an executive -- it was an executive meeting,
12 I think, but it was only myself -- from what I
13 recall, myself, Mr. Bailey, and I vaguely
14 remember Carnley being on the phone.

15 I know that there was a meeting to
16 improve some changes at the school, and I didn't
17 make that meeting, so they couldn't do anything
18 official.

19 So I remember Bill coming -- Mr. Billy
20 coming to my home just so we could make things
21 official, or an executive session, and then
22 present it to the sunshine meeting, but that
23 never took place, I don't think.

24 Q. So in November of 2004 how many

1 members of the board were there?

2 A. Five.

3 Q. Five? And this executive session that

4 you're talking about where this new position was

5 discussed, how many board members were present?

6 A. Like I said, I remember three.

7 Q. So that was a quorum?

8 A. Yes.

9 Q. And do you remember when that took

10 place approximately?

11 A. I'm not sure.

12 Q. Prior to November 10th, 2004?

13 A. Oh, yes. That was in -- it might have

14 been in September or October.

15 Q. Okay.

16 A. I believe very early on.

17 Q. Okay. Do you remember whether or not

18 there was any discussion as to what job

19 description for an executive administrative

20 assistant would be?

21 A. No discussion.

22 Q. But it was a -- was it a consensus of

23 the board members present that that position was

24 necessary?

1 A. Well, it was recommended, and we
2 agreed to it.

3 Q. Who recommended it?

4 A. It came from Ms. Bailey.

5 Q. Carrie Bailey?

6 A. Yes.

7 Q. And the board agreed to it?

8 A. Yes.

9 Q. And later the board passed a
10 resolution to eliminate the position?

11 A. Yes.

12 Q. And but there was no surprise to the
13 board, as far as you're concerned, that this
14 position had been, you know, opened up and
15 that --

16 MR. FOSTER: I'm going to
17 object to your asking questions about
18 the board as opposed to --

19 BY MR. WILLIAMS:

20 Q. The three members -- the three members
21 that were present at the time, there was no
22 surprise to those members that this position had
23 been authorized and that Rachel Randolph would
24 be given that position; right?

1 A. When you say "surprised," there was
2 no -- let me -- at that time a lot of things
3 were being done at the school, and the
4 recommendations were going to the board for
5 approval.

6 And we were leaving that up to the
7 then principal's, you know, judgment, and then
8 we would approve it if it didn't sound like it
9 was outrageous, you know.

10 So we agreed to -- that she needed
11 that position. It wasn't a situation where we
12 sat down and decided that that was a position
13 that was needed for the school itself.

14 Q. Excuse me a minute.

15 A. Uh-huh.

16 MR. WILLIAMS: Okay. You
17 have copies of the --

18 MR. FOSTER: Which meeting
19 minutes are those?

20 MR. WILLIAMS: November the
21 10th, 2004.

22 MR. FOSTER: Yes.

23 BY MR. WILLIAMS:

24 Q. I would like for you to take a look at

1 that for me, please, and tell me if you can
2 identify what that is.

3 A. This seems, from what I recall, the
4 10th, November the 10th, if I recall, that
5 Mrs. Burnell's position was in question.

6 MR. FOSTER: Why don't you
7 read the full minutes --

8 THE WITNESS: Okay.

9 MR. FOSTER: -- and then let
10 the attorney ask questions about the
11 particular parts of the minutes that
12 he may be interested in.

13 THE WITNESS: Okay.

14 MR. WILLIAMS: Right.

15 THE WITNESS: Okay.

16 BY MR. WILLIAMS:

17 Q. Okay. Can you just tell us for the
18 record what that document is?

19 A. I don't know.

20 Q. Is this -- this is the time minutes
21 for the Khepera Charter School on November the
22 10th, 2004?

23 A. No, I don't think so.

24 Q. It's not?

1 A. (Witness shakes head.)

2 Q. Did you ever see that before?

3 A. No.

4 Q. Okay. Are you prepared to say these

5 are not the minutes of the Khepera Charter

6 School?

7 A. Not that I -- not that I recall.

8 Q. Okay. There's a paragraph in here

9 that has to do with eliminating the executive

10 administrative position. Can you read that out

11 loud?

12 A. The board of trustees Khepera Charter

13 School --

14 MR. FOSTER: Read it slowly

15 so the court reporter can get it.

16 THE WITNESS: The board of

17 trustees Khepera Charter School upon

18 reviewing the current staffing have

19 found a position that was not

20 authorized by this board. The

21 executive administrative assistant

22 position held by Rachel Randolph is

23 terminated effective 11/10/04.

24 BY MR. WILLIAMS:

1 Q. Okay. But you testified that three
2 board members did authorize that position;
3 right?

4 A. Yes, from what I -- what I recall.

5 Q. So is that statement you just read
6 correct, that that position was not authorized?

7 A. It was never --

8 MR. FOSTER: Objection.

9 You can answer the question.

10 THE WITNESS: It wasn't
11 authorized at a sunshine meeting. We
12 spoke about it at -- like I said, Bill
13 came to my house for us to get the
14 approval that this was taking place at
15 the school.

16 So a lot of times we have
17 executive meetings, we'd make the
18 approval, and then it would go to the
19 sunshine meeting, and then we would
20 put in a resolution.

21 BY MR. WILLIAMS:

22 Q. So --

23 A. But there's no resolution. This -- I
24 don't remember a resolution being passed to

1 authorize the position.

2 Q. So you're stating that these three
3 board members met in an executive session?

4 A. Right.

5 Q. They authorized the position, but the
6 entire board didn't authorize --

7 A. No, that's what I said, that Bill came
8 to my -- there was a board meeting, I wasn't
9 present, there wasn't enough board members to
10 have a quorum.

11 Q. Okay.

12 A. And there were some things, some
13 business that -- business that had to be taken
14 care of and had to have the approval of the
15 board --

16 Q. Okay.

17 A. -- just to start, so we did an
18 executive session at that time to approve
19 various -- I don't remember all the things that
20 were there, but that was one of them.

21 Q. And that executive session where the
22 three board members authorized this position,
23 that was around September of 2004?

24 A. I'm thinking September.

1 Q. And that was at your house?

2 A. Yes.

3 Q. Okay. And do you know approximately
4 what time it was?

5 A. It probably was in the evening.

6 Q. Okay. Now --

7 A. I couldn't find my -- I didn't have --

8 I usually jot a lot of stuff down, but I

9 couldn't find anything on that.

10 Q. Okay. Now, are you aware that Rachel
11 Randolph was terminated on the same day as her
12 sister Carrie Bailey?

13 A. No, I think there was a question about
14 that, too, before.

15 Q. Uh-huh.

16 A. I know on the 10th -- that's why I
17 don't see the -- I see this is at the 10th. I
18 remember the 10th there being resolutions.

19 Q. But it was around the same time?

20 A. Yes.

21 Q. Okay. Did you -- did that strike you
22 as odd, that both of these sisters were being
23 terminated around the same time?

24 A. No, no.

1 Q. Did you raise any questions as to why

2 that was?

3 A. Well, we had already discussed -- we

4 had -- like, we talked about the position being

5 eliminated.

6 Q. Right.

7 A. So it was -- in fact, I think I

8 remember there was a question as to what, you

9 know, we could do, you know, for Mrs. Randolph,

10 you know, because it just -- we actually thought

11 there was something else we could do, but we

12 just didn't know at that time what was available

13 because we weren't in a position then to

14 actually take someone out of the classroom and

15 put somebody else in, then we'd have another

16 person we had to deal with. We weren't hands-on

17 at that time.

18 Q. And are you prepared to say that the

19 Rachel Randolph termination had nothing to do

20 with her sister?

21 A. I would say absolutely nothing, as far

22 as I'm concerned.

23 Q. Say that again.

24 A. As far as I'm concerned, it had

1 nothing -- absolutely nothing to do, except for
2 that position was only created for Mrs. Bailey.

3 Q. Okay. Are you aware of any rules,
4 regulations or laws that require charter schools
5 to report to the School District of Philadelphia
6 information on teachers who are dismissed?

7 A. I'm not aware, but I think we did talk
8 about everyone being notified. In fact, that
9 was -- that may have been -- the minutes I
10 remember, that's what we talked -- we talked
11 about all stakeholders and everyone being
12 notified of all action that had been taken.

13 Q. Including Rachel Randolph?

14 A. Yes.

15 Q. Are you aware of whether or not she --
16 Rachel Randolph was actually notified in writing
17 of her dismissal?

18 A. No, I never received any formal -- or
19 letters to look at and say this is it.

20 Q. To your knowledge, did Khepera Charter
21 School report the details of Rachel Randolph's
22 termination to the School District of
23 Philadelphia?

24 A. I don't know.

1 Q. Okay. Are you familiar with the
2 annual report that Khepera Charter School files
3 every year on August 1st?

4 A. Yes.

5 Q. What about the annual report for
6 August the 1st, 2005; are you familiar with
7 that?

8 A. What's in it?

9 Q. Yeah. Did you read it?

10 A. No.

11 Q. Okay. Do you know why apparently
12 certain questions that were in -- that were
13 supposed to be answered were not answered in
14 this report?

15 A. No, I don't know what the questions
16 are.

17 Q. All right. One question, and I'm
18 talking about section 3 -- section, rather, 6,
19 paragraph 3, "Describe professional development
20 regarding governors of the school, including the
21 Sunshine Law and Public Officials Act for the
22 board of trustees," that was left un -- blank --
23 that was left blank, rather, page 13 of this --

24 MR. FOSTER: Can you show

1 him the question?

2 MR. WILLIAMS: Yeah. I'm
3 just talking about Question 3.

4 MR. FOSTER: Have you read
5 Question 3?

6 THE WITNESS: Yes.

7 MR. FOSTER: Okay.

8 BY MR. WILLIAMS:

9 Q. Do you know why that question was not
10 answered in this report?

11 A. I guess if I had to answer it, I
12 wouldn't know what it meant.

13 Q. Is that why it wasn't answered?

14 A. That's -- no, because I didn't -- I
15 didn't fill out the report, so I don't know why
16 it wasn't answered.

17 MR. FOSTER: But sitting
18 here today, you don't know the answer
19 to that question?

20 THE WITNESS: No, no.

21 BY MR. WILLIAMS:

22 Q. Okay. Do you know whether or not
23 Rachel Randolph was terminated prior to the
24 board meeting on the day of November the 10th,

1 2004?

2 A. No.

3 Q. You don't know?

4 A. Uh-uh.

5 Q. Do you have any information whether or

6 not the board president told Rachel Randolph

7 prior to the board meeting that she was

8 terminated?

9 A. No, I don't know that.

10 Q. The meeting --

11 A. In fact --

12 Q. Go ahead.

13 A. I don't even recall that -- I recall

14 that -- I think I mentioned, we did --

15 Mrs. Bailey, that there was a discussion with

16 Mrs. Bailey. In fact, we talked about her, what

17 was pending, you know, to give her, you know, an

18 opportunity, you know, to do whatever, see if

19 she could come to the meeting or not, but I

20 don't remember any -- anything happening prior

21 to that, because the meeting, I think, was the

22 next night. That day I'm not sure what took

23 place.

24 Q. Okay.

1 A. Before the meeting.

2 Q. Was there a discussion amongst board
3 members about Rachel Randolph's position prior
4 to the meeting on November 10th, 2004?

5 A. Repeat that.

6 Q. Did the board prior -- anytime prior
7 to November the 10th, 2004 say we're going to
8 have a meeting about Rachel Randolph's position?

9 A. No.

10 Q. So on November the 10th, 2004, the
11 issue of whether or not this executive
12 administrative position was authorized, that
13 never came up prior to that meeting?

14 A. Not that I recall.

15 Q. So you did not know that on November
16 the 10th, 2004, that the board was going to
17 terminate that position?

18 A. Oh, yes.

19 Q. You knew it?

20 A. Uh-huh.

21 Q. How did you know?

22 A. We had discussed it, we talked
23 about -- we didn't have a board meeting for
24 that.

1 Q. Who was we, who --

2 A. I think Mr. Isaac, myself, I think

3 Carnley -- Carnley, Norman.

4 Q. Any more board members in that

5 discussion?

6 A. Not that I recall.

7 Q. Okay. And when was that discussion;

8 was it on November the 10th, 2004?

9 A. November 10th?

10 Q. The day of the board meeting?

11 A. It seems that -- I guess the thing is,

12 when you say "discussion," there was really no

13 discussion.

14 Q. What did you say --

15 A. It was like there was some -- it was

16 mentioned, and it was, like, an understanding

17 that that's what would happen. We didn't sit

18 down at the end and discuss the whole idea. I

19 don't know who brought it up or who mentioned

20 it.

21 Q. Okay. So -- and you don't know when

22 it took place, this -- this mention of this

23 issue amongst the board members, you don't know

24 when that took place?

1 A. No.

2 Q. Possibly was on November 10th, 2004,

3 around 12:00 p.m.?

4 A. No. 12:00 p.m., I wouldn't have been

5 around.

6 Q. Okay. So can you get any closer to

7 when it may have taken place?

8 A. I'm not sure when it took place. I

9 know that Carnley and I talked to Mrs. Bailey.

10 I'm not sure that she mentioned her then in

11 terms of what was happening. I'm not sure. I'm

12 really not sure.

13 Like, there was a -- I think -- and I

14 remember on the 10th, if that's when we had

15 our board meeting, was -- that's when I -- it

16 was put on as a resolution, but before that I

17 think we -- it may have been kind of in passing,

18 you know, about that position, you know, what we

19 were going to do with it.

20 Q. But did -- going into the board

21 meeting on November 10th, 2004, did you know

22 the board was going to deal with that issue that

23 day?

24 A. Yes.

1 Q. And you knew it because of this
2 discussion or whatever you want to call it
3 between the three board members?

4 A. Right.

5 Q. Was there any discussion about
6 notifying Rachel Randolph that the board will be
7 deciding whether or not to terminate her
8 position at that board meeting on
9 November 10th, 2004?

10 A. No.

11 Q. Was Ms. -- to your knowledge, was
12 Ms. Randolph actually notified of that meeting?

13 MR. FOSTER: As to the
14 existence of the meeting or the topic
15 of the meeting?

16 BY MR. WILLIAMS:

17 Q. Either, if you know?

18 A. Well, the meeting itself was a
19 sunshine meeting, so everybody -- that's --

20 Q. But I'm talking about specific, was
21 there any specific notice, because everybody
22 didn't know what was going to happen at the
23 meeting --

24 A. Happen at the meeting.

1 Q. -- right?

2 A. Right.

3 Q. And don't you think that Rachel

4 Randolph should have known what's going to take

5 place at that meeting?

6 A. Yes.

7 Q. Do you know whether or not she was

8 notified of that meeting?

9 A. No, I don't know.

10 Q. And do you know whether or not she was

11 notified that that issue regarding her position

12 would be discussed at that meeting by the board?

13 A. No.

14 Q. No?

15 A. No, I don't know. I don't know if she

16 was notified.

17 Q. Okay. Do you know Mr. Dean?

18 A. Yes.

19 Q. Okay. And do you know what he was

20 hired to do by the school?

21 A. I don't recall.

22 Q. Do you have any information whether or

23 not Mr. Dean was performing at some point duties

24 that Rachel Randolph should have been

1 performing?

2 A. That was one of the discussions at the
3 executive meeting that I recall that Mr. Bailey
4 and Mr. Carnley were at, and the resolution was
5 to -- Mrs. Randolph would be moved to executive
6 administrative assistant and Mr. Dean would move
7 into her class and take over that class.

8 Q. Now, who decided that? Who decided --

9 MR. FOSTER: Objection to
10 the form. He's never said it was
11 decided; he always said it was
12 discussed.

13 BY MR. WILLIAMS:

14 Q. Who was that discussed amongst, that
15 Rachel Randolph would be moving into the
16 executive administrative position and Mr. Dean
17 will be doing some teaching that she formerly
18 did, who was there when that was discussed?

19 A. Mr. Bailey and Mr. Carnley, Norman, I
20 recall.

21 Q. And yourself?

22 A. Yes, myself.

23 Q. Okay. Was there any agreement amongst
24 the board members that that would take place?

1 A. Yes, that's what I said earlier, that
2 we met and there was a decision being made at
3 the school and they had to have the board
4 approval in order to really carry them out.

5 So we had that session because the
6 executive session -- not the executive, but the
7 board meeting didn't have a quorum, so when
8 Mr. Bailey came over, he said, These are the
9 things we need approval on.

10 And, naturally, it would be if we
11 thought it was something outrageous, we said,
12 Well, wait a minute, what's the -- and then
13 there would be a discussion, we'd say okay. So
14 if Ms. Bailey wants it, you know, we'll agree to
15 that.

16 Q. But would you -- but what we talked
17 about earlier, we didn't talk about Mr. Dean
18 being discussed?

19 A. That was part of the -- it was a two
20 process --

21 Q. Right.

22 A. It was one was to elevate -- in fact,
23 both were elevated, because one was going to the
24 executive administration and the other was going

1 into the classroom.

2 Q. Now, that was at the executive meeting
3 you were talking about with three board members?

4 A. Right.

5 Q. Now, at that meeting was there any
6 decision to go ahead with this change, or was it
7 just we're going to wait and let the board as a
8 whole decide?

9 A. I guess it was an agreement to the
10 change.

11 Q. That -- was it to be effective at a
12 certain point?

13 A. I'm not -- I'm not sure of how it was
14 handled legally in terms of whether we put it at
15 the sunshine -- I mean a sunshine meeting, but
16 my understanding was that certain things had to
17 be approved, you know.

18 In other words, you know, the board
19 had to hear about what was going on, and then we
20 would say okay, but they always had to follow
21 with the resolutions and so forth.

22 Q. Now, from the time of that executive
23 board meeting, which you think was in
24 September of 2004, until November 10th, 2004,

1 did you have any knowledge whether or not these
2 changes were actually taking place, that Rachel
3 was actually acting as executive administrative
4 assistant and Mr. Dean was actually teaching in
5 her classroom; did you have any knowledge of
6 that?

7 A. In terms of firsthand, going there and
8 seeing --

9 Q. Whatever knowledge you may have, I
10 would ask you --

11 A. From my understanding, that's the way
12 it was.

13 Q. And how did you understand that?

14 A. Well, for one, that's what the title
15 was, that's what the payroll stated. I received
16 a breakdown of positions. Even when we had the
17 incident in October, there was -- when
18 Mrs. Randolph was interviewed, that's the
19 position she had. It wasn't a teacher who was
20 standing in the hallway, it was the
21 administrative assistant was there.

22 Q. Now, do you know whether other board
23 members knew prior to November 10th, 2004 that
24 Rachel was already acting as an executive

1 administrative assistant and Mr. Dean was
2 already teaching in her classroom even though
3 the board hadn't acted as a whole?

4 A. I don't know. I don't think other --
5 I know some didn't know, some didn't really --

6 Q. Some knew and some didn't know?

7 A. Right.

8 Q. You knew?

9 A. Yes. I was there, so...

10 Q. Was there at least one other board
11 member who knew?

12 A. Mr. Bailey was there, he would have
13 had to have been there.

14 Q. Anyone else?

15 A. Like I said, I vaguely remember
16 Carnley being on the conference with us.

17 Q. Can you say that --

18 A. But I couldn't say definitely because,
19 like I said, I can't go back and look at my
20 little scribble and say this -- these are the
21 people who were there.

22 Q. Did you have any knowledge as to
23 whether or not -- well, let me put it this way:
24 At the executive board meeting was there any

1 discussion as to a salary increase for Rachel

2 Randolph?

3 A. Not that I recall.

4 Q. Do you -- did you ever find out

5 whether or not Rachel Randolph's salary did

6 increase?

7 A. I think in one of the printouts. I'm

8 not sure in terms of actuality. I know looking

9 at the -- the terms of looking at the paper that

10 had a breakdown of salaries, I remember seeing

11 the change in there.

12 Q. That she -- her salary did increase as

13 a result of the executive administrative

14 position --

15 A. Right. I don't know if that was a

16 final piece that I've read or it was just a

17 proposal in terms of what the budget looked

18 like.

19 Q. Can you tell us approximately when you

20 learned that about the salary increase?

21 A. I have no idea on that one.

22 Q. Prior to November 10th, 2004?

23 A. Yeah, I think it was, yes.

24 Q. Okay. Is it unusual for teachers who

1 do extra work at Khepera to receive extra pay?

2 A. No.

3 Q. What about as far as the school

4 district is concerned, if you know; is that

5 unusual?

6 MR. FOSTER: Do you know the

7 school district's policy with regard

8 to salary for teachers?

9 THE WITNESS: No.

10 BY MR. WILLIAMS:

11 Q. Okay. Do you think that Rachel

12 Randolph should be punished for doing extra work

13 for Khepera Charter School over and above what

14 she -- her job description was?

15 MR. FOSTER: Objection to

16 the form.

17 BY MR. WILLIAMS:

18 Q. Do you -- as a board member, do you

19 see that as something that she should be

20 punished for?

21 MR. FOSTER: Objection to

22 the form.

23 MR. WILLIAMS: Can he

24 answer?

1 MR. FOSTER: No. You're
2 assuming a lot of different facts --

3 MR. WILLIAMS: Okay.

4 MR. FOSTER: -- considering
5 your client has denied all those
6 facts.

7 MR. WILLIAMS: Right.

8 Right.

9 BY MR. WILLIAMS:

10 Q. Okay. Do you have a position, your
11 own personal position, whether or not -- well,
12 put it this way, whether or not Rachel Randolph
13 did anything wrong for assuming these extra
14 duties?

15 A. What do you mean when you say "extra
16 duties"?

17 Q. Well, administrative assistant --
18 executive administrative assistant duties, which
19 were really not in her original contract?

20 MR. FOSTER: Are you just
21 basically asking do you think it was
22 fair to terminate Rachel Randolph for
23 accepting the promotion?

24 BY MR. WILLIAMS:

1 Q. Go ahead, that's a good question. Do

2 you think so?

3 A. I think if you put it that way, it

4 doesn't make any sense to say terminate someone

5 just for accepting a promotion. In other words,

6 when you accept a position, you can put yourself

7 at risk for where you're at, especially if that

8 position is not needed anymore.

9 For example, if we -- even if it was

10 in the classroom, if there was a class that was

11 eliminated for some reason, let's say the class

12 became too small and we couldn't justify having

13 a teacher in that class, three students or

14 something like that, and somebody accepted the

15 position from another -- let's say from

16 executive to teacher, and then we had to

17 eliminate the class, we couldn't keep the person

18 there.

19 Q. So can you say as we stand here

20 today -- as we sit here today that the

21 termination of Rachel Randolph was unfair?

22 MR. FOSTER: Objection.

23 I'll let him answer it only to the

24 extent it's his personal opinion --

1 MR. WILLIAMS: Personal

2 opinion, right.

3 MR. FOSTER: -- as to what

4 he thinks is the situation.

5 BY MR. WILLIAMS:

6 Q. Your personal opinion?

7 A. No.

8 Q. No, what?

9 A. No, I don't think it was unfair.

10 Q. You don't think it was unfair?

11 A. No.

12 Q. You think it was fair to terminate

13 her?

14 A. Yes.

15 Q. For what reason?

16 A. Because the position was eliminated.

17 I've seen that happen right where I work at,

18 I've seen people who have been hired to

19 positions that have been above me and have

20 been -- when -- it's like this job down here at

21 Comcast, when it gets to near the end, they're

22 going to shrink, and some people above are going

23 to leave and some people will stay just doing

24 like myself, banging nails, will still be

1 working.

2 Q. But you --

3 A. But that's still fair. You know, it's

4 just one of those things.

5 Q. I think you already indicated, though,

6 that it may have been unfair to not allow her to

7 revert back to her teaching position; right?

8 MR. FOSTER: Objection. I

9 don't think he ever said it was

10 unfair.

11 BY MR. WILLIAMS:

12 Q. Well, do you think -- do you think

13 that was unfair, not allowing her to go back to

14 teaching?

15 A. That would probably be a good question

16 if that would have come up and we discussed it,

17 and then I had to think about it again --

18 Q. Right.

19 A. -- and then said that, Well, maybe we

20 should have allowed her. But it was never a

21 discussion, it was never a -- how would you say,

22 never -- no one ever actually said, This is what

23 I want to do.

24 Q. Okay.

1 A. Mrs. Randolph never came and said,
2 This is what I want to do. The reality is that
3 we -- we definitely -- it was one of those
4 situations where we were like, How do we handle
5 this, you know.

6 So that would have actually been
7 probably a good excuse for us with the law or
8 something like that, but it was one of those
9 situations where the position was eliminated,
10 and we would have to go in and -- like I said,
11 and remove someone from the classroom and then
12 bring someone back, and now you have the
13 children -- you know, if she was in there the
14 first time, then we brought someone else and
15 then we bring -- you know, we're going back and
16 forth.

17 And I think mainly because we just
18 didn't have at that time the knowledge in terms
19 of what was going on in the day-to-day
20 operations, you know, that position was created
21 because Ms. Bailey said she needed that
22 position.

23 Q. Carrie Bailey?

24 A. Yes, Carrie Bailey.

1 Q. Did you talk to Carrie Bailey

2 personally about that position?

3 A. No.

4 Q. Did you ever talk to Rachel Randolph

5 about that position?

6 A. No.

7 Q. Do you know whether or not, before

8 Rachel Randolph was terminated, whether the

9 board gave any consideration to the work that

10 Ms. Randolph had done in establish -- helping to

11 establish the charter school?

12 A. I think unfortunately a lot of that

13 was done -- there was a lot of people working

14 behind the scenes. When we started having board

15 meetings, there were people who were planning on

16 working there, so they didn't come to the board

17 meetings.

18 So we were meeting for a year, over a

19 year, and we really had no contact with

20 Mrs. Randolph. You know, we would see her come

21 in sometimes, but she wasn't part of that

22 process.

23 You know, when Mrs. Bailey was right

24 there, we could see what she was doing. There

1 were other people who were doing things, I think
2 Ms. Burnell with the math proposal and somebody
3 else with another proposal. So there were a lot
4 of people working, but we had no knowledge of,
5 you know, anything else she'd done -- did above
6 and beyond that to take that into consideration.

7 Q. All right. Were you personally
8 aware -- are you personally aware of the
9 contributions of Ms. Randolph to establishing
10 the charter School?

11 A. No.

12 Q. After the special meeting of the board
13 possibly in September 2004, did you or any other
14 board member go to the board itself to try to
15 get approval of this decision to create this new
16 position?

17 A. I'm trying to think was there a
18 meeting after that. Not that I recall.

19 Q. So how was the board to vote on this
20 new position if nobody ever presented it to the
21 board?

22 A. Well, the secretary who called the
23 meeting usually would bring the minutes to the
24 current -- he would either email us the minutes

1 or bring the minutes to the meeting, and then we
2 would actually discuss what we talked about at
3 the executive -- executive session for approval.

4 Q. And that wasn't done; right?

5 A. No.

6 Q. But knowing that it wasn't done,
7 did -- why didn't you say to the board, Hey, you
8 know, we just created this -- at least we -- we
9 approved, the three of us, of this new position,
10 and we need the board to validate it?

11 A. Well, it was still a proposal coming
12 from elsewhere; in other words, if it was that
13 important at that particular meeting at that
14 time and I thought we needed to move on that
15 immediately, then I would probably raise that
16 question.

17 But someone else presented that, and
18 it either wasn't a time for it to -- you know, I
19 don't know why they didn't present at the board
20 meeting or raise the discussion at the next
21 meeting, I have no idea.

22 Q. And you don't know why you didn't
23 raise it?

24 A. I didn't raise it because I didn't

1 find it to be that expedient. It wasn't

2 something that I looked for.

3 If I would have went to the board and

4 called an executive session after maybe

5 consulting with Mrs. Bailey and saying, This is

6 important, we need to have this, and then we had

7 an executive session, and then when we got to

8 the board meeting, I would have made sure that

9 that was one of the primary things on the table.

10 But since that didn't happen that way,

11 the other business that we took care of would

12 take -- because we've had things before that,

13 you know, lingering to the next meeting, it

14 wasn't that important to actually deal with it.

15 Q. Did you ever tell the board about this

16 special meeting amongst the three board members

17 where the decision was made --

18 A. It wasn't a secret meeting.

19 Q. I know, it wasn't a secret.

20 A. The meeting was taken -- the minutes

21 were taken by our secretary --

22 Q. Right.

23 A. -- and the secretary, the job was

24 usually to inform the board that -- the entire

1 board of what was taking place at each meeting,
2 and this way we don't have different minutes
3 floating around.

4 Q. When did you find out that the
5 secretary did not transmit this information to
6 the board?

7 A. Never did find out.

8 Q. You never found out?

9 A. No.

10 Q. And you never yourself told the board
11 about this executive meeting and what had taken
12 place?

13 A. No.

14 Q. Okay. Any reason why not?

15 A. Like I said, just repeating the same
16 thing --

17 MR. FOSTER: I'm going to
18 object because you actually have asked
19 that question about three times.

20 MR. WILLIAMS: All right.

21 BY MR. WILLIAMS:

22 Q. All right. But even at -- on November
23 the 10th, when the board voted to eliminate
24 that position, you still didn't say, Hey, well,

1 we approved this at executive session; right?

2 MR. FOSTER: I'm going to
3 object only to the extent that at the
4 time that the executive session took
5 place, there were six members of the
6 trustees, and only three had been
7 identified as being in attendance.

8 MR. WILLIAMS: Right.

9 MR. FOSTER: Which would
10 mean there was no quorum.

11 BY MR. WILLIAMS:

12 Q. I understand that, but at that -- at
13 that meeting where this decision was to
14 terminate this new position, you didn't say to
15 the board, even -- no matter how many members
16 were present, you didn't say, Hey, we met, and
17 three of us decided that we need this new
18 position; right?

19 A. The three of us didn't decide that we
20 needed it.

21 Q. What did you decide?

22 A. The decision we made at the school,
23 and the board approved it, so --

24 Q. Did you -- what -- you said the board

1 approved it or the three of you --

2 A. The three board members approved it.

3 Q. Okay. Did you tell the board that on

4 November the 10th, 2004?

5 A. Well, if you look at the minutes, it

6 wasn't asked.

7 Q. So it wasn't asked, and you didn't

8 tell; right?

9 A. Not at that board meeting.

10 Q. So you allowed them to terminate

11 Rachel Randolph without even informing them of

12 what had happened at the special session,

13 executive session; right?

14 MR. FOSTER: Objection.

15 Assuming the meeting at the executive

16 session was -- other than discussing

17 the issue, you have not established

18 that the position was ever officially

19 created by the board.

20 MR. WILLIAMS: Right. I'm

21 only asking him --

22 BY MR. WILLIAMS:

23 Q. Did you inform the board on

24 November 10th, 2004 what had taken place in

1 the executive session?

2 A. I think two things are happening:

3 Number one, you asked me about this

4 (indicating), and I told you certain things I

5 didn't -- I don't recall.

6 Q. Are you talking about the minutes?

7 A. In other words, I would assume that

8 that's the reason why -- I have a different -- a

9 whole different set of resolutions that dealt

10 with termination.

11 Q. Just for the record --

12 A. They weren't based on --

13 Q. -- when you say "this," you're talking

14 about this document I gave you entitled "Minutes

15 of Khepera Charter School Board November 10th,

16 2004"?

17 A. Yes.

18 Q. All right. Which you say you don't

19 know if those were the -- this is the actual

20 minutes?

21 A. I don't remember the termination

22 being -- how do we say -- an unauthorized --

23 MR. FOSTER: Position.

24 THE WITNESS: -- position,

1 so, therefore, that's why that it was

2 terminated.

3 MR. FOSTER: Do you remember

4 the termination being something else?

5 THE WITNESS: This being the

6 fact that -- that the position was

7 eliminated.

8 BY MR. WILLIAMS:

9 Q. And the reason why, do you remember

10 what that was?

11 A. Because it was created for

12 Mrs. Bailey, who needed an executive assistant,

13 and we weren't going to have an executive

14 assistant with the next principal unless she

15 requested it.

16 Q. Okay. And -- okay.

17 MR. FOSTER: So, based upon

18 that logic, then wouldn't the

19 termination of Rachel Randolph then

20 have been linked to the termination of

21 Carrie Bailey?

22 THE WITNESS: Well, the link

23 is there, but we didn't terminate her

24 because of her; we terminated her

1 because the position had been
2 eliminated. If we needed the
3 position, it would have stayed in put.

4 In other words, if that
5 position would have been created
6 originally, and maybe, let's say, it
7 was vacant, and we just never filled
8 it, and we said as a board, We agree
9 to have this position, and then a few
10 weeks later Mrs. Randolph would have
11 been elevated to that position, then
12 that was a position that's created by
13 the board, not a -- we had a security
14 person there, too, that was a request
15 of Ms. Bailey, and that person was
16 terminated after Ms. Bailey left, you
17 know, not because that -- because the
18 board didn't create that position.

19 It was a recommendation, so
20 we -- and but we didn't have to move
21 anybody out of another position. I
22 guess if our custodian would have
23 moved into the position, then we would
24 have hired another custodian, then we

1 would have two custodians and we
2 probably would have had to terminate
3 that one also.

4 BY MR. WILLIAMS:

5 Q. Okay. Now, to your knowledge, did
6 Khepera Charter School engage in professional
7 development of teachers and other professionals?

8 A. Yes.

9 Q. Did you participate in any of these
10 sessions?

11 A. No.

12 Q. Can you tell us when those sessions
13 occurred?

14 MR. FOSTER: Objection.

15 Relevance. Professional development
16 of teachers, how's it relevant to this
17 action at all?

18 MR. WILLIAMS: Well, we're
19 talking about somebody who was a
20 teacher who brought an action against
21 the Khepera Charter School --

22 MR. FOSTER: If you want to
23 have any specific questions regarding
24 Rachel Randolph, you may ask questions

1 regarding Rachel Randolph.

2 MR. WILLIAMS: Okay.

3 BY MR. WILLIAMS:

4 Q. Do you know whether or not there were

5 any sessions with professional development for

6 Rachel Randolph?

7 A. I don't know.

8 Q. You don't know?

9 A. No.

10 MR. WILLIAMS: Okay. I

11 believe that's it, but I do have to --

12 I need a break.

13 MR. FOSTER: Okay. So do I.

14 (AT this time, a brief

15 recess was taken.)

16 (Witness excused.)

17 (Deposition concluded at

18 1:25 p.m.)

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1 C E R T I F I C A T I O N

2

3 I, JENNIFER MULRANEY, a Registered

4 Professional Reporter and Notary Public, do

5 hereby certify that the foregoing is a true and

6 accurate transcript of the stenographic notes

7 taken by me in the aforementioned matter.

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21 DATE:

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JENNIFER MULRANEY, RPR

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