

1 weeks, was that consistent with having had a previous
2 French teacher that wasn't providing French instruction?

3 A. No. They had -- They were able to do
4 everything I asked of them, most of them. You know,
5 there's always some who can't.

6 Q. Do you recall whether Matt and Chayce and Sam
7 ever did a skit together?

8 A. Yes.

9 Q. Could you tell us about that?

10 A. I required all students as a semester test to
11 write an original skit in French, learn it and perform it
12 in front of the class on their test day. They also --
13 they had to use the vocabulary, the phrases and words
14 that we had learned in class through the textbooks and
15 everything and maintain that level of vocabulary.
16 Because at the end of the skit, the other students were
17 required to ask them questions based on the skit. So
18 they had to use the vocabulary that the other students in
19 the class were accustomed to. So it was a give and take
20 at the end of it, a question and answer period, in
21 addition to having written an original skit and then
22 performed it.

23 Q. And do you recall the skit that Matt, Chayce
24 and Sam did?

25 A. Yes.

1 Q. Can you tell us about that?

2 A. The skit was there three boys who were at home
3 the night before a test -- a major test and were supposed
4 to be studying. They brought in some pizza, played music
5 and chit chatting and time passed, and they were talking
6 about this, that and the other. And then one of them
7 said, well, when are we going to get around to studying.
8 And they said, oh, it's too late to study. Well, what
9 are we going to do then. Well, we'll do what we always
10 do, we'll cheat. Those were the final words of the skit.

11 Q. Now, did any of these three, Matt, Chayce or
12 Sam, ever cheat or were dishonest with you?

13 A. Yes.

14 Q. Let's start with Matt.

15 A. My first day in class, Matt and another boy in
16 class when I called roll decided to answer to each
17 other's names. And they did this -- I was calling Matt
18 by the other student's name and vice versa until they
19 took their first test. Matt always made higher grades
20 than this other student. So when he got his paper back,
21 it had a lower grade on it than the other boy's paper
22 did. And then there was this fumbling around, oh, well,
23 you know, I'm really not so-and-so; I'm Matt and he's
24 so-and-so.

25 And I said, so you've been giving me the wrong

1 name all this time and turning your daily papers in the
2 whole time.

3 Well, yes.

4 So, you know, the grades -- I said, those are
5 the grades that were on the papers, and those are the
6 grades that were put in the test registry. And those are
7 the grades that will remain. From now on, if you use
8 your own names, then you'll get your own grades.

9 Q. Was there any other incidents involving Matt
10 cheating?

11 A. Yes.

12 Q. Would you tell us about that?

13 A. For one six weeks test, they were required to
14 do a research paper. It was a six-week long project. I
15 gave them a list of topics that each student could choose
16 the topic that he or she wanted to write on. We took
17 class time. We went to the labs -- the computer labs so
18 that they could research their subjects. They were
19 allowed during this period of time as they did their
20 research to check with me is this adequate research.
21 Yes, it is or no, you need more. And whenever they wrote
22 something, then they could give it to me. I would circle
23 any mistakes and give it back to them.

24 Now, they, if they chose, could go then and
25 research what the errors were and correct them. And that

1 way each time they handed in a little bit more, they
2 would be handing in work that I had corrected -- that
3 they had corrected. I did not make the corrections on
4 the papers. I only circled the errors.

5 So by the end of the six weeks if they had
6 followed that pattern, they could hand in an A paper.
7 They learned a lot through their research and through
8 having to go back and correct their own mistakes. So
9 they had the ability from the very beginning to hand in
10 an A paper.

11 Q. And what did Matt do on that assignment? Did
12 Matt cheat on that assignment?

13 A. Yes. Matt did nothing for the six weeks. And
14 the day they were supposed to hand them in, he came in
15 and handed me a completed paper. And he said, I bet you
16 didn't expect to get this, did you.

17 And I said, no, I didn't. He was the only one
18 in the class who had not handed in papers intermittently
19 to be checked or to have help with. I would help them
20 with the papers.

21 Q. Did they cause any suspicion with you?

22 A. What caused suspicion was when I started
23 reading it, and I knew it was plagiarized.

24 Q. How did you know it was plagiarized?

25 A. Two things. The vocabulary used in the paper

was far beyond the knowledge level where he was at that time. He would not have known how to write some of the phrases that he used. Secondly, there were no -- no research sources listed. They had to list their research sources.

Q. Did you do anything to inquire or follow up after reading that paper?

A. Yes. I told Matt that I could not give him a grade on the paper because I needed the source material that he got it from. Okay. He would get it to me. So this went on for several days. And I said, Matt, before I can grade your paper, I need your source material. And we were getting close to the end of the six weeks, and I had to have a grade for this because this was his six-weeks grade.

So finally, I called his mother. And I said, I have to have Matt's source material in order to grade his paper. The next day Matt brought me his source material. It was a four-page English paper off the web on the subject from which he had translated verbatim many, many paragraphs of that paper. The translations were not good. But by then, the translations of the English version -- the English version was very well above his level of knowledge in French. And he was way over his head in trying to translate it. Consequently, there were

1 many translation mistakes. But he translated it verbatim
2 from that paper that came off of the web.

3 Q. Without giving sources?

4 A. Without giving sources.

5 Q. Did you consult the administration about this?

6 A. Yes, I did.

7 Q. And what was the determination made?

8 A. I told them -- I took them the research -- the
9 source material he brought me and his paper. And I read
10 the source material to them in English, and then I read
11 it to them -- what he had given me in French. And I said
12 this is plagiarized.

13 Q. And did you give him a zero for it?

14 A. I gave him a zero.

15 Q. Did he appeal? Is there a procedure available
16 within the school district for a student to appeal a
17 grade?

18 A. I'm sure there is. I think that may have been
19 the only grade that ever would have been appealed.

20 Q. Was there an appeal made on that grade?

21 A. I don't know.

22 Q. As far as you know, he got a zero?

23 A. Oh, I know I gave him a zero. That's in the
24 grade book. His grades were averaged with a zero.

25 Q. Because of the plagiarism?

1 A. Yes.

2 Q. Did it have anything to do with the fact that
3 he was bringing allegations against Ms. Ogletree?

4 A. No.

5 Q. What about any -- any -- Let me back up. On
6 Chayce, were there any incidents of him being dishonest
7 or him lying?

8 A. Yes.

9 Q. Could you tell us about that?

10 A. It was a French history class. We were
11 studying the Middle Ages. And as part of the study of
12 the Middle Ages to give them a little bit of a picture of
13 that period of time, I had them watch the *Hunchback of*
14 *Notre Dame*. After they had watched this, I asked them to
15 write no more than one page in French to give whether
16 they liked it or not, whether they didn't like it; and if
17 you liked it, why; if you didn't like it, why. It was
18 totally their opinion. I didn't care what their opinion
19 was. I wanted them to write it in French.

20 Chayce handed a paper in. And when I started
21 to read it, I knew it was plagiarized. Because, again,
22 it was so far above his level of knowledge of French and
23 above his level of knowledge of that particular movie.
24 It was really a -- It looked like a critic had done a
25 critical review of the movie, and this is what he had

1 taken his paper from.

2 Q. Did he get a zero for that?

3 A. No.

4 Q. What did you do with that?

5 A. I made him do it over again.

6 Q. But that was earlier --

7 A. That was the first thing they had ever done for
8 me.

9 Q. Okay. That would have been in 2002/2003?

10 A. Yeah, that would have been in the -- The Middle
11 Ages was the first thing we started studying. So that
12 probably would have been in November of 2002 whenever I
13 took over.

14 Q. Did Chayce admit that he had plagiarized?

15 A. No. I always went over their papers with them
16 in class to point out mistakes, show them how they could
17 correct them. And I gave them a chance to take the paper
18 back and correct it.

19 And I told him -- I said, Chayce, this paper is
20 not your work.

21 Oh, yes, it is. Well, I can't say that, can I.
22 I told him it wasn't his work.

23 Q. You can say that.

24 A. I told him it wasn't his work, and I told him
25 why I knew it was not his work. And this went on for 45

1 minutes with him saying, oh, yes, it was his work.

2 And finally I said, Chayce, you did not do this
3 French. And he did admit that he had some help from the
4 computer on the French. That's as far as it went.

5 Q. But he never admitted it wasn't his work?

6 A. No.

7 Q. Is that correct?

8 A. That's correct.

9 Q. Now, how was Matt in your class -- in the
10 French III class that you had starting October, 2002
11 until May of 2003, how did he -- was he reserved and
12 quiet and withdrawn in your class?

13 A. No. The three boys -- There were four boys
14 that sat on the back row, and they were all pretty active
15 in talking and acting out. I finally had to separate
16 them. And I moved one to either side of the front row
17 and left one in the back just to separate them so they
18 couldn't continue carrying on during class and not paying
19 attention.

20 Q. Well, Matt has testified that after
21 Ms. Ogletree left that he was withdrawn and reserved and
22 quiet. Is that the observations that you have about him
23 after Ms. Ogletree left her class?

24 MR. JONES: Objection, Your Honor. First
25 of all, stating that -- he's restating the child's