

## TRANSCRIPT OF DEPOSITION WITH VINSON VARIABLE

January 15, 2012

(Note: we only transcribed the parts of the interview that were relevant to the claim. The plaintiff, Vinson Variable, was duly sworn in and the initial social chatting between the plaintiff and the two attorneys was not transcribed. Plaintiff's attorney, Jeannie Cochran, opened the questioning, followed by River Valley High School's attorney, G. C. Bailey.)

Cochran: Well, if you're comfortable, let's get down to business. When did you first start teaching at River Valley High School?

Variable: I started there in the fall of 2000. They hired me after I'd spent a couple of years teaching high school in another state.

Cochran: And what did they hire you to do? Were you hired to teach specific classes or what?

Variable: Yeah, that's the way it often works. They had advertised for a teacher who was primarily a math teacher, and when I interviewed, I told them that I could also help out with the speech team, because I used to be involved in that a lot. When I came in, I came in as a member of the math department and the understanding was that I'd spend most of my time teaching algebra but I'd also have an AP calculus class. I also agreed to be a speech coach.

Cochran: And how did that work out for you?

Variable: It worked out fine. I had a little trouble adjusting the first year or so, but once I settled in, I think I was doing a good job. River Valley was happy with me and my performance reviews were all positive. After I'd been there a few years – let's see, I guess it was in 2003 – the main person who had been running the speech team left, so I took that over. I got a lot of kids through the AP calculus test and the speech team was doing a little better every year. Last year, we sent a whole bunch of kids to the state tournament, and I felt really good about that.

Cochran: OK, so it was a positive experience pretty much all around.

Variable: Yes, I'd say that sums it up.

Cochran: So then when was it that you found out you had retinitis pigmentosis?

Variable: I was kind of an odd case. People usually find out in childhood or their late teens when they start experiencing night blindness, but I really didn't have any major problems until I was almost done with college, and unfortunately I just chalked it up to eye strain. I started having real problems in the spring of 2011 and went to an eye doctor and that's when I found out.

Cochran: Let me just back up a step. Can you explain to me again exactly what it is?

Variable: I don't want to get too technical, but it's an eye disease that causes your rods and cones to degenerate. You also get abnormal pigmentation in your eyes that gradually narrows your field of vision. There are some experimental treatments out there, but it often results in complete blindness. They think now that it's genetic.

Cochran: And how long does it take for people to lose their vision with this?

Variable: Well, it varies. I was pretty unlucky. Almost as soon as I was diagnosed, it started moving pretty fast. As I said, I went to the doctor last spring with some serious narrowing of my vision. By the mid-summer, I was starting to

have a lot of trouble coping and I ended up having to take a leave of absence in early fall. I've been talking to a lot of specialists, and the consensus seems to be that I'm going to be completely blind in less than two years. Even now I can't do things that require any peripheral vision like driving. It's getting harder and harder to read the newspaper.

Cochran: Wow. That's rough. And what has this done to your work as a teacher?

Variable: Well, it's been tough making the transition. Fortunately I'm a math teacher rather than an English teacher! If I had to grade essays, I think I'd be sunk. Up until last fall, I had been just struggling to read my students' homework and tests and asking them to write as clearly as possible, but that's not going to be a permanent solution. On the bright side, though, it hasn't hurt my work as a speech coach. In fact, I think I'm becoming a better coach as my vision deteriorates, because I really have to listen carefully to what my students are saying.

Cochran: What do you think would make it possible for you to do your job once you are completely blind?

Variable: I think I can still do my math teaching job if I can have my students' assignments and exams dictated once they've done them. I have a good home computer with voice recognition software, so making notes on homework assignments and exams would be pretty easy. I think I can also manage the classroom aspects of it too. I've looked into it and it wouldn't be very expensive to wire my classroom so that I can use my computer with a projector almost like a chalkboard. I could even still have my students work on problems that way using the voice recognition software themselves so that I could follow what they were doing without having to have them write things on the board. The only thing I would really lose is the visual contact with my class. As for the coaching, that doesn't really require me to see.

Cochran: So you're optimistic that you will still be able to perform substantially the same duties for which you were hired?

Variable: That's right.

Cochran: OK, now let's talk about what happened after you took your leave of absence. Did you tell the school what was going on?

Variable: Yes, I did. I actually told them in June, when it became clear that my disease was progressing quickly.

Cochran: And what happened then?

Variable: Well, I had several meetings with the principal and with the board to try to figure out what to do. After doing some research, I suggested the steps I described above as a way to solve the problems. I started my leave of absence in late September and I originally asked for six weeks, which they granted. When the leave was over, I was ready to come back and start trying out some of my ideas, but they thought it would be too disruptive so late in the term, so they asked me to extend my leave until the end of the second quarter and give them time to figure out what to do.

Cochran: And what was their solution to the problem?

Variable: They fired me. They said I was not able to do my job effectively any more.

Cochran: And what did you do then? Did you go to the teachers' union to try to work this out?

Variable: River Valley High is a private school, so we're not affiliated with either of the unions. I appealed their decision, which came from the chair of the board of directors, but a 7-4 vote of the full board upheld their decision to get rid of me. And that was really all I could do. So I came to you, and here we are.

[At this point, the attorneys and Variable took a short break. Variable was sworn in again, and the attorney for River Valley High, Bailey, began to direct questions to Variable.]

Bailey: Before we get underway here, I just wanted to let you know how sorry I am for your tragic situation.

Variable: Thanks. I am coping, though.

Bailey: OK, I think we've got a pretty clear picture of your work history with the school from the earlier part of the deposition. I only have a few questions that relate pretty directly to your current situation. First of all, can you tell me a little bit what it was like when you were still teaching last spring and fall?

Variable: I can't say it was easy. As I mentioned before, I really struggled in dealing with the students' assignments. That was the worst part of it.

Bailey: Did you have any trouble in the classroom? What about the incident with your one algebra class?

Variable: Well, I think that was an exceptional circumstance. That class was a little resentful because they were having a lot of trouble, and I wasn't able to get their assignments back to them as quickly as I should have because of my reading problems. There was one day when about five students intentionally turned in homework in handwriting so tiny that I couldn't possibly read it. I gave it back to them and told them to redo it, and they got pretty hostile. On the next quiz I gave, I'm pretty sure that those five cheated. They had the same dumb mistakes on a couple of the problems. I called them in and confronted them, and they argued with me for a while. Finally, we agreed that they would retake the quiz, which they did.

Bailey: Do you feel like that situation undermined your authority in the classroom?

Variable: I don't know if it undermined my authority. It did make things tense for a few weeks.

Bailey: OK, you've talked about some positive solutions you've developed to cope with your disability, but you haven't talked much about the things that are going to be problems. Picking up on what we were just talking about, once you're totally blind, how will you keep students from cheating on tests?

Variable: After the situation with the algebra class, I started passing out different versions of the tests so that it wouldn't be as easy for people to copy from each other.

Bailey: That's clever, but what about students who try to use cheat sheets?

Variable: That may help them up to a point, but if they don't really understand the concepts, they're still going to have trouble. I guess I can think about

designing my tests with that possibility in mind. Or maybe I could have a sighted person sit in on days that I give exams.

Bailey: Well, what impact do you think transcription of homework is going to have? Will you be able to assign as much? Can you grade it as quickly that way, given that you'll have to wait for it to be transcribed?

Variable: I will have to make some adjustments – one thing I can do is have students trade papers and grade each others' homework. We usually go over it in class anyway. I'll still need to go over some of it just to make sure that the entire class isn't playing games with me.

Bailey: But will you be able to grade as quickly?

Variable: Well, no, but I think that before this I was one of the faster graders, so I don't think that I'll be that far off of how quickly other people grade.

Bailey: Have you thought about how you're going to maintain control over your classrooms if you have a rowdy group of students?

Variable: I think I can work it out. I don't have any really specific ideas at this point, but I think that most students will be respectful of my limitations.

Bailey: Do you have any idea of how much it will cost to have homework and exams transcribed and to have your classroom wired?

Variable: Not for sure, but I don't think it will be outrageously expensive.

Bailey: Aren't you worried that it's going to be awfully hard to grade complicated math problems, particularly in your calculus class, if you can't look at what the students have done?

Variable: I'm sure it will be hard at first, but I can adjust.

Bailey: Do you think it's fair for your students to have to pay the price of a diminished learning experience while you work out these adjustments?

Variable: I don't know what you mean by fair. By that token, isn't it unfair for any student to have to put up with having an inexperienced teacher?

Bailey: I don't think you answered the question.

Cochran: That question may be crossing the line.

Bailey: OK, I'll withdraw. On to the other aspect of your job. As far as your role as speech coach is concerned, are you telling us that facial features and mannerisms don't matter at all in speech tournaments?

Variable: They do, but I'm not the only coach.

Bailey: But if you're the main coach, isn't it your responsibility to ensure that nonverbal communication is effective?

Variable: Maybe, but I can fulfill that responsibility by delegating it.

Bailey: Hmm. Well, I think that's it. For you, too?

Cochran: I'm satisfied.