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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **CITY AND COUNTY OF SAN FRANCISCO**

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11 ELIEZER WILLIAMS, et al., ) Case No. 312 236  
12 )  
Plaintiffs, ) Hearing Date: September 13, 2001  
13 )  
vs. ) Time: 8:30 a.m.  
14 )  
STATE OF CALIFORNIA, DELAINE ) Department: 16  
EASTIN, State Superintendent )  
15 Of Public Instruction, STATE ) Judge: Hon. Peter J. Busch  
DEPARTMENT OF EDUCATION, STATE)  
16 BOARD OF EDUCATION, )  
17 )  
Defendants. )  
18 )  
19 )  
AND RELATED CROSS-ACTION. )  
20 )

21

22 **DECLARATION OF SHERRY SKELLY GRIFFITH IN SUPPORT OF**  
23 **DEFENDANT STATE OF CALIFORNIA'S OPPOSITION TO**  
24 **PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

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LA2:576838.1



1 Commission studies and evaluates instructional materials  
2 submitted for adoption by national and state publishers. For use  
3 in grades K-8, state law requires school districts to select and  
4 buy instructional materials that are on the Board-adopted list if  
5 they buy the materials with funds from the Schiff-Bustamante  
6 Standards-Based Instructional Materials Program and the State  
7 Instructional Materials Fund. High school districts have  
8 statutory authority to adopt instructional materials, but only  
9 from those publishers that comply with specific sections of the  
10 Education Code. For the core subject areas with content  
11 standards, the local governing board must certify by resolution  
12 that the instructional materials are aligned to the Board's  
13 content standards.

14  
15 4. I am familiar with Williams v. State of California  
16 and have read Plaintiffs' proposed class definitions in this  
17 case. In particular, I have reviewed the definition relating to  
18 instructional materials and textbooks in which Plaintiffs define  
19 the class as any student that "does not have his or her own  
20 reasonably current textbook or educational materials, in useable  
21 condition, for each core subject." I understand that Plaintiffs  
22 have interpreted "reasonably current" to mean that the textbooks  
23 "fairly portray subject material that is existing at the present  
24 time." In effect, plaintiffs' definition means that a textbook  
25 cannot be more than a year old. Based on my knowledge of  
26 existing cycles of the curriculum frameworks, no textbook can  
27 meet this standard. In turn, pursuant to this definition every

1 student enrolled in a California public school does not have a  
2 "reasonably current" textbook for each core class. Therefore,  
3 every public school student in California falls within  
4 Plaintiffs' proposed class definition. Plaintiffs' proposed  
5 textbook standard would be unfeasible, if not impossible, to  
6 implement and, moreover, is inconsistent with existing State law.

7  
8           5. The California Education Code requires that the  
9 Board update or revise State curriculum frameworks every six  
10 years for core subjects, and every eight years for non-core  
11 subjects. See Cal. Educ. Code § 60200. (As noted above, core  
12 subjects include the areas of reading, writing, mathematics,  
13 history-social science, and science. See Cal. Educ. Code §  
14 60603(e).) For grades K-8, the Board must adopt at least five  
15 separate basic instructional materials for each grade level and  
16 each core subject area. See Cal. Educ. Code § 60001.  
17 Furthermore, the Board is required to set forth policies and  
18 procedures regarding the development of curriculum frameworks and  
19 the adoption of instructional materials. See Cal. Educ. Code §  
20 60005.

21  
22           6. The seven-year adoption cycle allows the  
23 Commission sufficient time to thoroughly evaluate and revise the  
24 curriculum framework for each subject area so that it may advise  
25 the Board accordingly. The review process for each subject area  
26 begins about two years before the given cycle for that subject  
27 ends. In other words, the Commission begins developing the

1 framework for a subject area two years before that subject's next  
2 adoption cycle. Thus, the Commission is continuously evaluating  
3 the curriculum frameworks.

4  
5 7. The review process requires that the Commission  
6 develop a K-12 curriculum framework for the subject under review,  
7 and the Board must approve the framework. The Commission  
8 evaluates instructional materials, and provides the State Board  
9 with recommendations as to which materials to adopt.

10  
11 8. This requires significant time and resources. The  
12 Commission recommends to the Board numerous education experts  
13 throughout the State to assist in the development of curriculum  
14 frameworks and the evaluation of K-8 instructional materials.  
15 They make sure publishers have provided accurate and up-to-date  
16 research and information in their K-8 instructional materials.  
17 Indeed, the Commission acts diligently so as to avoid the pitfall  
18 of following educational trends that have not yet been proven  
19 effective. Furthermore, the Commission collaborates with state-  
20 approved publishers to ensure that textbooks are well-made,  
21 sturdy and durable such that they will facilitate the successful  
22 delivery of these standards.

23  
24 9. It would be impossible to undergo a reasonable  
25 evaluation of a subject area and develop a revised curriculum  
26 framework every year. Generally, publishers require over two  
27 years to produce textbooks and other instructional materials

1 after the Board approves the evaluation criteria incorporated  
2 into every Board-approved curriculum framework.

3

4 10. In light of the State's seven-year adoption cycle,  
5 no student attending a public school in California has a "current  
6 textbook" as plaintiffs define the term in each core subject.  
7 More importantly, I believe that the system in place ensures that  
8 students receive the most effective instructional materials  
9 possible.

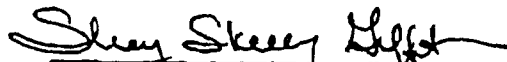
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11 I declare under penalty of perjury that the foregoing  
12 is true and correct.

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14 Executed this 24<sup>th</sup> day of July, in Sacramento  
California.

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Sherry Skelly Griffith

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