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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:	August 25, 2003
13	vs.	Time:	3:30 p.m.
14) STATE OF CALIFORNIA, DELAINE)	Department:	16
15	EASTIN, State Superintendent))	
16	DEPARTMENT OF EDUCATION, STATE)		Hon. Peter J. Busch
17	BOARD OF EDUCATION,)))	
18	Defendants.		
19)		
20	AND RELATED CROSS-ACTION.)) }	
21)		
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23	DECLARATION OF HELEN A. BAUER	IN SUPPORT OF	DEFENDANT STATE OF
24	CALIFORNIA'S OPPOSITION TO	PLAINTIFFS' MO	TION FOR SUMMARY
25	ADJU	DICATION	
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	LAZ:684777.1		
1	DECLARATION OF HELEN A. BAUER IN SUPPORT	OF DEFENDANT STATE OF	CALIFORNIA'S OPPOSITION TO

PLAINTIFFS' MOTION FOR SUMMARY ADJUBICATION

DECLARATION OF HELEN A. BAUER

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I, Helen A. Bauer, say:

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I am the assistant superintendent of curriculum of Farmersville Unified School District ("FUSD") in Farmersville, California. I have been the assistant superintendent of curriculum at FUSD since 2001. Among other duties, I oversee all textbooks orders for schools within the district. Each year, principals take inventory of their textbook needs and submit orders to the district. I review, approve and send those orders to the purchasing technician who sends them to the publishers. Previously, I was FUSD's state and federal project coordinator for five years; a kindergarten teacher at Hester Elementary School for one year; the Title VII coordinator at Hester Elementary School for three years; and a reading specialist at Hester Elementary School for three years. Hester Elementary Isak-2 School in FUSD. I have extensive knowledge of the students, teachers, and facilities at FUSD, and am familiar with the curriculum and the educational opportunities that are provided to FUSD students. I have personal knowledge of the facts set forth in this declaration; and if called as a witness I would and could testify competently thereto.

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2. I am familiar with Farmersville Junior High School's involvement in the Immediate Intervention of Underperforming Schools Program ("II/USP"). Farmersville Junior High was first selected to be an II/USP school in the fall of IA2:681856.1

2000. In the first year, we used II/USP funds to review student needs and formulate an "action plan" that addresses ways to resolve those needs and improve student achievement. In the following two years, with the assistance of additional II/USP funds, Farmersville Junior High implemented the action plan. Since the time Farmersville Junior High was identified as underperforming, student achievement has significantly increased. For the 2000-2001 and 2001-2002 school years, Farmersville Junior High met its schoolwide Academic Performance Index ("API") growth target. In addition, for both years, Farmersville Junior High's also demonstrated comparable improvement, which means that each numerically significant subgroup met or exceeded 80% of the schoolwide growth target.

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with district and school personnel in developing an action plan for Farmersville Junior High in connection with its participation in the II/USP. In particular, I worked with the principal, Jenifer Ahlstrand, and the external evaluator, DataWorks Educational Research, which was retained to by the district using II/USP funds. DataWorks helped us collect and review student data, assess student and staff needs and develop a plan that not only identified those needs, but established a process by which to address each of them. In the last three years, Farmersville Junior High has successfully shifted its focus to student achievement and has effectively implemented the action.

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- 4. I am generally familiar with the <u>Williams</u> lawsuit and am aware that plaintiffs cite Farmerville Junior High's action plan in their motion for summary adjudication to suggest that Farmersville Junior High does not have sufficient and appropriate textbooks. That is not true. Each student at Farmersville Junior High has a textbook to use in class and to take home for purposes of homework in all core classes.
- 5. Plaintiffs quote the portion of Farmersville Junior High's II/USP action plan that states "[n]o formalized instructional materials were observed for [English Language Development] ELD." This statement refers to the external evaluator's observation that he did not see state adopted ELD materials in use. At that time, after reviewing the ELD state adopted materials (1996 cycle) at the Tulare County Office of Education, the principal determined that there were no ageappropriate, state adopted, ELD instructional materials for English Learner level 1's and 2's. Thus Farmersville Junior High implemented its own program. Shortly after the DataWorks observation, the site purchased a series of VCR tapes entitled, "Easy English Academic Success for You." In 2002 the CDE presented several ELA/ELD series of books/materials meeting state standards. The Junior High selected and purchased the State adopted High Point by Hampton Brown specifically written for grade 4-8 English Learner and struggling readers. The ELD teacher, Ms. Pearl Gonzales, attended a professional inservice on the effective use of High Point. Unfortunately the publisher was backordered and the materials arrived over the course of six LA2:681858.1

months. Additionally the Junior High (as does the entire district) supplements its program for English language learners by assessing students with the LiteracyConnection "K-12 Reading and Oral Language Assessment" (ROLA) system and providing students with reading books that meet the students' reading proficiency level. Farmersville Junior High also uses additional materials that teachers prepare and collect from a variety of sources to help meet the specialized needs of English learners. At that time the Junior High also purchased the McDougal Little Language of Literature series for all 6th - 8th graders as part of the CDE English Language Arts adopting cycle. This English Language Arts series includes ELD strategies for EL levels 3 through 5 (Intermediate, Early Advanced, and Advanced EL students as determined or classified by the mandated CELDT-California English Language Development Test).

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6. Plaintiffs also quote the portion of the action plan that states "only about a third of the students reported that they had language arts, science, or social science books to take home . . . Some content areas only have classroom sets of textbooks. Having more books was requested by 48% of the students." When Farmersville Junior High was first selected as an II/USP school there were sufficient textbooks for all students to use in class in all core classes. There were, however, certain classes that did not have enough textbooks for all students to take home. However, all science, math, and social studies classes had some duplicate copies available to take home. Each teacher had a check-out system and designed classwork and

homework assignments to maximize the extra sets of books. 1 English classes had enough literature, anthology books to take home every night. Participation in II/USP and the involvement of DataWorks resulted in an emphasis on homework and the recommendation that all classes have sufficient books for 5 students to use in class and to take home. Accordingly, 6 Farmersville Junior High's action plan identified the need for 7 additional textbooks in language arts, social science and 8 science. These textbooks were purchased and distributed to 9 students in 2001-2002 and 2002-2003. 10 11 I declare under penalty of perjury that the foregoing 12 is true and correct. 13 14 Executed this 25day of July, 2003 at Farmersville, 15

California.

Helen A. Bauer

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