

1 JOHN F. DAUM (SB #52313)
2 FRAMROZE M. VIRJEE (SB #120401)
3 DAVID L. HERRON (SB #158881)
4 O'MELVENY & MYERS LLP
5 Embarcadero Center West
6 275 Battery Street
7 San Francisco, California 94111-3305
8 Telephone: 415.984.8700

9 Attorneys for Defendant State of California

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

11 ELIEZER WILLIAMS, et al.,) Case No. 312 236
12)
13 Plaintiffs,) Hearing Date: August 25, 2003
14)
15 vs.) Time: 3:30 p.m.
16)
17 STATE OF CALIFORNIA, DELAINE) Department: 16
18 EASTIN, State Superintendent)
19 Of Public Instruction, STATE) Judge: Hon. Peter J. Busch
20 DEPARTMENT OF EDUCATION, STATE)
21 BOARD OF EDUCATION,)
22)
23 Defendants.)
24)
25)
26)
27)
28)
AND RELATED CROSS-ACTION.)
_____)
_____)

DECLARATION OF JAMES W. BUCKLEY IN SUPPORT OF DEFENDANT STATE OF CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY ADJUDICATION

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DECLARATION OF JAMES W. BUCKLEY

I, James W. Buckley, say:

1. I am the Assistant Superintendent of Instructional Support Services for Alvord Unified School District. I have been the Assistant Superintendent of Instructional Support Services for three years. Prior to that, I was the Coordinator of Curriculum for Alvord Unified. My duties and responsibilities as Assistant Superintendent of Instructional Support Services include ensuring that the students within Alvord Unified have instructional materials that are aligned to the State's content-standards. I have extensive knowledge of the curriculum and instructional materials provided to the students in Norte Vista High School which is a school in Alvord Unified School District. 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.

2. I am generally familiar with the Williams lawsuit. I am aware that plaintiffs have cited an expert report in their motion for summary adjudication which references Norte Vista High School in Alvord Unified School District. Specifically, plaintiff's expert report quotes page 19 of Norte Vista's 2001 School Application for II/USP Funding which states that the "school does not have a system to recover books that are lost. Therefore there is a need for additional materials. There is no central

1 storage for textbooks; no centralized checkout system and the
2 books are not bar-coded."

3
4 4. Contrary to the statement in Norte Vista's II/USP
5 Application, Norte Vista already had a system for recovering lost
6 books in 2001. At the beginning of the school year, each teacher
7 issued textbooks to the students using a textbook check out form.
8 At the end of the year, the teachers collected the textbooks and
9 submitted a list of lost books to the librarian to calculate the
10 cost of replacements. The list was then passed on to the school
11 accountant or secretary who sent a letter to the parents of each
12 student who had not returned a book stating that the materials
13 must be either returned or paid for.

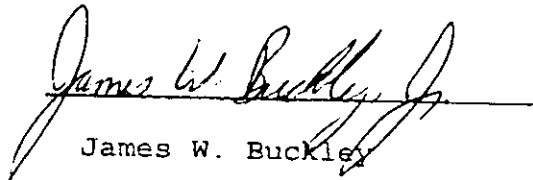
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15 5. At the time that the II/USP Application was drafted, it
16 was true that Norte Vista High did not have central storage for
17 books or a centralized check out system and the books were not
18 bar-coded. However, beginning in the 2002-2003 school year,
19 Norte Vista High School purchased an automated, centralized
20 textbook management system called "Text Link." For the first
21 year of implementation, the math, social studies, science and
22 agriculture departments participated in the automated text
23 management system. Full utilization of this system will begin in
24 the 2003-2004 school year for all core subjects and foreign
25 languages. Upon full implementation of the "Text Link" system,
26 all the textbooks will be bar-coded, processed through a
27 centralized, automated system and stored in a centralized
28 textbook room.

1 6. Norte Vista High School provides students with textbooks
2 in all core subject areas that are aligned with the State's
3 content-standards. In math, science and social studies, students
4 have their own copy of a textbook to use in class and to take
5 home. In English language arts, students are provided with a
6 copy of an anthology text to use in class and core novels to use
7 in class and to take home. These anthology texts are used to
8 supplement the core novels which are taught to students and only
9 need to be used in the classroom.

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

Executed this 4th day of August, 2003 at Riverside, California.


James W. Buckley

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