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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.)
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DECLARATION OF JANICE NIKOGHOSIAN IN SUPPORT OF DEFENDANT STATE
OF CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY
ADJUDICATION

LA2:682957.1

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TO PLAINTIFFS' MOTION FOR SUMMARY ADJUDICATION

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I, Janice Nikoghosian, declare as follows:

1. I am the Director of Curriculum and Instruction in the Hanford Elementary School District in Hanford, California. As Director of Curriculum and Instruction, I facilitate the adoption of textbooks and I oversee the ordering of textbooks. I have held this position for three years. Prior to that, I was an Assistant Principal on Special Assignment in the district, an Assistant Principal at the Lee Richmond Elementary School in the district and a classroom teacher. I have been an educator for twenty-nine years and I have worked in the Hanford Elementary School District for 25 years. I have a standard elementary teaching credential, a reading specialist credential, a professional administrative services credential, and a junior college teaching credential.

2. I am familiar with the students, teachers, and facilities at Roosevelt Elementary School and Lee Richmond Elementary School in Hanford Elementary School District, and am familiar with the curriculum and the educational opportunities that are provided to Roosevelt and Richmond 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.

3. I have some general familiarity with the January 2000 Initial Report of Findings that was prepared for Roosevelt Elementary School as part of the Roosevelt's participation in the

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1 Immediate Intervention/Underperforming Schools Program
2 ("II/USP"). I am also generally familiar with the January 2000
3 Initial Report of Findings that was prepared for Lee Richmond
4 Elementary School as part of Richmond's participation in the
5 II/USP program. Indeed, I was on the II/USP school planning team
6 for Richmond school. Both schools became II/USP schools
7 beginning in the 1999-2000 school year.

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9 4. I am aware that the plaintiffs in this case have
10 cited two pages of Roosevelt's Initial Report of Findings, which
11 they identified as DOE 51303 and DOE 51333, and page 30 of
12 Richmond's Initial Report of Findings, which they identified as
13 DOE 51432, in a submission to this court. Page DOE 51333, which
14 discusses Roosevelt school, contains the statement that "In all
15 focus groups (including students) and in all comments from the
16 classroom observers, the lack of up-to-date books and classroom
17 resources was a chief concern." At the time that document was
18 written, the district had made a conscious choice to focus on
19 reading, language arts, and mathematics. As a result, we
20 invested heavily in new instructional materials in mathematics
21 and language arts. These materials are available to Roosevelt
22 students. For example, we adopted new, standards-aligned
23 mathematic books in grades K-6 in 2002-2003, and new, standards-
24 aligned reading books for use in grades K-6 beginning in 2003-
25 2004. In addition, we purchased new, standards-aligned textbooks
26 for a reading intervention series for fourth through sixth
27 graders that is called "Fast Track" in 2002-2003. Roosevelt also

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1 has writing, phonics, and literature books that were purchased in
2 2000-2001.

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4 5. Some teachers in the district, and possibly at
5 Roosevelt, continue to use an older Mathematics book with their
6 students as a supplemental or reference book. All students have
7 as their primary textbook, however, the new, standards-aligned
8 mathematics text that the district adopted last year.

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10 6. In addition, Roosevelt and Richmond have both
11 invested extensively in leveled readers to support the district's
12 focus on early literacy. Leveled readers are typically soft-
13 cover reading books at various reading "levels," in sets of about
14 six or so books. Both schools have extensive "literacy
15 libraries," from which teachers can check out sets of leveled
16 readers for use in their classes. Both Roosevelt and Richmond
17 have added significant quantities of leveled readers since they
18 became II/USP schools. There are currently sufficient numbers of
19 up-to-date leveled readers at both schools.

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21 7. Currently, students at Roosevelt use a Houghton
22 Mifflin textbook that was adopted by the district in 1991 for
23 History and Social Science (grades K-6) and a MacMillian/McGraw-
24 Hill textbook that was adopted by the district one or two years
25 later for Science (grades 1-5). For Kindergarten, science
26 materials are purchased with an eye to specific units of
27 instruction that teachers at each school intend to present.
28 Sixth graders in the district use a Holt Science Plus series. We

1 did not adopt new textbooks in Social Science in 1998 or in
2 Science in 1999 because we made a conscious decision at the
3 district level to focus on language arts and mathematics,
4 especially early reading. One of the factors that went into that
5 decision was that, at that time, there were no state standards
6 for science and social studies and the district was moving
7 towards standards-based education. Furthermore, it is my
8 understanding, based on my discussions with a textbook publisher
9 regarding the Social Science textbooks in use in the district and
10 on my understanding of the state content standards and
11 frameworks, that Social Science and Science books that Roosevelt
12 is currently using do not differ substantially from the Houghton
13 Mifflin Social Science texts and the MacMillian/McGraw-Hill and
14 Holt Science texts that are on the state's current adoption list.
15 Both editions are pre-standards, and both are based on a state
16 framework that was substantially unchanged between editions.

17
18 8. In addition, in line with the district's focus on
19 reading, teachers at Roosevelt deliver social science and science
20 instruction by using leveled readers with social science and
21 science themes. These leveled-readers are up-to-date. Indeed,
22 Roosevelt looks at social science and science themes and the
23 social science and science state content standards when
24 determining what new leveled readers to purchase and has focused
25 its purchase of new leveled readers on those with science and
26 social science themes.

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1 9. Again, the district's decision to forego adopting
2 new social science and science textbooks from the state's most
3 recent adoption lists was part of conscious decision to focus on
4 language arts and mathematics, and it was a choice in which
5 teachers in the district participated. Indeed, in 1999 and 2000,
6 the district received a large influx of Schiff-Bustamonte
7 textbook funds. Teachers were instrumental in determining how
8 these funds were expended. Indeed, there were several committees
9 of teachers that identified instructional materials needs. On
10 the basis of those teachers' recommendations, the district
11 purchased additional writing materials and phonics materials,
12 rather than new textbooks for history and social science. The
13 district does have plans to purchase new, standards-aligned
14 science and social studies textbooks when the state makes its new
15 adoption, in 2005 for Social Science and in 2006 for Science.

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17 10. Page DOE 51333 also states, in reference to
18 Roosevelt School, that "Students in the focus groups noted that
19 their books are in bad condition and because there are not
20 enough, they can't take them home. This creates a problem when
21 they are needed for a homework reference." Page DOE 51432
22 contains a similar statement about Lee Richmond: "Resources for
23 instruction are lacking. Students in the focus groups all noted
24 that their books are in very bad condition and that they can't
25 take them home." The primary textbooks that students at both
26 Roosevelt and Richmond currently have in mathematics and the
27 brand new language arts books that they will have in language
28 arts are not in bad condition, and neither are leveled readers

1 and the writing and phonics materials that both Roosevelt and
2 Richmond have acquired within the last few years. It is possible
3 that some of the mathematics books from an older adoption, which
4 some teachers continue to use as reference books, are not in good
5 physical condition. These books are used to supplement
6 instruction, however, not as primary texts. It is also possible
7 that some of the science and social science books at Roosevelt
8 and Richmond are in fair condition. I am not aware, however, of
9 any particular complaints regarding the physical condition of
10 these books by students or teachers at either school. Also, the
11 leveled readers, of which teachers at Roosevelt and Richmond make
12 significant use to deliver science and social science
13 instruction, are in good condition.

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15 11. I am not aware of any situation at Roosevelt or
16 Richmond in which students were unable to take books home for a
17 homework reference because there were not enough. At both
18 schools, whether students take books home for homework is a
19 matter of teacher preference. Students do not necessarily need
20 to take books home for a homework reference, depending on the
21 type of homework assignment that the teacher designs. Some
22 teachers, for example, have book bags that they send home with
23 students in which they select certain books for the students to
24 take home for homework. Often, these books are softcover
25 readers, not hardcover primary textbooks. Other teachers send
26 home homework packets for students to complete throughout a
27 school week. Teachers may also assign other reference books or
28 materials for a student to take home. If teachers at Roosevelt

1 or Richmond are not sending books home, it is not because there
2 are not enough, it is because of some other educational choice
3 that those teachers have made.
4

5 12. Page DOE 51333 also mentions the following
6 comments in reference to Roosevelt Elementary, "'not enough
7 materials, poor selection of library books, to lack of language
8 arts materials.'" It would be absolutely inaccurate to say that
9 Roosevelt currently lacks language arts materials. As described
10 above, Roosevelt has a wealth of up-to-date language arts
11 materials and has been extremely focused on acquiring such
12 materials in the past few years. Given this focus on language
13 arts, especially reading, I find it hard to believe that
14 Roosevelt lacked language arts materials at the time that this
15 document was written.
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17 13. It is also very unlikely that Roosevelt has a poor
18 selection of library books. Roosevelt has received classroom
19 library and library funds for the past few years as well as funds
20 from the district to purchase library books and Roosevelt has
21 been purchasing library books with these funds for at least the
22 last four years. In addition, both Roosevelt and Richmond have a
23 Media Services Aide who oversees the weeding out of the schools'
24 library collections and the purchasing of new library books.
25 Both schools also have library committees that determine what new
26 library books to purchase.
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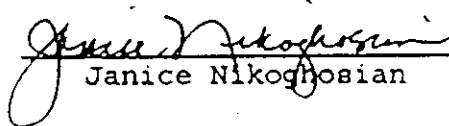
1 14. I am not sure to what the part of the statement
2 "not enough materials" refers. I am not aware of any specific
3 complaints at Roosevelt that there are currently not enough
4 instructional materials at the school. In addition, the school
5 purchases enough primary textbooks so that there is one textbook
6 for every child. There is also a large and sufficiently varied
7 quantity of leveled readers so that any teacher that wants to
8 check out leveled readers from the school's literacy library can
9 do so for use in his or her class.

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11 15. Page DOE 51303 states, in reference to Roosevelt
12 School, that "Teachers feel that they have a lack of
13 instructional materials to support the standards implementation."
14 In this coming school year, teachers will have sufficient
15 materials to support the implementation of the mathematics and
16 language arts standards because they will have new, standard-
17 aligned textbooks, a standards-aligned intervention program in
18 reading arts, a significant and varied quantity of leveled
19 readers, and all of the other materials that I have described
20 above. Neither the current state adopted science and social
21 science texts nor the previous adoptions that Roosevelt students
22 are currently using for science and social science are standards-
23 aligned. Roosevelt teachers select leveled readers, however,
24 with a focus on science and social science standards and science
25 and social science themes. In addition, the district will adopt
26 standards-aligned science and social science textbooks when the

1 new standards-aligned adoption lists are promulgated by the
2 state.

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4 I declare under penalty of perjury under the laws of the State of
5 California that the foregoing is true and correct.

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7 Executed this 16 day of August 2003, at Hanford,
8 California.

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12 Janice Nikoghosian
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