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10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 CITY AND COUNTY OF SAN FRANCISCO

13 ELIEZER WILLIAMS, et al., ) Case No. 312 236  
14 )  
15 Plaintiffs, ) Hearing Date: August 25, 2003  
16 )  
17 vs. ) Time: 3:30 p.m.  
18 )  
19 STATE OF CALIFORNIA, DELAINE ) Department: 20  
20 EASTIN, State Superintendent )  
21 Of Public Instruction, STATE ) Judge: Hon. Peter J. Busch  
22 DEPARTMENT OF EDUCATION, STATE )  
23 BOARD OF EDUCATION, )  
24 )  
25 Defendants. )  
26 )  
27 )  
28 )  
AND RELATED CROSS-ACTION. )  
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1 I, Gordon Jackson, declare as follows:  
2

3 1. I am currently employed by the Department of  
4 Education of the State of California. I make this declaration in  
5 support of Defendant State of California's opposition to  
6 Plaintiffs' Motion for Summary Adjudication. All the facts set  
7 forth in this declaration are known to me personally and, if  
8 called as a witness, I could testify competently thereto.  
9

10 2. Since October 2001, I have been a member of a  
11 Scholastic Audit Team of the School Improvement Division with the  
12 California Department of Education. Pursuant to the Elementary  
13 and Secondary Education Act (ESEA), Title I, Section 1116(d)(6)  
14 (B), California established the Scholastic Audit in September  
15 2001. The purpose of the audit process is to conduct a thorough  
16 review of those schools which have consistently failed to make  
17 academic progress, generally referred to as Program Improvement  
18 (PI) schools, and to determine the strategies that such schools  
19 and their respective districts must take to improve academic  
20 achievement in reading and mathematics. The State audit team and  
21 District then negotiate a Joint Intervention Agreement ("JIA")  
22 for the school that addresses the specific responsibilities of  
23 the District and the State in improving the school.  
24

25 3. The first group of schools that participated in  
26 the Scholastic Audit and Targeted Intervention Process were the  
27 Title I schools that had consistently failed to make academic  
28 progress since first identified in 1996-97. These Program

LA2 680799.1

1 Improvement Cohort I schools were identified by school districts  
2 as not having met locally adopted standards of performance. The  
3 PI Cohort I schools subject to the process in 2001-2002 were  
4 those that met the following criteria: (1) Schools that failed to  
5 make adequate yearly progress for four years, including review of  
6 their 2001 Stanford-9 and API data in mid-September of that year  
7 and (2) Schools that were not participating in the Immediate  
8 Intervention/Under-performing Schools Program (II/USP), or the  
9 Comprehensive School Reform Demonstration (CSRD) Program. The  
10 selected districts and schools had approximately 18 months from  
11 January 2002 to demonstrate improvement.

12  
13 4. John C. Fremont Senior High School ("Fremont") was  
14 one of the schools included in PI Cohort I. In November 2001, I  
15 led the scholastic audit team that reviewed Fremont. During this  
16 five-day audit, our team, which consisted of eight members total,  
17 intensely reviewed school operations while focusing on the  
18 following nine specific audit areas: curriculum, instruction,  
19 classroom and school level assessments, evaluation and  
20 accountability, professional development, leadership and  
21 administration, school organization and resources, school culture  
22 and environment, family and community engagement. In addition,  
23 the team reviewed the various school accounts to determine how  
24 funds were allocated at the school site. The team interviewed  
25 administrative staff members, teachers, students, observed  
26 classroom sessions, met with parents and other community members,  
27 and reviewed various documents collected from the site. The  
28 audit resulted in a "Scholastic Audit Team Report," which

1 provided a listing of findings, recommendations for improvements  
2 to increase student achievement, and a suggested timeline for  
3 implementation of these recommendations.  
4

5           5. Subsequent to the audit, we negotiated with the  
6 district and school personnel a specific timeline by which the  
7 various items for improvement would be met, the specific steps  
8 that the district and school would take to meet the items, and  
9 the appropriate parties responsible for each item. The product  
10 of these negotiations was a Joint Intervention Agreement ("JIA")  
11 between the CDE and the district.  
12

13           6. After the initial November 2001 audit and the  
14 execution of the JIA, I continued to work with LAUSD and Fremont  
15 for the following eighteen months. Beginning in March 2002,  
16 Fremont High administration, in concert with LAUSD's District I,  
17 provided me quarterly written reports that addressed Fremont's  
18 progress regarding each of the findings in the JIA. These  
19 reports were submitted to me in preparation for my quarterly  
20 visits. In addition to reviewing these reports, I also conducted  
21 quarterly on-site monitoring visits of Fremont to observe  
22 classrooms and interview staff and students. LAUSD  
23 Superintendent, Roy Romer, was provided a summary of my  
24 observations and findings after each Quarterly Monitoring Visit.  
25 My final visit to Fremont was in June 2003. At that time, I  
26 verified that Fremont had met all the benchmarks that were set  
27 forth in the JIA.  
28

1           7. I have reviewed the allegations contained in  
2 Plaintiffs motion for summary adjudication pertaining to the lack  
3 of instructional materials at Fremont. In particular, plaintiffs  
4 cite the 2001-2002 Fremont Scholastic Audit Report, discussed  
5 above, which notes that English Language Learners "lack materials  
6 and resources in their primary language" and that "students do  
7 not have complete sets of instructional materials." These  
8 issues have been resolved at Fremont.

9  
10           8. During the audit team's week-long audit, we  
11 observed that students at Fremont did not have sufficient  
12 textbooks to use in class and to take home for purposes of doing  
13 homework in many of the core classes. We validated our concerns  
14 regarding access to instructional materials through interviews  
15 with Fremont department heads, teachers, and students. Our  
16 interviews with department heads and teachers motivated the team  
17 to review the textbook distribution room as well as the record of  
18 book orders. After this investigation, it was clear to the team  
19 that Fremont did in fact have instructional materials for core  
20 classes and also had a sufficient number of these materials for  
21 its student population. There appeared to be a flaw in the  
22 textbook distribution system. There were many new textbooks in  
23 the textbook room that had simply not been distributed.  
24 Conversations with the principal and teachers during the audit  
25 revealed that there was a common belief that students were not  
26 likely to return instructional materials and, therefore,  
27 materials were not distributed. Corrective action item 1E of the  
28 JIA specifically addressed this issue and it was resolved.

1 Effective procedures were instituted to distribute textbooks and  
2 instructional materials.

3  
4 9. As of September 2002, Fremont had met its goal of  
5 distributing standards-aligned textbooks to all students in core  
6 classes. Additional physics and chemistry textbooks were ordered  
7 for classes with larger than expected enrollments. Textbooks were  
8 visible and in use in the classrooms visited by the monitoring  
9 team. The last monitoring visit, June 2003, included interviews  
10 with students who were enrolled in a track that was in session in  
11 November 2001. These students shared that they could readily see  
12 the changes at Fremont and instructional materials were now  
13 available. I validated, at the conclusion of the eighteen-month  
14 monitoring of Fremont, that the issues captured in the JIA  
15 regarding the availability of instructional materials were  
16 resolved.

17  
18 10. Our initial audit also revealed that Fremont's  
19 program for English Language Learners was not satisfactory. In  
20 particular, Fremont had not purchased sufficient English Language  
21 development ("ELD") materials and lacked adequate professional  
22 development for Specially Designed Academic Instruction in  
23 English ("SDAIE"). These issues were included in the JIA and  
24 were thereafter resolved.

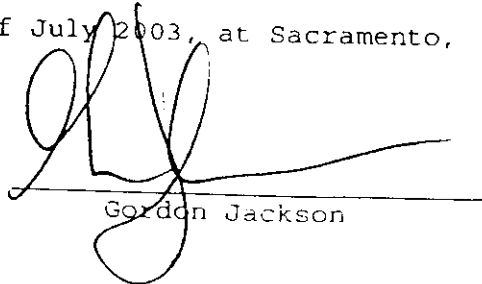
25  
26 11. Specifically, as of September 2002, Fremont had  
27 purchased and distributed sufficient supplemental materials to  
28 support ELD instruction. Also, in November 2002, LAUSD hired a

1 secondary ELD coordinator to assist teachers and administrators  
2 in planning and implementing appropriate instruction for English  
3 Language Learners. Furthermore, there has been increased  
4 professional development that focuses on instruction for English  
5 Language Learners. Not only have teachers at Fremont received  
6 training in SDAIE, teachers have been given training for the  
7 implementation of "High Point," a program to promote literacy  
8 among English Language Learners. Indeed, based on my last visit  
9 of Fremont, there appears to be a general sense that effective  
10 training opportunities are readily available for teachers.

11  
12 12. Pursuant to the JIA, Fremont developed and  
13 implemented a comprehensive professional development program that  
14 is focused on improving standards-based instruction and teaching  
15 strategies. In fact, during my last review, I did not meet a  
16 single teacher who had not participated in the professional  
17 development program to some degree.

18  
19 I declare under penalty of perjury under the laws of  
20 the State of California that the foregoing is true and correct.

21  
22 Executed this 17th day of July 2003, at Sacramento,  
23 California.

24  
25   
26 Gordon Jackson

27  
28