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1 MARK D. ROSENBAUM (BAR NO. 59940)
CATHERINE E. LHAMON (BAR NO. 192751)
2 PETER J. ELIASBERG (BAR NO. 189110)
ACLU Foundation of Southern California
3 1616 Beverly Boulevard
Los Angeles, California 90026
4 Telephone: (213) 977-9500

5 JACK W. LONDEN (BAR NO. 85776)
MICHAEL A. JACOBS (BAR NO. 111664)
6 MATTHEW I. KREEGER (BAR NO. 153793)
LEECEA WELCH (BAR. NO. 208741)
7 J. GREGORY GROSSMAN (BAR NO. 209628)
MORRISON & FOERSTER LLP
8 425 Market Street
San Francisco, California 94105-2482
9 Telephone: (415) 268-7000

10 ALAN SCHLOSSER (BAR NO. 49957)
KATAYOON MAJD (BAR NO. 211756)
ACLU Foundation of Northern California
11 1663 Mission Street, Suite 460
San Francisco, California 94103
12 Telephone: (415) 621-2493

13 JOHN T. AFFELDT (BAR NO. 154430)
Public Advocates, Inc.
14 1535 Mission Street
San Francisco, California 94103
15 Telephone: (415) 431-743

16 Attorneys for Plaintiffs
ELIEZER WILLIAMS, etc., *et al.*

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SAN FRANCISCO

19 UNLIMITED JURISDICTION

20 ELIEZER WILLIAMS, a minor, by SWEETIE
WILLIAMS, his guardian ad litem, *et al.*, each
21 individually and on behalf of all others similarly
situated,

22 Plaintiffs,

23 v.

24 STATE OF CALIFORNIA, DELAINE EASTIN,
State Superintendent of Public Instruction,
25 STATE DEPARTMENT OF EDUCATION,
STATE BOARD OF EDUCATION,

26 Defendants.
27

ENDORSED
FILED
San Francisco County Superior Court

JUN 10 2003

GORDON PARK-LI, Clerk
BY: KEVIN M. LEE
Deputy Clerk

No. 312236

DECLARATION OF MAYELI AVALOS

Hearing: August 25, 2003
Time: 3:30 p.m.
Department: 20, Hall of Justice
Judge: Hon. Peter J. Busch
Date Action Filed: May 17, 2000
Trial Date: August 30, 2004

Declaration of Mayeli Avalos

I, Mayeli Avalos, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. I am 16 years old and I am a 10th grade student on the "A" track at Fremont High School ("Fremont") in Los Angeles, California.

3. In several of my classes we don't have enough books to use in class or to take home.

4. In my advanced placement ("AP") Spanish language class we don't have textbooks at all. Most of the information we get comes from the teacher or from photocopies the teacher gives us. We have dictionaries to use in class but we can't take them home. At the beginning of the year our teacher asked us to buy a large binder so that we can collect photocopies, worksheets, and the notes we take in class in one place. The truth is, it doesn't come close to a book. Even though Spanish is my first language, AP Spanish can be challenging. Without a book to review a grammar lesson or vocabulary I sometimes have trouble following the lesson in class. The teacher gives us stories from famous writers to read in Spanish and it can get confusing. The teacher spends a lot of time in class giving us vocabulary words and helping us, but I would really like to have a book to look up vocabulary, grammar, and information about the authors. I don't have the Internet at home and it is difficult for me to get the information I need. I just took the AP test and I would have liked to have had a textbook at home to review everything for the test at my own pace.

5. There is also a serious book shortage in my geometry class. We have a class set of books but we can't take the textbooks home. Even though all my classes are "main stream" classes this year, which means that they are all taught in English, I am still struggling with difficult English words when I hear them in class because English is not my first language and I was just reassigned from ESL last year. It is really important for me, and I think for most students who are still learning English, to be able to go back to the textbook and read the vocabulary I am having trouble with over and over again. For instance, in geometry we have to

1 learn the names of the different triangles and other geometric shapes, and we also need to
2 memorize formulas. I pay close attention in class and I try to take good notes by listening to the
3 teacher and copying from the book, but I am often worried that I didn't hear right and that I
4 might be learning the wrong thing. A lot of class time is lost copying down homework and
5 problems. In addition, if you miss a day of school, you need to come to school early, or stay in
6 class during nutrition or lunch to copy what you missed from the book – otherwise you can't
7 study for tests. If I had a textbook at home, I would feel more confident in math and I would be
8 able to really learn all the math terms I need to remember for next year.

9 6. We also lack textbooks in my biology class. We have a class set of books but we
10 can't take them home. As with my geometry class, I have trouble taking good notes in biology
11 because of the difficult vocabulary. I try to copy down what the teacher says and I look in the
12 textbook to make sure that I have the right spelling but it is difficult. In fact I often stay in class
13 during nutrition to check my notes with the information in the textbook. It is also very
14 frustrating to study for tests. Often all the information I need to study is in the book and I wish I
15 had a copy at home to spend the weekend reviewing and studying. Not having a textbook is
16 creating worries I don't need. I wish I could worry about doing my best instead of thinking about
17 the things I didn't copy from the book.

18 7. My biology class is really the class that upsets me the most. The problems really
19 pile up in the class: we don't have a book to take home and we did not have a teacher for a
20 month last April. Our Biology teacher left and he was replaced by six substitutes. While the
21 substitutes were there we didn't learn anything at all. We could work on our homework from
22 other classes, or just sit there and talk. Because we didn't have books to take home, we couldn't
23 study by ourselves and catch up. We finally got a new teacher a few weeks ago but it was too
24 late. We took the CAT 6 test last week and while I was taking the biology part of the test I felt
25 really dumb, which then made me angry because I knew I just needed books and a teacher. I
26 didn't know how to answer about half of the questions. I had seen some of the topics in my book
27 in class but we never really studied them. To get a real chance at doing well on the test, I need
28 to have a teacher and a book to support what the teacher says, it should not be that complicated to

1 make it happen.

2 8. The textbook shortage at Fremont is not new. Last year, when I was in the ninth
3 grade the only book I could take home was in my health class.

4 9. Fremont is on a multi-track schedule, which means that students are divided in
5 three groups: A track, B track, and C track. I am on the A track so my school year is almost the
6 same as in regular schools. The only difference is that I get longer vacations and less days of
7 school. We have 2 months off during the school year, and when I am gone during these months I
8 forget pretty much everything we learned. I think that it is different to be off in the summer in a
9 traditional school because you go on to a different grade, but having a long break in the middle of
10 the school year is really hard. Another problem that comes from the multi-track schedule is that
11 it feels like we lose a week of school when we get back on track or when we leave for vacations.
12 We need to use the time to get the room organized, and the teachers have to take things down,
13 pack up their stuff, organize the books, etc. It's not like a traditional school where teachers have
14 time to clean up their room in June and some time before school starts to get the class ready.
15 When we leave, another track starts right away and the classroom needs to be ready for them.

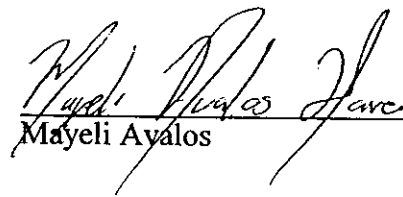
16 10. Fremont is overcrowded and that creates many problems. I think that there are
17 about 5000 students at the school, with over 3000 students on campus at the same time. It
18 always feels really crowded in the hallways, at the cafeteria, and sometimes in class. This year
19 my classes are not too crowded because not all the students come every day. Last year there were
20 40 students in my Spanish class and sometimes we had to sit at the computer tables because there
21 weren't enough desks for all of us. The computer tables face the wall so we had our notebooks
22 on our knees to copy from the board.

23 11. Bathrooms at Fremont often lack supplies such as toilet paper or soap. They are
24 generally really packed with long lines during lunch and passing periods. I try to go the
25 bathroom at school only in case of emergency, and I usually go to the bathroom at home before
26 school and right after. When I try to go to the bathrooms at school I often find them closed. The
27 few times I have been inside, they are dirty and they smell really bad.

28 12. My family moved from Guadalajara to Los Angeles when I was in the seventh

1 grade. The first American school I attended was Bethune Middle School in Los Angeles. In
2 Mexico I was a good student and I enjoyed science classes, such as chemistry and physics. We
3 had a lab for experiments and we had books to take home. The first few days of school in
4 America I was really surprised and confused: the school was really big and there were no trees,
5 no room to play, no labs in science classes, and not enough books for all the students. I didn't
6 speak English so I was placed in a class for English language learners and I didn't feel challenged
7 at all. It took some time to get used to being in such a large school where no one knows you. My
8 dad moved to America to give us the best chance possible. We live with my grandparents and
9 everyone hopes that I'll go to College. School is important in my family and noone has
10 graduated from a University yet. My dream is to attend Boston University. I love to write poetry
11 in Spanish and in English. I do everything I can to improve my chances to get accepted by the
12 school of my dreams: I applied to volunteer in community programs, I do my best to get the best
13 grades I can get, my dad and I have been saving to buy a computer. I wish Fremont would do the
14 same in return and give me and other students all we need to learn and to make our dreams real.

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17 I declare under penalty of perjury of the laws of the State of California and the United
18 States that the foregoing is true and correct. Executed this 28th day of May, 2003 in Los
19 Angeles, California.

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Mayeli Ayalos