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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.

ENDORSED  
FILED  
San Francisco Superior Court

JUL 18 2003

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No. 312236

DECLARATION OF CHERYL LANA

Hearing: October 1, 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

1 I, CHERYL LANA, hereby declare:

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

4 2. I was a teacher at Thurgood Marshall Academic High School in San Francisco,  
5 California from January, 1999 until June, 2003. I taught ninth grade English and was an English  
6 department head for the past three years. For the past year and a half, I also acted as an Instructional  
7 Reform Facilitator for San Francisco Unified School District. I attended public schools in Orinda,  
8 California for grades K-12, Yale University for my B.A., and U.C. Berkeley's Graduate School of  
9 Education for my Single Subject Credential and my M.A. in Education.

10 3. One of the most troubling problems at Thurgood Marshall is that far too many students  
11 are assigned to classrooms that lack permanent teachers for extended periods of time. The 2002-2003  
12 school year started with at least 3 teacher vacancies (15 classes), and many classrooms were  
13 ultimately covered by long-term substitutes. I have attached a chart to my declaration that I created,  
14 which documents the on-going teacher vacancy problems for 2002-03. The chart does not show that  
15 many of the numbers listed under "new teachers" or "new vacancies" reflect changing conditions. In  
16 the first semester, one Spanish class had three teachers by October, and the ESL Department Chair  
17 and I served as substitutes for the first four weeks of school for three ESL courses until they found a  
18 long-term substitute (who had a Social Studies credential) for the remainder of the semester. The  
19 disruption to students' education continued in the second semester when six teachers vacated  
20 positions during the second term: one Special Day class had a long-term substitute for the first three  
21 months of 2003, five sections of English continued to have long-term substitutes until March, five  
22 sections of Biology had long-term substitutes (even though the vacancy was announced with two  
23 months to fill the position, and candidates were located), five sections of College Prep and Ethnic  
24 Studies were unfilled for the first six weeks (vacancy was announced two months ahead of  
25 resignation date), and two English sections were filled with a long-term substitute due to an internal  
26 position change. Ultimately, long-term substitutes were assigned to the positions. In the interim,  
27  
28

1 numerous substitutes accepted assignments from one day to one week. None of the long-term  
2 substitutes were credentialed in the areas that they taught.

3         4. The ninth and tenth graders last year had it the worst in terms of teaching disruptions due  
4 to a lack of permanent teachers. In my opinion, there probably weren't any tenth graders who made it  
5 through the school year without a major disruption in learning. Tenth graders in four sections of  
6 English did not have a permanent teacher from October until March. Tenth graders in another four  
7 sections of English had a teacher who missed an average of two days of school per week and was  
8 gone for a large part of the month of March until she resigned from the district mid-semester. In  
9 addition, in January and February, the tenth grade biology and history teachers began teaching  
10 English during their own class times for students in sections that had not been receiving English  
11 instruction because the students so desperately needed help with English. Students in these  
12 classrooms would literally beg us to come teach their classes. A third group of tenth graders had a  
13 permanent English teacher but did not have a permanent biology teacher from January through  
14 March. This lack of stability in teaching has had a detrimental impact both on the learning  
15 opportunities of our students and also on school morale.

16         5. The quality of the substitutes at our school has often been very poor. I have walked in on  
17 classrooms to find substitutes asleep at their desks instead of teaching, classes watching "The Price Is  
18 Right" or movies that are by no means educational, and classes that were in complete mayhem.  
19 When students come out of classrooms where all they're doing is watching movies or there is  
20 complete chaos, it can have lingering effects on their other classrooms. They become accustomed to  
21 having class time be a complete free-for-all. I personally requested that certain substandard substitute  
22 teachers not be brought back to Thurgood Marshall but consistently saw these same substitutes  
23 teaching there despite my complaints. This has been ongoing during my employment with San  
24 Francisco Unified School District.

25         6. When students are taught by substitutes for long periods of time, they lose valuable  
26 learning opportunities. In my experience, these classes often assign virtually no homework and have  
27 no fair means of testing the material that was supposed to be covered. In the case of the uncovered  
28

1 English classes, I assumed responsibility for assigning grades to the classes for the 7 sections without  
2 permanent teachers, which each met for 19 block (90 min.) classes from Jan. 6 – Feb. 21, 2003. For  
3 these sections, the average number of assignments completed was 10 1/2. That is not even one  
4 assignment per block period. The quality of this work was far below acceptable; however, we have  
5 no regulation of the quality of the instruction the students received by substitutes. Aside from one  
6 piece of extended formal writing (done in class), the remainder of the assignments were worksheets  
7 requiring a few word answers for each question. Due to this lack of substantive work in another  
8 class, we had to have the students in four sections of Academic Literacy and one section of Ethnic  
9 Literature watch a movie and write a reflective essay as their final exam because they hadn't learned  
10 enough during the semester on which to be fairly assessed. The multiple interruptions and  
11 inconsistency that come with having a string of substitutes also does not provide students guided  
12 practice to master the content standards the State expects them to learn. Once the students have  
13 missed out on the chance to learn these standards, it may be gone for good. Even when I have  
14 observed substitute teachers following a "lesson plan," they have generally just assigned students  
15 hand-outs that focus on basic skills. When schools staff classes with a string of substitutes, it also  
16 reinforces the idea that school is just an isolated series of activities that kids have to "get through." I  
17 feel like it is just criminal that we have kids showing up at school ready to learn and receive the  
18 education they deserve, but who are not getting it because there aren't permanent teachers to teach  
19 them. Through this inequitable situation, we give these students the message that there is no reason  
20 to come to class.

21 7. Thurgood Marshall has high teacher turnover. I estimate that the teacher turnover rate  
22 has been between 20-35% each year since I started teaching there.

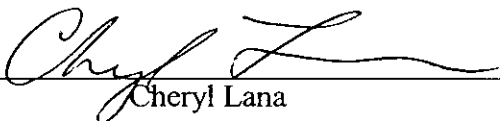
23 8. Some facilities problems have persisted at Thurgood Marshall for years. For example,  
24 there have been falling ceiling tiles in the classrooms since I started. The heating system has also  
25 been erratic for many years. It is either going full blast, resulting in sweltering classrooms, or not  
26 working at all. Thurgood Marshall also seems to be experiencing a rodent problem once again.  
27 Recently, I began seeing mice in classrooms after hours and mouse droppings more frequently. I also  
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1 understand from the students that the bathrooms are disgusting, that they lack supplies, and that there  
2 is a problem with access because some of the bathrooms are consistently locked.

3 9. I was responsible for preparing a majority of Thurgood Marshall's School Accountability  
4 Report Card. In my opinion, many aspects of the SARC were not derived from actual school data.  
5 The District provides data on the number of credentialed teachers, but it did not appear to be up-to-  
6 date. To the best of my knowledge, there is also no systematic process for collecting data on facilities  
7 conditions or availability of instructional materials.

8 10. Overcrowding is an increasing problem at Thurgood Marshall. The weekend before  
9 school opened for the 2002-2003 school year, approximately 180 additional students were placed at  
10 Thurgood Marshall by the District Placement office. In January 2003, an additional 29 English  
11 Language Learner students were assigned to the school. All available classroom space is utilized.  
12 All but two English and Social Studies teachers shared classrooms with one to three other teachers.  
13 During their prep periods, the periods when a teacher does not have a class, teachers had to be  
14 relocated to either the bookroom (a cramped space approximately 8x10 feet) or the faculty copy room  
15 (seats for approximately 8 people to work). Neither arrangement allows for efficient working  
16 conditions.

17  
18 I declare under penalty of perjury under the laws of the United States and the State of  
19 California that the foregoing is true and correct. Executed this 15<sup>th</sup> day of July, 2003, in San Francisco,  
20 California.

21  
22 By:   
23 Cheryl Lana

Number of Staff	August 2002	Sept. 2002	Nov. 2002	Jan. 2003	Mar. 2003
<b>Administration</b>					
(Administrative Team: 1 Principal, 2 Assistant Principals)	1 principal		1 new Interim Principal (Asst. Sup. of High Schools)		
	2 Assistant Principals		Additional 2 new A.P.s		
		1 Dean resigned; position changed to Head Counselor			
<b>Counseling Staff</b>					
(Counseling Team: 3 counselors)	2 new counselors	1 new counselor 1 promotion to Head Counselor			
<b>TEACHERS</b> (approx 70 FTE positions)					
<b>New to school</b>	13	3	3	2	5 (1 returned)
<b>Teachers who vacated position</b>		4	1	6 (including 1 job change)	3
<b>Open positions filled by Long-Term Substitutes</b>	3	2	3	6 (4 positions filled from Jan – June; 2 positions Jan – March)	

This chart is compiled to give a context to the 2002-03 school year at TMAHS. Further explanation of numbers and subject areas will be provided during ROP clarifying questions.