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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.

No. 312236

DECLARATION OF ENRIQUE GARCIA

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 **Declaration of Enrique Garcia**

2 I, Enrique Garcia, hereby declare:

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

5 2. I am a 2nd grade teacher at Roosevelt Elementary School in the Lynwood Unified  
6 School District. I've been a teacher at Roosevelt for four years, and I taught 4th grade during my  
7 first two years. I have a full multiple subject teaching credential.

8 3. I believe that approximately 40% of the staff is credentialed and 60% is  
9 uncredentialed. In addition, there is a very high teacher turnover rate at Roosevelt Elementary.  
10 Based on information that I have received from the Lynwood Teachers Association, I believe that  
11 30% of the teachers at the school last year will not be present next year.

12 4. I believe that students who are taught by credentialed teachers absolutely receive a  
13 better education than students taught by uncredentialed teachers. This is partially due to the fact  
14 that credentialed teachers have more experience and are more qualified. In addition,  
15 uncredentialed teachers must devote a large chunk of their time to completing their studies. As a  
16 result, they are not as free as credentialed teachers to devote their energy to their students.  
17 Therefore, the quality of education that uncredentialed teachers are able to provide is generally  
18 lower than the level provided by credentialed teachers.

19 5. Last year one 3rd grade class was taught by a series of substitute teachers for  
20 nearly the entire school year. The teaching position should not have been vacant because a  
21 teacher with 27 years of experience began the school year teaching the class and intended to  
22 continue teaching the class for the entire year. However, the principal of the school had a  
23 personal dispute with the teacher and chose to have the class taught by a series of substitutes  
24 (approximately one new substitute every 7-10 days) rather than to have the class taught by the  
25 available and highly qualified teaching veteran. In March, the principal succumbed to pressure  
26 from the District and gave the position to the same 27-year teaching veteran. But students in the  
27 class had already suffered months with multiple different substitutes filling the class.

28 6. The buildings at Roosevelt Elementary are very old. I have heard from various

1 sources, including the Lynwood Teachers Association, that the 4th grade buildings, which are the  
2 oldest on campus, have asbestos. A teacher who taught in the building for over 30 years recently  
3 died of cancer, and I strongly believe that the cancer was caused by the asbestos. In addition,  
4 there is very poor ventilation in these buildings. The windows are very small and are very  
5 difficult to open. I taught in the 4th grade buildings during my first two years at the school and I  
6 found that I was nearly constantly sick. I noticed that students were also ill much more often  
7 than normal. No repairs have been made to these buildings since I taught in them.

8         7.       The upper part of the campus, which houses the 1st grade students is known as  
9 “death row.” It is a series of very old portable classrooms (I believe they are over 15 years old)  
10 that are in a decrepit state. The floors in the trailers are very uneven and bumpy and I know of  
11 one student who was injured as a result of tripping on the dangerously uneven floor. In addition,  
12 the trailers smell awful, especially when the weather is warm. I would describe the smell as  
13 rotten and swamp-like. I believe that this smell is partially due to the moisture in these buildings.  
14 Last year, Cal/OSHA shut down one of the trailers because of a mildew problem.

15         8.       There are ventilation problems throughout the school. The air conditioning units  
16 work very poorly, and whenever the weather is warm, the classrooms become very hot. A  
17 conservative estimate of the room temperatures on warm days is at least 90 to 95 degrees.  
18 Students often complain about the uncomfortable temperature, and it makes it very difficult for  
19 the students to concentrate. Students have difficulty staying awake when the room temperatures  
20 are high, and they often ask for water, which further indicates their discomfort.

21         9.       I have heard teachers complain that they do not have enough desks to  
22 accommodate their students. In addition, teachers often complain that they do not have enough  
23 space to accommodate the large number of students in their classes.

24         10.      The school has problems with cockroaches and rodents. I do my best to keep my  
25 room free of these pests in order to keep the problem out of the sight of my students. I have to  
26 buy my own bug spray to deal with the cockroaches, ants, spiders and other bugs that infest the  
27 campus.

28         11.      There is absolutely not enough playground space for the students. Part of the

1 problem is the fact that there are so many trailers located on the playground. Also, the lawns are  
2 not properly maintained, and as a result the children play in dirt and dust. This causes the  
3 children to be extraordinarily dirty, which I believe that along with breathing in dust and dirt  
4 contributes to students being ill and missing school. I believe that students miss school as a  
5 direct result of the poor and dirty conditions of the play space.

6 12. Roosevelt is severely overcrowded. Last year, the enrollment was approximately  
7 1,430 students. I have learned from the Lynwood Teachers Association that the school was  
8 designed to have a maximum capacity of 650-700 students. Next year, the 20/1 student/teacher  
9 caps will be abandoned for the lower grades. I believe that this change is motivated by  
10 overcrowding problems throughout the district. Another indication of this problem is the fact  
11 that next year Roosevelt will expand from a K-5 school to a K-6 school. The expected  
12 enrollment for the 2003-04 school year is over 1,600 students. New buildings are currently being  
13 constructed, but they will only accommodate the new 6th grade students. Also, there was no  
14 library space for the 2002-03 school year, and there are no plans to devote space to a library for  
15 the upcoming year. The space that was used as a library in the past is now being used as a  
16 storage facility.

17 13. There are not enough bathrooms for the students. I believe there are three  
18 bathrooms for the girls and three for the boys. Also, the bathrooms regularly don't have soap or  
19 toilet paper. Many children refuse to use the bathrooms, and instead try to wait until the school  
20 day is over. This definitely has an adverse effect on the students' ability to concentrate and focus  
21 on class material.

22 14. The school has a practice of not buying enough learning materials for the students.  
23 For example, the school uses the Open Court curriculum to teach reading and writing. The  
24 curriculum consists of a series of approximately 5 texts. However, the school only orders 2 of  
25 the 5 texts, and teachers are forced to teach the material without crucial elements of the  
26 curriculum. This same practice also occurs with the math curriculum. Also, students often have  
27 to share books and all teachers must rely on their own materials and supplies. I spent over \$700  
28 this year on materials that will not be reimbursed. In addition, I submitted an order for school

1 supplies this year that was never filled.

2 I declare under penalty of perjury of the laws of the State of California and the United  
3 States that the foregoing is true and correct. Executed this 17th day of July, 03 in Lynwood,  
4 California.



5  
6 Enrique Garcia

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