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ELIEZER WILLIAMS, etc., *et al.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

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

Plaintiffs,

v.

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

Defendants.

No. 312236

DECLARATION OF MAGGE  
RODRIGUEZ

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

ENDORSED  
FILED  
San Francisco Superior Court

JUL 18 2003

GORD  
BY: \_\_\_\_\_

1 **Declaration of Magge Rodriguez**

2 I, Magge Rodriguez, 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 just completed my 7th grade year at E.A. Hall Middle School in Watsonville,  
6 California. E.A. Hall was on a year round track calendar this year (2002-2003), but will switch  
7 to a traditional year calendar in Fall, 2003.

8 3. E.A. Hall has a problem with broken windows. There are currently about two or  
9 three windows that are broken and instead of repairing them, they are boarded up. There was a  
10 window in the portables that was broken in the beginning of May and it was finally fixed just  
11 recently, almost two months later.

12 4. Some parts of E.A. Hall need to be repainted because the paint is old and chipping  
13 and there is graffiti. There is one big area in the hallway where the wall looks really bad because  
14 the paint is chipping. Because I am in leadership class, I make an effort to cover it up as much as  
15 possible with posters because I don't like the way it looks. My leadership teacher thinks it looks  
16 really bad too. There is also a problem with graffiti that needs to be fixed. There is graffiti in the  
17 gym, hallways, and on desks. Our leadership class has asked the administration to paint over it  
18 or clean it up, but they say that they can't remove it or paint over it because it doesn't work. I  
19 don't think that's true because last year, I participated in a graffiti clean up with the Brown Berets  
20 and we were able to remove a lot of graffiti using some kind of chemical. The Brown Berets is a  
21 community youth group I belong to. When the school says that they can't clean up the graffiti it  
22 makes me think that they don't care that our school looks bad.

23 5. E.A. Hall had heater problems in the winter. Instead of giving off hot air, heaters  
24 gave off cold air. My science teacher would say he thought it was broken. Because students got  
25 so cold, some would wear gloves and hats in class. This would happen a lot, almost everyday in  
26 the winter and in almost all my classes. Because my teachers knew the students were cold, a lot  
27 of them would have us do stretches during class to help us warm up. This would help, but only  
28 for a little while and then we would get cold again. It's really, really hard to concentrate when

1 everyone is shivering. There is also problems with the air conditioning. About two weeks ago I  
2 was in a meeting in the library and it was too hot. We asked the Librarian and Assistant  
3 Principal to turn on the air conditioning, but they said they could not because it was broken. So,  
4 they opened the windows. Having the windows open really didn't help. The room was so hot  
5 that I couldn't listen to what was being said because all I could think of was how hot I was. This  
6 also happened more than once in my Accelerated Reading class. My teacher said the air  
7 conditioning was broken and so all she could do was open the windows. The classroom was  
8 unbelievably hot and the students continued to complain even after the windows were opened.

9         6.         The auditorium needs more light. This problems could be fixed if broken light  
10 bulbs were replaced. There are four light bulbs above the stage and only one works. There are  
11 also three other broken light bulbs above the chairs were the audience sits. All these light bulbs  
12 have been broken since I started E.A. Hall. During the day, we can open the curtains for more  
13 light, but this does not help during night events.

14         7.         E.A. Hall is overcrowded even though we are on a year round-track schedule.  
15 E.A. Hall is changing to a traditional school calendar in the fall. I do not know where the extra  
16 students will be placed because as it is now, our school is really crowded. There are times when  
17 my science class does not have enough chairs for all the students in the class. When this  
18 happens, we have to borrow chairs from the class next door. The class next door also has to  
19 borrow chairs from us when they do not have enough chairs. This happened all year long about  
20 once every two weeks. The overcrowding is most noticeable in the hallways in between periods.  
21 The hallways get so crowded that students can hardly walk or use their lockers. Our lockers are  
22 stacked on top of each other, with one locker on top and one on the bottom. Because the  
23 hallways are so crowded, there is not enough room for both the top and bottom locker student to  
24 use the locker at the same time. With moving down the hallway being so slow and with having  
25 to wait for there to be enough room to get to your locker, it is very difficult to get to class on  
26 time. The overcrowding also makes it very difficult to use the bathroom during passing periods.  
27 The lines for the bathrooms get really long. There is rarely enough time to use the bathroom  
28 during passing periods without being late to class. The lines during lunch time also get really

1 long and I sometimes have to wait up to 15 minutes to use the restrooms. The overcrowding also  
2 causes the cafeteria to run out of food during lunch. I can remember above five times when I was  
3 not able to buy food because the cafeteria had run out of stuff to sell. When this happens, I have  
4 to either find friends to share their lunches with me or I go an entire school day without eating.  
5 The overcrowding is also really noticeable in my P.E. Class. Our class semester had about 70  
6 students even though there are only supposed to be about 41 students. The reason I know there  
7 are only supposed to be 41 students is because there are only 41 numbered spots in our warm-up  
8 and stretching area. Having such a large class made it difficult for our teacher to organize the  
9 class.

10 8. About a month before getting off track on May 14, 2003, the janitors at E.A. Hall  
11 started cleaning bathrooms only once or twice a week. When students started noticing that the  
12 bathrooms were getting really dirty, we asked our teachers why this was happening. Our teachers  
13 told us that because of budget cuts, there were not enough janitors anymore to do all the cleaning.  
14 Since then, the bathrooms almost never have toilet paper, floors are always wet, and the floors  
15 are full of garbage. The mirrors get so dirty that I cannot see myself in them. I have also noticed  
16 that there is more graffiti on the doors. There rarely used to be graffiti on the doors before and  
17 now there is a lot. Before going on vacation, it happened about twice a week that I would have to  
18 use the bathroom and I couldn't find a bathroom with any toilet paper. I would complain to the  
19 Principal and it would sometimes take a week before there was toilet paper again. There is  
20 almost never any soap or paper towels in the bathrooms. I am embarrassed when visitors come  
21 to our school and have to see our bathrooms and I also get so grossed out sometimes by the  
22 bathrooms that I won't use them even though I need to.

23 9. Not only are the bathrooms dirty, but they are also broken a lot. We have three  
24 girls' bathrooms at E.A. Hall and all three have problems. The bathroom by the cafeteria has  
25 three toilets and two sinks, but one of the sinks and one of the toilets is broken. No water comes  
26 out of the sink and the toilet almost always overflows when flushed. The bathroom by the gym  
27 has three toilets and one sink with about seven faucets. One toilet broke in January and has been  
28 locked since then. Only about half the faucets work. The bathroom in the hallway has three

1 toilets and two sinks. Although these all work, one of the stall doors does not lock.

2       10.     There are about five water fountains at E.A. Hall and only about three of them  
3 work. I almost never use them because they are so dirty. It's a miracle when I can find one that's  
4 clean. They are almost always filled with sand, gum, and trash. I don't think they get cleaned  
5 very often because when I walk by them, they always have the same stuff in them. There is one  
6 water fountain in the hallway that has been broken since at least March. No water comes out of it  
7 at all. I know this because I remember putting up posters in the hallways in March and my friend  
8 was looking for a water fountain that worked.

9       11.     Because our classrooms get dirty and because janitors don't clean them enough,  
10 students have to clean up. In my 7th period science class, my teacher stops class about ten  
11 minutes before the bell rings and has the entire class clean up the room. Ten minutes is usually  
12 not enough time to clean up the room, so he keeps us after class until we're done. Some students  
13 miss their bus when he keeps us too long. My friend misses her bus a lot and always has to call  
14 her parents to pick her up. We did this the entire school year. I also have had to pick up trash in  
15 my P.E. class. I had P.E. the period after lunch during the first semester. Our P.E. teacher would  
16 have the entire class spend the entire period picking up trash all over campus. We would do this  
17 about once every two weeks. Second semester, my schedule was changed and I got P.E. second  
18 period. I did not have to pick up trash in my second period P.E. class.

19       12.     I have a book in every class that I can take home, but some of my friends do not.  
20 For example, my friend cannot take her math book home because there are not enough books for  
21 all the students in her class. She has told me that her teacher only has one class set and has to use  
22 it for more than one period.

23       13.     My math teacher told us that E.A. Hall has a shortage of paper and that she can  
24 only make one class set of handouts for all her periods to use. We have to make sure to bring our  
25 own paper to class to copy the problems from the handouts. We spend a lot of time copying  
26 problems for homework because we can't take the handouts home. I think this is wasted time  
27 because instead of copying problems, we can spend time working on the problems.


28       14.     I have been able to visit other schools outside of Watsonville with the Brown

1 Berets. Other schools are much nicer than ours and much cleaner. I get really sad when I see  
2 other schools because I wish my school could be like them. It's not fair that only some students  
3 can have nice schools.

4

5 I declare under penalty of perjury of the laws of the State of California and the United  
6 States that the foregoing is true and correct. Executed this 7<sup>th</sup> day of July, 2003 in  
7 Watsonville, California.

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Maggie Rodriguez

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