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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 STELLA GLORIA
NAJERA**

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 Stella Gloria Najera**

2 I, Stella Gloria Najera, 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 teach a 2nd grade bilingual class at Jesse G. Sanchez Elementary School (“Jesse
6 Sanchez”) in the Alisal Union School District. I have taught at Jesse Sanchez for ten years.
7 Before teaching at Jesse Sanchez, I taught for 10 years at the Kindergarten through Eighth Grade
8 school level.

9 3. In my opinion, the overall conditions at Jesse Sanchez are pretty serious. The
10 school was built around the 1950's and has not received the necessary upkeep. In my classroom
11 for example, there is no air conditioning and during the last two schools years due to
12 construction I was often unable to open windows and doors to alleviate the heat in my
13 classroom. During the 2001-2002 school year and intermittently during the 2002-2003 school
14 year, construction took place on the playground and on the track and there was a lot of noise due
15 to the construction. Due to the noise level students often could not hear my lesson plan and were
16 distracted so I would have to close the doors and windows to keep the noise out. With the doors
17 and windows closed the heat got trapped in my room, especially in the afternoons. The heat was
18 especially a problem during September and early October when temperatures in Salinas often
19 reach 90 degrees. During those months, it could reach at least 90 degrees in my classroom and
20 the heat would cause me to perspire and I could see the children were also perspiring. Due to the
21 heat my students had difficulty paying attention and I don't feel that they were at their most
22 efficient learning level. Because my students had difficulty paying attention I was sometimes
23 forced to change the lesson plan. Instead of focusing on high conceptual subjects such as Math
24 or English which require more attention, I would switch over to work with manipulatives or art
25 in an attempt to keep the students' attention and keep them engaged. By working in different
26 classrooms and going into different rooms, I have observed that other regular classrooms also do
27 not have air conditioning but that the portables on campus do have air conditioning. Also, due to
28 painting about five years ago, windows in many of the classrooms were sealed shut and still do

1 not open. From observing windows that never open and from having teachers actually complain,
2 I would estimate that there are currently between 12 and 14 classrooms whose windows are still
3 sealed shut. Of those 12-14 classrooms, as far as I know, none have air conditioning. I have had
4 teachers complain to me that without air conditioning and with windows that do not open it gets
5 very hot in the classroom, and the heat makes it difficult for their students, especially in the
6 afternoon, to focus and concentrate. When I first arrived in my classroom in 2000 the windows
7 were sealed shut but the majority of my windows now open because I insisted to the head
8 custodian for a few weeks until he finally unsealed them. Since the general procedure is to put
9 in a work order, other teachers have stated they have put in the work orders but nothing gets
10 done. Just recently the new principal confirmed that many of the windows do not open and said
11 he had put in a work order to get them fixed during summer.

12 4. At Jesse Sanchez there is a problem with the windows being broken and not
13 repaired in a timely manner. Currently in my classroom there is a window that has been boarded
14 up since I was first assigned to the room two years ago. In the 2000-2001 school year, a ball
15 shattered one of my current classroom windows. That time my window was boarded up for
16 approximately 6 months before it was finally repaired. During the 1998-1999 school year, one of
17 the windows in my previously assigned classroom developed a large crack, although I put in a
18 work order it was never replaced. I have also seen other windows around campus that have been
19 boarded up instead of being replaced.

20 5. The conditions of the portables at Jesse Sanchez are very bad. Teachers who
21 teach in one portable complain about a section of the portable that is broken where animals are
22 able to crawl in under the portable, often causing the classroom to have a strong odor of animal
23 urine. A few years back I taught in a portable and became aware from a teacher that the portable
24 she taught in leaked in two places, one spot in the front of the classrooms and one spot in the
25 back of the classrooms. The teacher said that the students in the front had to move because water
26 was dripping on them and their desk. Teachers in that portable would complain that when it
27 rained they had to put buckets in the classroom to catch the water. In 2000, the leaks in the
28 portable were repaired, but even this year the teacher in the classroom told me she could still see

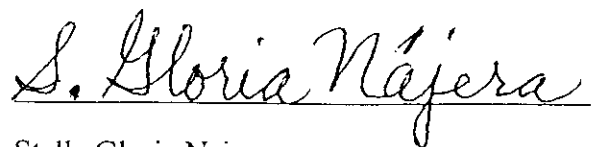
1 wet spots on the ceiling when it rained.

2 6. Although the cafeteria is fairly new, it has had problems with leakage and mold.
3 In approximately the 1997-1998 school year, I would go into the cafeteria and could see there
4 was a leak near the serving area. I would see the janitors approximately twice a day mopping the
5 floor, trying to keep it dry. The ceiling was repaired, but by the 1998-1999 school year, it leaked
6 again and this time the person making the repairs said there was an issue with mold. In 1999-
7 2000, it leaked again and was once again repaired.

8 7. Three years ago, I taught in one of the portables and whenever the heater was
9 turned on it caused the room to have a strong urine odor. The portables were fairly cold so I had
10 no choice but to turn the heat on. Some teachers however, would not turn on the heat because of
11 the odor, they would say they would rather deal with the cold. I discovered the reason there was
12 such a strong odor was because the filters had not been changed in a long time. I still hear
13 teachers in the portables complain about the smell; I tell them to make sure they tell the school to
14 change the filters.

15 8. About two years ago there was a \$1.5 million shortage due to an error in the
16 district budget. The district had to take money out of the school site budget to pay for teacher
17 benefits. As a result, the school did not have any money to buy paper or pencils for the students.
18 The teachers either had to buy them or go without them. The teachers could not ask the parents
19 for help because parents at the school are very low income. Almost every child at the school
20 qualifies for the free or reduced lunch program. There is no way you can teach without paper and
21 pencils. Luckily, I had an extra supply of paper, but other teachers had to go out and buy the
22 materials themselves. Some teachers got reimbursed later on, but some did not and I heard they
23 had to itemize their expenses and file for reimbursement on their income taxes.

24 I declare under penalty of perjury of the laws of the State of California and the United
25 States that the foregoing is true and correct. Executed this 9th day of July, 2003 in Salinas,
26 California.

27 

28 Stella Gloria Najera