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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 TREVOR GARDNER**

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, TREVOR GARDNER, 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 am a teacher at Thurgood Marshall High School in San Francisco, California. I teach  
5 tenth grade world literature and world history. I have taught at Thurgood Marshall High School since  
6 September 2000.

7 3. Thurgood Marshall's biggest problem is the continued use of long-term substitutes  
8 instead of permanent teachers. When teachers leave mid-year, the school is slow to find permanent  
9 replacements. Also, not enough permanent teachers are hired to start each school year because the  
10 district badly underestimates the school's total student population. The substitute problem got so bad  
11 earlier this year that it was common to have two of my students' classes staffed with either short- or  
12 long-term substitutes. Some of my students would attempt to join me during my prep period because  
13 they did not feel as though they were learning anything from their substitutes. One of my students  
14 even developed a PowerPoint presentation that the student sent to the district to plead for permanent  
15 teachers.

16 4. The district's dramatic underestimation of the student population at the beginning of the  
17 2002-2003 school year caused chaotic conditions during the first month of school. Due to this  
18 miscalculation, our school lacked the teachers, classes and resources it needed to deal with the  
19 number of students we had. Students were constantly being transferred in and out of classes,  
20 breaking any semblance of continuity that could otherwise have been attained. Having students  
21 transfer in and out of the classroom makes it very difficult to teach a consistent curriculum during the  
22 first month. Teachers are forced to re-teach lessons to individual students every time a student is  
23 transferred into a class. This takes away valuable teacher time from the rest of the class. The  
24 transfers also negatively affect classroom community. Constantly absorbing new faces and  
25 personalities into the classroom disrupts the community that teachers attempt to build in the first few  
26 days of class. I understand that the district is planning to provide the same level of funding for  
27 Thurgood Marshall for 2003-2004 as it did for the beginning of the 2002-2003 school year. If this is  
28

1 true, the school will likely be plunged into chaos at the start of next year and again waste valuable  
2 student learning time.

3           5. There has been a great deal of both administrative and teacher turnover at Thurgood  
4 Marshall. The high turnover has created a sense of disengagement among the staff and contributed to  
5 very low overall staff and student morale. Thurgood Marshall has just hired its fourth principal since  
6 just the end of the 2001-2002 school year. Three of our four assistant principals were new to the  
7 school in 2002-2003. Only one out of our four counselors in 2002-2003 was at the school in 2001-  
8 2002. Teacher turnover is now a huge problem every year. I would estimate that 1/3 of the teachers  
9 were new to the school at the start of the 2002-2003 school year. From discussions with other  
10 teachers, I expect the teacher turnover to start the 2003-2004 year to be even higher. Teacher  
11 turnover makes it hard to keep consistency in curriculum from grade level to grade level. When new  
12 teachers arrive, they are unclear as to what topics and skills students have covered during the previous  
13 year. This causes the new teachers to often skip lessons students still need or repeat lessons students  
14 already learned. In addition to these problems, student activities also suffer from the turnover. Some  
15 sports at the school lacked coaches to begin their seasons. I agreed to coach volleyball when there  
16 was no clear coach still a few weeks into the season. Some sports had to be filled with coaches  
17 brought in from off-site. Some clubs lack teacher advisors. For example, students wanted to start a  
18 film club but could not find a faculty advisor. There was no faculty advisor for student government  
19 for much of the year, rendering the body ineffective and causing the body to lose its sense of purpose.  
20 Both the senior and sophomore classes began the year without class advisors, and that hurt their  
21 ability to take class field trips, hold assemblies, or raise funds for things like dances. The seniors  
22 even failed to have a class trip in part because of their lack of a class advisor early in the school year.

23           6. Thurgood Marshall has a shortage of novels for tenth grade world literature classes. Only  
24 about 1/3 of the tenth grade is able to read the same novel at the same time due to a shortage of  
25 books. This negatively affects the way we want to teach by forcing us to abandon our common level  
26 teaching instruction that ensures that a consistent education is taught across the grade level and  
27

1 prevents learning gaps from developing. Also, I have heard that the twelfth grade social studies  
2 classes don't have textbooks to take home.

3 7. Overcrowding is a serious problem with a number of negative consequences for the  
4 school. The hallways are tremendously overcrowded leading to increased tensions among the  
5 students. Over 1/4 of the teachers at Thurgood Marshall do not have permanent classrooms. Those  
6 teachers are forced to roam from classroom to classroom to teach. This forces those teachers with  
7 permanent classrooms to be displaced during their prep periods. This situation causes difficulties for  
8 all teachers to plan and for students to locate any teacher for meetings and to turn in work. In  
9 addition to not having enough classrooms, the classrooms we do have are sometimes overcrowded.  
10 For example, some of the eleventh and twelfth grade honors classes have up to 38 students in each  
11 class.

12 8. The classrooms at Thurgood Marshall are pretty thrashed. They get surface cleanings but  
13 remain pretty dirty. Ceiling tiles have fallen or remain loose in many classrooms including mine.  
14 Only four of the twelve windows in my classroom open. I spent \$100 of my own money to buy  
15 curtains for these windows to prevent the sun shining into the room during the hot summer. The  
16 curtains are also necessary to keep the room dark enough for students to see when I want to show  
17 slide presentations or educational films.

18 9. The school plant is dirty and has no greenery anywhere. There is a great deal of graffiti  
19 at the school. No one seems to ever paint over it. The school also has many broken windows. Many  
20 of these broken windows are not repaired and simply have duct tape placed over their cracks.

21 10. Mice have been a problem at Thurgood Marshall during all three years that I have been  
22 at the school. Mice have disrupted my class and even left their droppings on my desk.

23 11. There is no air conditioning in the school to help keep the classrooms cool on hot days.  
24 Given that one entire side of the building is unbearable on hot days, little effective teaching can be  
25 accomplished in those classrooms. My classroom is on the less hot side of the building but even it  
26 becomes too warm on sunny days. During the winter the boiler often breaks, leaving the classrooms  
27 much too cold. Teaching and learning when classrooms are too hot or too cold is very difficult.  
28

1 Students are distracted during these times and constantly complain about the temperature.

2 Temperature problems make it hard for both the students and me to focus.

3 12. The schools student bathrooms are putrid. They are not a place I would ever use myself.  
4 The bathrooms can be smelled from the hallways. They are often lacking in toilet paper, paper  
5 towels, and soap. Some bathrooms are locked for no apparent reason forcing students to hunt around  
6 the school for open bathrooms and causing them to miss additional class time.

7 I declare under penalty of perjury under the laws of the United States and the State of  
8 California that the foregoing is true and correct. Executed this 20th day of June, 2003, in San  
9 Francisco, California.

10  
11 By:   
12 Trevor Gardner