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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF SAN FRANCISCO

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; STATE
25 DEPARTMENT OF EDUCATION; STATE
26 BOARD OF EDUCATION,

27 Defendants.
28

ENDORSED
FILED
San Francisco County Superior Court

MAR 23 2001

ALAN CARLSON, Clerk
BY: RENEE B. DOLAN Clerk

CALENDARED
MORRISON & FOERSTER

MAR 23 2001

FOR DATE(S) _____
BY: CL

Case. No. 312236

[CLASS ACTION]

DECLARATIONS OF THE FOLLOWING
FIFTEEN PROPOSED CLASS
REPRESENTATIVES IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION:

1. MOISES CANAL
2. MANUEL V. ORTIZ
3. GLAUZ DIEGO
4. CARLOS SANTOS
5. D'ANDRE LAMPKIN
6. DELWIN LAMKIN
7. KRISTAL RUIZ

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ROSA TELLECHEA on behalf of:
8. SAMUEL TELLECHEA and
9. JONATHAN TELLECHEA

10. CARLOS RAMIREZ
11. RICHARD RAMIREZ
12. LIZETTE RUIZ
13. SILAS MOULTRIE
14. THERESA ENSMINGER
15. ALONDRA SHARAE JONES

Hearing Date: July 10, 2001
Time: 8:30 a.m.
Department: 16, Hall of Justice
Judge: Hon. Peter J. Busch

Date Action Filed: May 17, 2000

STATE OF CALIFORNIA,

Cross-Complainant,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT, a school district, et al.

Cross-Defendants.

EXHIBIT 1

DECLARATION OF MOISES CANEL

I, Moises Canel, hereby declare:

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

2. I am thirteen years old and in the eighth grade at Wendell Helms Middle School (Helms), located in San Pablo, California.

~~3. In my science, U.S. history and English classes I can't take my books home.~~ In English and science we have a class set of books but they have to stay in class. I don't know why we can't take them home. In my U.S. history class I can't take my book home because we share the class set of books with other classes. Also, the history books are old and have pages torn up. In my science, history and English classes, when we have a test we have to take notes from the board during class and use them to study because we can't use the book at home. When we have homework, my science and English teachers make photocopies for us to use instead of the book. In my English class, sometimes the teacher gives us an assignment from the book to work on during class time and if we do not finish we have to remember the assignment and try to finish at home without being able to read the assignment in the book. I think it is harder to do my homework because I do not have a book. Sometimes when I have trouble with homework, I wish I had the book because I think that a book has more information that can help me to understand the lesson better.

4. The bathrooms at Helms are all messed up. The toilets are usually dirty and it looks like no one ever wipes them down. The sinks are also dirty. Often there is no paper towels, no toilet paper and no soap. The floors look like they do not get mopped and there is trash all over. It always looks like that, even in the morning. The toilets are always getting flooded and sometimes they stay like that for a long time, sometimes for a month. There is no hot water in the sinks. Sometimes some bathrooms are kept closed. I rarely use the bathrooms at my school because they are dirty and I feel uncomfortable. I sometimes wait to use the bathroom until I get home. I wish the school would put more effort into keeping the bathrooms and classrooms clean.

1 5. At Helms Middle School there is graffiti on the walls in the gym and bathrooms.
2 Sometimes it takes up to two months to clean up the graffiti. Some of the graffiti has been there for a
3 year. I feel like I am in a bad place when I see graffiti.

4 6. There is no air conditioning at Helms. It gets hot in the classrooms during the summer
5 and the teachers have to open the windows.

6 7. Our school is really overcrowded. Because the cafeteria gets crowded, I have to wait
7 ~~in long lines to get my food and sometimes by the time I sit down to eat, the staff begins to put the~~
8 empty chairs on the tables because my lunch time is almost over.

9 I declare under penalty of perjury of the laws of the State of California and the United States
10 .. that the foregoing is true and correct. Executed by me this 28 day of January, 2001 in
11 San Pablo, California.

Moises Canel
Moises Canel

EXHIBIT 2

DECLARATION OF MANUEL ORTIZ

I, MANUEL ORTIZ, hereby declare:

1. I am one of the plaintiffs in this action. I make this declaration based on my own personal knowledge and, if called to testify as a witness, I could and would do so competently as follows:

2. I am a senior at Watsonville High School in Watsonville, California.

3. There aren't enough textbooks at my school. In my economics and Spanish classes we only have class sets of books and we can't take them home to study. In government class we have one class set of thirty five books for all my teacher's government classes to share, but my class has about forty students so we don't ever have enough for all the students in my class to use without sharing. If we have a test and we want to take the book home it's first come first served with all the students in all my teacher's government classes competing to take the same thirty five books home. Because we share the set with other classes, I rarely get a book to take home. It really bothers me because I need to have a book at home to study for the tests. In my U.S. history class last year, we didn't have any books to use at all, not even to use in class. The teacher had a book and we just took notes off what the teacher said in class. Sometimes the teacher handed out photocopies from the book and gave us handouts for homework. It would have been easier to learn the history if we had books we could read ourselves.

4. The Spanish books we used in class last year were all torn up and were missing pages. Sometimes the teacher would tell us to turn to a particular page and that page wouldn't be in the book. We could take home one of the Spanish books for homework, but we didn't have enough of the second book we used in class for us to be able to take that book home, too. It would have helped to have been able to take home the other book, too, because that book had little stories and questions and activities to work on in it. I would have liked to have been able to study from that book, too.

5. My school is really overcrowded, so it does not have enough classrooms for the teachers. Because of the classroom shortage, the school recently installed new portable classrooms but there are some problems with the electricity and some outlets and lights don't work. Last year (when I was a junior), three of my seven teachers moved from classroom to classroom to teach their

1 classes because the school didn't have enough classrooms for them to have permanent classrooms of
2 their own. My world civilizations teacher had a shopping cart that he used to carry the history books
3 around to the classrooms he used. My life science teacher had a regular cart he used to move his
4 materials around. The history teacher also moved from classroom to classroom. Watching my
5 teachers push their papers and books around on carts between classes made me see how cheap the
6 school is not to have classrooms for my teachers.

7 6. My geometry class last year didn't have a classroom until close to Christmas vacation.
8 We met in the middle of the library, and other students came in to use the library at the same time
9 that we were in there having our class. The other students using the library disrupted our class
10 because they would talk to the librarian, which would mess with our concentration. Also, our teacher
11 couldn't talk very loud because we were in the library so we were supposed to be quiet. It was really
12 hard to concentrate and learn when we met in the library.

13 7. At the end of the school year, after my geometry class had moved out of the library
14 and into a classroom, we couldn't hear the teacher in the geometry class because of all the
15 construction going on outside. The school started doing construction to build new portables, and the
16 builders were working during the school day. They were drilling and hammering and they had
17 tractors going outside. We closed the doors to our classroom, but we could still hear the construction
18 sounds outside. I couldn't concentrate in class with all the noise. The construction was going on for
19 almost the whole last month of school, so my class pretty much lost that whole month of learning
20 geometry.

21 8. My classes are really crowded. In my biology class we didn't have enough desks and
22 chairs when the class started. We recently received additional desks and chairs for all the students to
23 sit in my biology class but it is still crowded and we are all sitting really close to each other. Last
24 year my science class was really crowded too. We mostly worked in groups because we didn't have
25 enough room in the class for each of us to do our own projects. And during my freshman year, we
26 had 40 or 45 students in my PE class almost the whole year. I know the PE classes are still too
27 crowded, but this year I have zero period PE, so my class is not too crowded.

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9. The school doesn't have enough computers--the school doesn't even have one in every classroom. The ones we do have are super old.

10. We also don't have enough copy machines. A few times a month in both my U.S. history and world civilizations classes, the teachers told us that they had been planning to give us homework but they couldn't get to the copy machine so they didn't have copies made. The teachers said there were only two copy machines in the whole school, so there were long lines for teachers to wait in to get to the copiers.

11. At Watsonville High School, the bathrooms are dirty and they don't have enough supplies such as toilet paper or paper towels. Some bathrooms are all tagged up with graffiti. There aren't enough bathrooms for the students to use because many bathrooms are locked. When I have to go to the bathroom during class I often have to walk through the campus and try different bathrooms until I find one that is open. It is a waste of my class time.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 5, 2001 at Watsonville, California.

MANUEL ORTIZ

EXHIBIT 3

DECLARATION OF GLAUZ DIEGO

I, Glauz Diego, hereby declare:

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

2. I am in the eleventh grade at Fremont High School in the Los Angeles Unified School District.

3. My school is overcrowded. In my geometry class there are about forty five students. The room is really crowded and the crowding makes it really hard to concentrate and follow what the teacher is saying. My school is so crowded that for the past two semesters I haven't been able to get into the Advanced Placement courses that I wanted to take. It seems that whoever gets to the counselor first gets the class. The overcrowding was so severe last year, that when I was in the tenth grade at Fremont, nobody had a sixth period class because the school had too many students and not enough classes. Last year, it took me three days to get a sixth period class. I was lucky to get a class at all. I first tried to get into woodshop but it was too crowded. Next I tried chemistry but it was too crowded also. I ended up with soccer as my sixth period class. It's easy to get a sport because the field is big so that there is no limit to the number of students that can get into a class.

5. We also have so many students at my school that we ran out of classroom space. Last semester we had to borrow bungalows from a school in the valley just so we will have enough space for all the students.

6. We don't have enough books at my school. In my chemistry class, we don't have any books at all. The teacher gives us worksheets and photocopies. It makes it really hard to study and do my home work without a book. I don't have a class set of books in my geometry class. I have to take my book back and forth to school everyday.

7. Last year, in my computer class we had only seven computers for thirty students because the others were stolen. We didn't even use the seven computers that we had because my teacher said if we all couldn't use computers then none of us could use the computers. Instead of doing computer work, we sat there and talked about what we would be doing if we had computers. I tried to get out of this class, but my school is so crowded that I couldn't get into another class.

1 8. In the first semester of my tenth grade year, I did not have a permanent history
2 teacher. We had five different substitute teachers before we got a long-term substitute teacher in the
3 second month of class. The teacher wasn't successful in teaching us history because he was an
4 English teacher. We only learned history for two days during the week. The rest of the time we
5 played cards.

6 9. Fremont High School is a multi-track, year round school. This means that students
7 start and finish school at different times of the year. I am on C track which means I attend school
8 in the summer. I go to school for four months and then I have two months off. I don't think the
9 multi-track system is good because the teachers have to rush through everything to give us the
10 information because we only have a little time to learn everything.

11 10. The classrooms in my school are in very poor condition. The ceiling tiles are rusted
12 from the rain and fall down. I heard that someone got hit in the head with a fallen tile last year.
13 Also, in some classrooms, the paint on the walls is crusted and falling off.


14 11. The main bathrooms at my school are in bad shape. The stalls do not have doors, it
15 smells bad in there, and there are no paper towels and no soap. The mirrors are broken and tagged
16 with graffiti, and some of the toilets do not flush. There is often no toilet paper in the bathrooms.
17 It looks like the school only cleans the bathrooms once a week. The bathrooms in the main building
18 are closed during class hours so if I do use them, I go during lunch and nutrition but even then it so
19 crowded that I sometimes can't use the bathroom. Last year the school opened a new clean bathroom
20 for a month but it was closed because the school officials were scared that it would get tagged with
21 graffiti. This year, the administration finally opened the two new bathrooms two weeks ago. I hope
22 they will stay open this time.

23 12. The school doesn't have enough lockers because of the overcrowding. This year I
24 don't have a locker to keep my belongings in, and I haven't had one since I enrolled at Fremont in
25 the ninth grade. Last year, I was assigned a locker but it didn't have a door on it so I couldn't use
26 it. Lockers are given on a first come, first served basis.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct. Executed this 30 day of January 2001 at Los Angeles, California. date

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5 GLAUZ, DIEGO

6 signature

EXHIBIT 4

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

3. The bathrooms at Edison-McNair are filthy. There is no toilet paper and no soap in these bathrooms. Also, the sinks are usually flooded because they get clogged up. It seems like the school only cleans the bathrooms about once a week. The bathrooms are so dirty that sometimes I don't want to use them because they are disgusting.

5. The water fountains at the school do not work right. We can't drink out of them because sometimes they have condoms in them and that is disgusting. The janitors don't clean them unless someone tells them to and all they do is pick up the condoms from the water fountains but they don't wipe them down. The water fountains outside on the blacktop in the back of the school do not work right either. There is no water pressure and the water hardly comes out of the faucet.

7. In my drama class, room P2, the window on the wall is cracked. Also, in my language arts class, in room 19, the window on the door is cracked and if someone was to punch it a little bit it would break. I think that it is dangerous for the students.

8. We do not have all the books that we need at school. In my English class we don't have textbooks. In my science class, we have textbooks, but because there is not enough for everyone, we can't take them home to study. The books are old, some pages are torn and are tagged

1 with graffiti. In my history class, we do not have enough books for all the seventh graders. When we
2 have homework we can't always take the books home because the books are only available on a first
3 come first served basis. I feel bad about that because sometimes other kids gets the books first and I
4 can't study or do my homework. Because of that I sometimes get a bad grade in that class. In my
5 drama class we don't have enough books in class and we have to share with other students. We can't
6 take the books home.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct. Executed this 30 day of Jan, 2001 at East Palo Alto, California.

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10 Carlos A. Santos
11 Carlos Santos
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DECLARATION OF CARLOS SANTOS

DECLARATION OF D'ANDRE LAMPKIN

I, D'Andre Lampkin, hereby declare:

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

2. I am 16 years old. I am a tenth grader at Crenshaw High School in Los Angeles. My twin brother Delwin is also a tenth grader at Crenshaw.

3. There aren't enough textbooks at my school. I don't have a book in Algebra and we use worksheets that the teacher copies from a book. It is hard to prepare for tests and for homework without a book, and I can't look ahead and get prepared for the class. In English, Biology and world history we have class sets of books but we can't take them home because we share the books with other classes and there aren't enough books to take home to study. For homework we get worksheets instead of using the books. My biology book is in poor condition. Some are missing pages and they are old. My biology textbook is really old and was published in 1986. In my Spanish class, the teacher bought worksheets with his own money.

4. My school is really overcrowded. There are more than forty students in my biology class and not enough chairs and desks for all the students in the class. Sometimes we sit on the counters along the side of the room, or we have to stand up during the entire class and take notes standing up. If you get to class last, you have to stand because all the chairs are taken. Three or four times this semester I had to stand up during the entire period. It was hard to take notes and follow the class. On two other occasions it was so uncomfortable standing up in the back of the class that I didn't take notes at all. It really makes me mad that we have to study in these conditions. My biology class is so overcrowded that the teacher is trying to get some students transferred out of the class even though biology is required to graduate. My Spanish class is also overcrowded, with over thirty five students. It makes it impossible to get any individualized instruction.

5. Our school doesn't have enough permanent and credentialed teachers. My English, algebra and my Spanish teachers are all uncredentialed. Last year, I didn't have a permanent teacher in my education and career planning class for the first four or five weeks of

1 school. We had a substitute during that period. We didn't learn very much during those five
2 weeks. Also, both my brother and I were enrolled in a class titled "math investigations" last year.
3 We ended up in this class because the school didn't have enough algebra teachers to
4 accommodate all the algebra students. So even though my brother and I had both completed and
5 passed all the math classes we needed to enroll for algebra, the school couldn't offer us an
6 algebra class. The school selected a small number of students for the few algebra classes the
7 school had, and then put the rest of us into "math investigations" class.

8 6. When teachers are absent, the school doesn't always have a substitute. Last
9 semester, there were days when we would sit in the hallway for about half of a class period until
10 an administrator came to open the doorway for us.

11 7. We don't have enough bathrooms at my school and they are always dirty. Only
12 two bathrooms of the school's eight boys' bathrooms are regularly open in our school: one is in
13 the main building and one in the environment building on the other side of campus. There are no
14 bathrooms near the bungalows where many classes are held. Last year one more bathroom was
15 open, but the administration locked it and now only teachers can use it. The open bathrooms are
16 dirty and smell really bad. Often the toilets are stopped up and they don't seem to get repaired.
17 Last week one toilet was flooded the whole week. There are never any paper towels in the
18 bathroom. Some of the graffiti in the bathrooms has been there for months and hasn't been
19 removed. On Fridays, students are not allowed to leave class, so if we have to go to the restrooms
20 after lunch, we must wait 2 ½ hours until school ends because there isn't enough time between
21 classes to go to the bathroom.

22 I declare under penalty of perjury of the laws of the State of California and the United
23 States that the foregoing is true and correct. Executed by me this 29TH day of January, 2001
24 in Los Angeles, California.

25 
26 D'ANDRE LAMPKIN

DECLARATION OF DELWIN LAMPKIN

I, Delwin Lampkin, hereby declare:

1. I am a Plaintiff in the above-captioned action and if called to testify I could and would do so competently as follows:

2. I am 16 years old. I am in the tenth grade at Crenshaw High School (Crenshaw) in Los Angeles. My twin brother D'Andre is also a tenth grader at Crenshaw.

3. ~~There aren't enough textbooks at my school for all the students to use.~~ I don't have a book to take home in my English and world history classes, and I sometimes have to share a book with other students in class because we don't have enough textbooks to use in class. In these classes the teachers give us assignments that don't require reading from the book. Not having a book at home makes it really hard to study for tests. The lack of textbooks is not a new problem at Crenshaw. Last year I didn't have any books for my Spanish class because the school didn't have enough of them. During the first semester of last year, I had a science book that I could not take home. But during the second semester, we were told that there was another class that needed them more than we did, so we had to switch with them. For the whole semester we didn't have any science books at all. Last year some of our books were as old as 1985. I know that some classes use books with different editions of the same books because there aren't enough of the same edition to go around. This year, I've seen an edition of a biology book that was from 1986.

4. We don't have enough supplies in my science class. My science teacher told me that she has to buy supplies with her own money. If we bring materials to class such as tape, or tissue paper, sometimes the teacher gives extra credit. Recently I brought some materials for an experiment about heat and an experiment about aquariums. I think that it is not fair that the teacher and the students have to pay for supplies.

5. My school is overcrowded. In science, we don't have enough chairs for all the students. There are about 35 students for only 30 chairs so if no one is absent in the class, some of us have to stand. I have to stand up a lot in science class. It is really difficult to do any work that way. My Spanish class is also overcrowded with about 40 students, and we don't get much

1 attention from the teacher.

2 6. Last year I had a big scheduling problem. I was assigned to two Spanish classes,
3 and two science classes at the same time. I didn't have a health class or a physical education
4 class. This lasted until the fifth week of school, even though I went down to the counseling
5 office to complain about the situation. The people at the office would tell me to just keep going
6 to those classes. Finally, my mother wrote a letter to the school and the counseling office fixed
7 my class schedule.

8 7. My English and Spanish teachers do not have credentials to teach. I know
9 because I asked them. Our school doesn't have enough teachers. Both my brother and I were
10 enrolled in a class titled "math investigations" last year. We ended up in this class because the
11 school didn't have enough algebra teachers to accommodate all the algebra students. So even
12 though my brother and I had both completed and passed all the math classes we needed to enroll
13 for algebra, the school couldn't offer us an algebra class. The school selected a small number of
14 students for the few algebra classes the school had, and then put the rest of us into "math
15 investigations" class.


16 8. The main buildings in our school are old and in poor condition. Last year a bird
17 came in through the window of one of my classrooms. There were about five or six ceiling tiles
18 missing, so the bird went into the ceiling and nested. It was in there for about a month. In fact, it
19 nested and had baby birds. It was very distracting. When it rains, the floor in the bungalows
20 becomes sticky. All these problems distract us from class.

21 9. There aren't enough bathrooms for the students to use at my school. I think that
22 there are only two open boys' bathrooms in the school. One of them is supposed to be reserved
23 for disabled students but all the students use it. I don't understand why out of eight boys
24 bathrooms in the school, only two are open for the students to use. In the open bathrooms, the
25 toilets are leaking, are stopped up, or otherwise don't work, and it takes a really long time for
26 them to get repaired. There aren't enough supplies such as paper towels in the bathrooms. The
27 graffiti in the bathrooms don't get cleaned up for a long time.

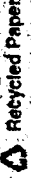
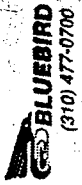
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I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed by me this 29 day of January, 2001 in Los Angeles, California.



DELWIN LAMPKIN



DECLARATION OF KRYSTAL MONJE RUIZ

I, Krystal Monje Ruiz, hereby declare:

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

2. I am thirteen years old and in the eighth grade at Cesar Chavez Academy, located in East Palo Alto, California.

3. We don't have enough books at my school. In my language arts class the books are really old and the pages and book covers are torn. In my social studies class we have a book in class but we cannot take it home to study. I either have to finish my work in class or I can't finish it that day. We don't get much homework in that class because we can't take our books home. Sometimes when we study for a test, the teacher will write the lesson on the overhead projector and we have to copy the key points on paper and use that to study at home. If we had a book to take home we wouldn't lose all this time copying things down.

4. The buildings at my school are in bad condition. In my social studies class, in room P1, one of the windows is broken. The window has a piece of wood over it instead of glass. And in the gym, a lot of the windows are broken. Instead of glass, these windows have metal on them so they look like fences. Sometimes this fencing is not put on the windows right so birds come into the gym.

5. The bathrooms at Cesar Chavez are usually dirty. They are ok in the morning but after a while there are paper towels thrown on the floor and nobody cleans the mess during the day. We almost never have toilet paper in the bathrooms. In the bathrooms near the cafeteria, one toilet does not have a seat so no one can use it. During class, all the bathrooms are closed except for one. The only time the bathrooms are open is during our breaks like recess, lunch, and at the end of the day. I think that it's wrong for the school to keep the bathrooms closed all the time and I wish they would keep the bathrooms open for the students to use when they need to. Sometimes I tell the "hall watchers" to unlock the bathrooms because I don't think it is right to keep them locked.

1 6. I have never seen the water fountains at Cesar Chavez clean. There are four water
2 fountains but two do not work at all and the other two don't work right because the water pressure is
3 low. It seems like no one ever cleans them. They always have trash, gum, lollipop sticks all over.
4 7. The gym is dirty and usually has trash on the floors. There is only one trash can in the
5 gym and no trash cans in the girls' locker room, so the floor gets littered with trash. Also, the girls'
6 locker room is dirty. There is trash in the lockers and the trash doesn't get cleaned. Some lockers are
7 broken and the handles don't work or open. The locker rooms are really old and there is a white
8 powder or dust all over the locker rooms. Sometimes it stains my P.E. clothes and when I wash my
9 clothes at times it does not come out. It's hard because I am afraid of the bacteria and germs from the
10 mess in the locker rooms. I think it is disgusting. I wish they would fix the lockers and keep the
11 locker room more clean.

12 8. My school is really overcrowded. The cafeteria is always crowded. It is hard to find
13 seats to sit down and eat. The lines to get food are always long. Sometimes by the time I sit down, I
14 have to rush and eat my food really fast because I don't have enough time to eat comfortably. I wish
15 we had more time to eat and less students in the cafeteria.

16 I declare under penalty of perjury of the laws of the State of California and the United States
17 that the foregoing is true and correct. Executed by me this 31 day of Jan, 2001, in
18 East Palo Alto, California.

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Krystal Monje Ruiz
Krystal Monje Ruiz

My son Jonathan

6. Jonathan should also attend Cahuenga but, like many other children in the neighborhood, must be bused away to another school. Our neighborhood school, Cahuenga is a few blocks away from our home. Unfortunately, even when run on the Concept 6 calendar, there is not nearly enough space at Cahuenga for all the children in the neighborhood. I know of two pick-up points for children who are bused from Cahuenga. Every morning, at Jonathan's pick-up point, I see four or five buses lined up like cars on a train. I understand that more children are turned away than actually attend Cahuenga.

7. Jonathan, who is now in the fourth grade, has been riding the bus since he started school. From kindergarten to second grade, he was bused to Bellevue Elementary, a school that was then for kindergarten through second grade. It's about 2.5 miles from our home. Last year and this year, Jonathan has been bused to Rosewood, an elementary school for kindergarten through fifth grade. Rosewood is about 5 miles and a half-hour bus-ride away.

8. When Jonathan gets to middle school a year and a half from now, I'm hoping that there will be room for him at Burroughs Middle School (Burroughs), the neighborhood middle school that is less than 2 miles away from our home. Unfortunately, my understanding is that once children are in the busing program, it's very difficult to get them out of it. If Jonathan is not fortunate enough to get a spot at Burroughs, he will have to be bused all the way to Lawrence Middle School, which is about 28 miles away.

Conclusion

9. I believe that my sons' educations are being harmed by overcrowding and efforts to alleviate it through multi-track calendars like Concept 6 calendar and through busing. My

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1 wish would be that they, like most kids, attend neighborhood schools operating on a traditional
2 calendar.

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4 I declare under penalty of perjury under the laws of the State of California that the above
5 is true and correct.

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7 January 30, 2001
8 Los Angeles, California


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Rosa Tellechea

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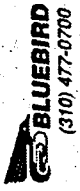
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2 calendar.

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5 is true and correct.

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Rosa Tellechea



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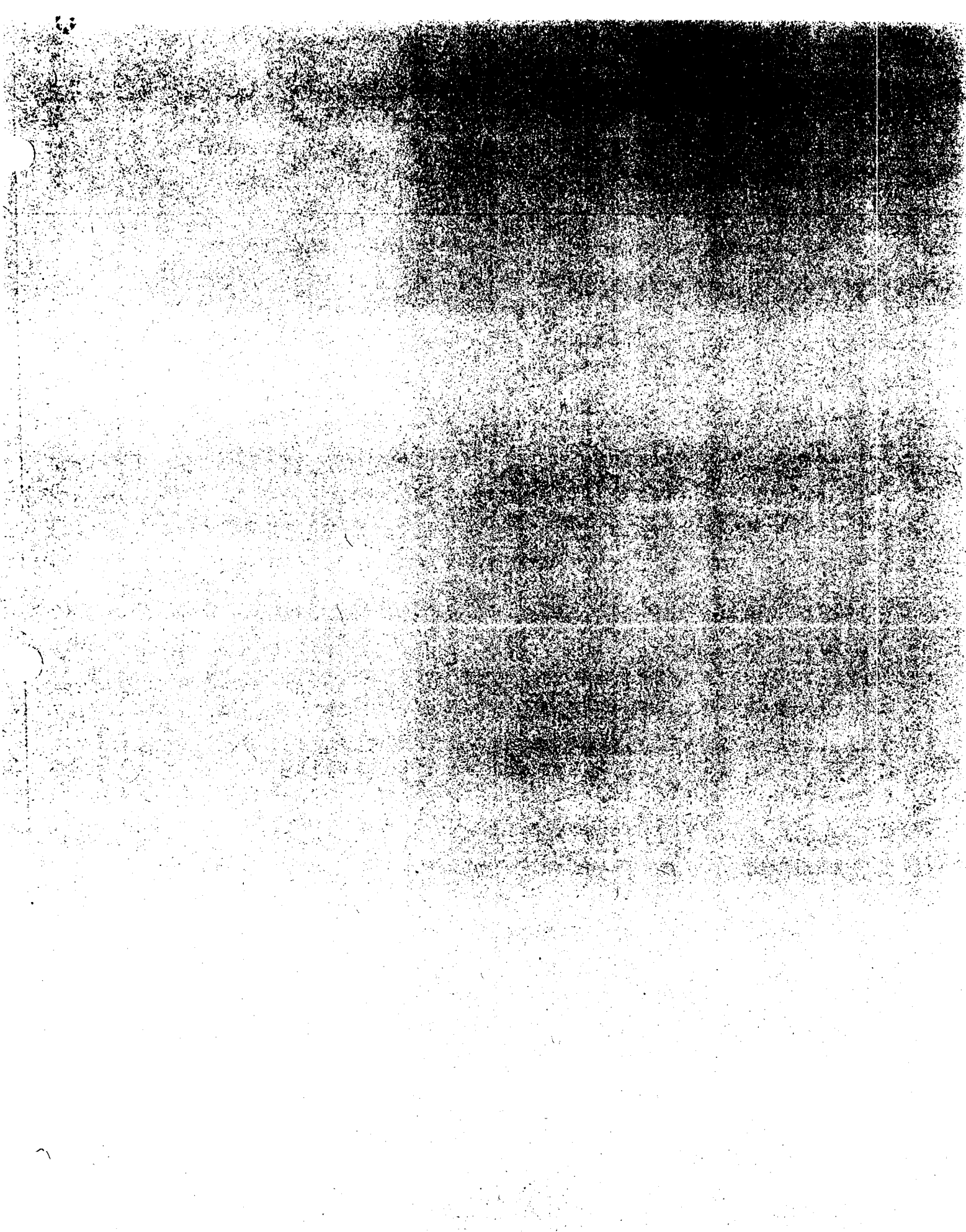
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1 that we have are from two different years, so it is hard to follow sometimes because some students
2 have to read different pages.

3 8. The bathrooms are sometimes dirty and smelly at my school. Sometimes there is
4 water on the floor and graffiti on the walls. Sometimes there is no toilet paper.

5 I declare under penalty of perjury of the laws of the State of California that the foregoing is
6 true and correct. Executed by me this 29 day of January, 2001 at San Francisco,
7 California.

8
9 
10 CARLOS RAMIREZ



DECLARATION OF LIZETTE RUIZ

I, Lizette Ruiz, hereby declare:

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

2. I am in the eleventh grade and attend Huntington Park High School in Los Angeles.

3. Huntington Park High only has a limited number of textbooks. In my Advanced Placement ("AP") history class there aren't enough books for everyone. At the beginning of the year, the class was very crowded and the administration decided to create two AP history classes without buying more books. We are supposed to use several books in that class, so if students want the complete set, they have to buy the additional book with their own money. Several students in the class have ordered the book but the teacher does not have them yet. In AP classes we have to study really hard and it is important to have the materials needed to do well on the AP test. It really makes me mad that I don't have the materials I need, free of charge. During the first semester of the last school year, I did not have a science book to take home. There were not enough books to go around. The teachers were given textbooks for the classes on a first come first served basis. I know other students who do not have books in some of their classes.

4.. My school also does not have enough teachers who can teach honor and AP courses. Because of this, there were over 40 students in my AP history class and last year there were forty students in my honors English class. My honors English class was overcrowded and some students had to sit on the floor and some sat at the teacher's desk. This went on for two to three weeks. The class was then split in half and we went to regular English classes, not honors classes. I did not get the honors English work that I was supposed to receive.

5. College standards require three years of a foreign language. I wanted to take French but my school offers French for two years only. Because this does not meet the requirements, I could not take French. I feel like my choice of classes has been taken away.

6. Also, I need to take AP calculus in order to meet college requirements, but there is only one AP calculus teacher in the school and that teacher teaches AP calculus on track C. This year I am on the A track and AP calculus is not offered on my track. After the classes for my track

1 ends, I still have to attend school when I should be off track, just so I can take Calculus on C track.
2 7. Huntington Park High School is a multi-track school. Students start and finish school
3 at different times of the year. Students who are on certain "tracks" are given limited course
4 selections and options. Last year I was on track C, which means I attend school during the summer
5 months even though students on track A have most of the summer off. Most internship programs
6 and extra curricular activities available to high school students are only available during the summer
7 months. I am really interested in the environment and I want to become a lawyer so I applied for a
8 legal internship at Community for a Better Environment where I have been a volunteer for the past
9 three years. In order to participate, I had to request to change tracks to the administration. It was
10 really stressful to have to change my entire schedule. I don't think that it is fair that B and C track
11 students cannot take part in extra curricular activities or programs that will help them get into college
12 because they have been assigned to a certain track. Students who attend schools that are on a regular
13 calendar don't have the same problems.

14 8. My school is really unsanitary. There are rodents and roaches in the school.
15 Regularly I see dead roaches on the school grounds and mice or rats droppings and feces in the my
16 math, history and English classrooms. The teachers buy traps with their own money and put them
17 in the classrooms. Sometimes we find mice tails in the traps. It is really disgusting.


18 9. In May or June of 2000, the roofs at Huntington Park High were repaired during a
19 time period of two to three weeks while we were in class. During that time, asbestos and dust were
20 constantly in the air. I felt sick from the smell and could not eat.

21 10. Our bathrooms are not kept in sanitary conditions. They are filthy and the smell is
22 terrible. Some of the doors don't have locks or are broken. At first there were no soap dispensers,
23 and then we got soap dispensers but we have no soap. There is only one dispenser of feminine items
24 in the entire school and it gets empty really fast. We have to go to the nurse to get the thing that we
25 need and it is a waste of time. There are no trash cans in the girls' bathrooms and the floor gets
26 littered with feminine hygienic pads. It is really disgusting. Whoever cleans the bathrooms only puts
27 enough toilet paper in the bathroom for one day, and by sixth period the toilet paper is gone. The
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1 bathrooms are locked during classes and I have to go across campus to the one that is open to use
2 the bathrooms. In January of 2000 the students put pressure on the administration to fix-up the
3 bathrooms. Little has changed since then.

4 11. Most of the time, the water fountains don't work. they are clogged and rusty. We
5 have had problems with the water fountains for the past two years and nothing is beong done about
6 it. In July of 1999, the water fountains at school became contaminated when the soil next door was
7 watered down and it contaminated the pipes. We could not drink out of the water fountains. The
8 school gave each class only a gallon of water a day to be shared by thirty people. I was only able to
9 get one cup of water the whole day. Some people got none. This went on for a week. Last summer,
10 the water in the drinking fountains, particularly in the P.E. field, was brown. I told the principal but
11 he told me not to worry about it. The water was still dirty the next day.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing
13 is true and correct. Executed this 28 day of January 2001 at Huntington Park, California.

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16 LIZETTE RUIZ
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1 could see the boys' or girls' bathrooms, you'd be upset. But the principal and the counselors'
2 bathrooms are clean. They have tissue, paper towels, and first aid stuff in them. The bathrooms for
3 the kids don't even have paper towels. Pretty often, the water doesn't come on in our bathrooms.

4 7. There are roaches and rodents in my school. I recently saw roaches in my science
5 class. They are disgusting but I am kind of used to seeing them now. Our school also has mice and
6 rats that run around in our classrooms. Last year I saw rats in the heaters in my math and English
7 classes and my science teacher picked up a dead mouse in class. Also, last year there was a dead rat
8 in the corner of the gym that stayed there all year.

9 8. The heat at the school is also a problem. Sometimes it's too hot and sometimes it's
10 too cold. When it's too hot, we can't open our windows because they don't open. If it's hot, you
11 have to fan yourself with a lot of paper. When it's cold, we stand at the heater with our coats on.
12 We're supposed to wear uniforms, though, and so sometimes the teachers don't let us wear our coats
13 in class because coats aren't part of the uniform. Last February, when it was raining a lot, it was
14 really cold and mice started coming out in the classrooms. I wore two sweaters, some gloves, some
15 ear muffs, and a scarf in class.

16 9. The gym is a disaster at my school. It is dirty and also the ceiling tiles fall off in the
17 gym if you shoot a basketball too high. We all have to dodge to avoid being hit by the ceiling tiles.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed on 2/1, 2001 at San Francisco,
20 California.

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22 Silas Moultrie
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 **BLUEBIRD**
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1 States that the foregoing is true and correct. Executed by me this 30 th day of January, 2001 in
2 Merced, California.

3 Theresa Ensminger

4 THERESA ENSMINGER
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1 **DECLARATION OF ALONDRA SHARAE JONES**

2 I, ALONDRA SHARAE JONES, hereby declare:

3 1. I am one of the plaintiffs in this action. I make this declaration based on my own
4 personal knowledge and, if called to testify as a witness, I could and would do so competently as
5 follows:

6 2. I am a student at Balboa High School in San Francisco, where I am a senior. I have
7 gone to Balboa for three years of high school.

8 3. I have often seen mice in the school gym, and I've seen mice in the classes about once
9 every three months during my time at Balboa. Mostly I see mice droppings by the heaters. This
10 year, some of my teachers tell us not to eat in class because we have mice and ants at Balboa and the
11 teachers say they don't want the situation to get worse.

12 4. The heaters don't work in some of the rooms I take class in, and it gets really cold in
13 class. Yesterday, so I had to wear two coats in class to keep warm, and I borrowed another girl's
14 mittens as well, because the heaters didn't work in both my Spanish and peer counseling classrooms.
15 But the other girl was cold, too, so she took one of her mittens back and after that each of us wore
16 one mitten for the rest of class. Our peer counseling teacher stopped class and told us to get up and
17 shake to try to warm up. It's just so cold in those classes without the heat on. It happens pretty often
18 that the heaters in some of the classrooms break and we have to be cold in class.

19 5. The windows are cracked in the double doors to get into the right wing at school.
20 And some of the square window panes in the gym are missing.

21 6. The school doesn't have enough bathrooms for us all to use. We have two bathrooms
22 for girls, one on the second floor and one on the third floor. The second floor bathroom was out of
23 service with yellow caution tape at the door from the end of my tenth grade year to the end of my
24 11th grade year. Even now that both bathrooms are open, the bathrooms almost never have soap and
25 are usually dirty and have a lot of graffiti. The third floor bathroom has four stalls, but for all of my
26 11th grade year all the girls knew not to use the stall at the end. Behind the toilet bowl in that stall
27 was a soiled pad and an old It's It ice cream bar that sat there mildewing from the beginning of my
28 11th grade year to the end of that year.

1 7. We do not have enough books at Balboa. In my Spanish class, we have books to use
2 in class, but we cannot take the books home for homework because we do not have enough books
3 for all the kids who take Spanish. For homework, my teacher does not assign book work; instead
4 she tells us to do things like speak in Spanish to another person.

5 8. My school situation was even worse before this lawsuit was filed and before an article
6 about the conditions at Balboa and this lawsuit was published in the San Francisco Weekly in
7 October 2000. I've attached a copy of the article as Exhibit A to this declaration. I'm mad that it
8 took an article and a lawsuit for us to get the things we need, like books in our classes. We suddenly
9 got new books in several classes after that article came out. I asked my teachers why and they said
10 it took our asking for it publicly for us to get the books. I told them I'd ask publicly for a car, too,
11 if I could get one that easily. But I think we shouldn't have had to wait for an article to be written
12 about our school and for this lawsuit to be filed for us to get the things we need.

13 9. Before that article was published, I didn't have enough books in several of my classes.
14 For example, in my math class during the 1999-2000 school year, we only had enough books to use
15 in class without sharing if some of the students were absent from class. If everyone came to class,
16 then we had to share books in class because we didn't have a full class set. Obviously, we couldn't
17 take the math books home for homework. During that same year, we also did not have books to take
18 home for homework in my Spanish 1 class. We could use books in class, but we had to copy down
19 on paper work for us to take home because the school did not have enough books for all the Spanish
20 1 students in all the classes to take home. The Spanish textbook has a glossary in the back, and it
21 would have been easier to do homework if I'd had a glossary to use to look words up. Without the
22 glossary, I sometimes didn't know what Spanish words meant when I was trying to do my
23 homework. And when I took Japanese during my sophomore year at Balboa, we didn't have any
24 books at all. The teacher brought in some of her Japanese-English dictionaries from her home, so
25 we could use those dictionaries in class. But we didn't have any Japanese textbooks to use in class
26 or to take home for homework.

27 10. I had wanted keep going with the Japanese I was learning at Balboa, but the school
28 cut the Japanese program after my sophomore year. I had satisfied the high school graduation

1 language requirement by taking two years of a foreign language (Japanese), but colleges want you
2 to take three years of the same foreign language. I only had two years left of high school, so I was
3 stuck.

4 11. For a week at the beginning of the school year during the 1999-2000 year, we had 53
5 students in my algebra class, and we didn't have enough seats for all those people to sit down. We
6 would rush to come early to school like you do for a concert to get seats. The people who didn't
7 arrive early to class, including the people who just came on time, had to stand, or sit on the overhead
8 projector or on file cabinets or on the floor. After the first week, the class went down to 40 students,
9 but we still didn't have enough seats for all those people. After about the first month, we had about
10 25 students in the class, and we finally had enough seats.

11 12. During my years at Balboa, I've had several classes that had no permanent teacher.
12 For example, when I took Modern World my tenth grade year, my teacher got sick with something
13 wrong with her throat, so she left school in the fall and we had a bunch of substitutes instead.
14 Sometimes the substitutes would just stay for one day, and sometimes they would stay for one week.
15 Different substitutes would give us different work assignments, and sometimes we'd get a new
16 assignment from a new substitute teacher before we'd even finished working on a project from a
17 substitute teacher we'd had before the new one came. We had so many teachers that year that the
18 report card didn't list a teacher's name—it just listed teacher F. Other classes with a lot of substitutes
19 had teacher A or teacher B or teacher with another letter listed.

20 13. This last school year, when I was in 11th grade, my Spanish teacher left school in the
21 fall. We had a different substitute every day for the whole rest of the first semester, right up until
22 finals time. We mostly watched movies in class, and the movies weren't in Spanish or related to our
23 Spanish class. We saw Rush Hour, Entrapment, Amistad, Liar Liar, and Halloween and other
24 movies in that class. People would just bring movies from their houses and we watched them in
25 class. One girl who'd transferred to our school from another school tried to teach class sometimes
26 because she'd learned some things at her other school before she transferred. But she's not a teacher
27 and she didn't really know much more Spanish than we did, so it's not her fault that we didn't learn
28 Spanish that semester.

14. We still had to take a final exam at the end of the semester in Spanish class even though we hadn't had a teacher or learned any Spanish all first semester. Everybody failed the final because we didn't learn anything all semester without a teacher and without even any Spanish lessons. I asked the assistant principal how I could get a grade after all we had was substitutes and after we didn't do anything other than watch movies in class. I told the assistant principal it would be OK if they tested us on the movies we watched in class, but that they shouldn't have tested us on the Spanish we didn't learn. The assistant principal just told me they had to give us a test. That seems really unfair to me.

15. I really want to go to Howard University for college, but I don't think I'm going to get in because of the grades I got in Spanish and Modern World when I didn't have permanent teachers. I got Ds in Modern World and in Spanish, but it's not my fault. When I retook Modern World over the summer I got a B. I just couldn't learn with all the changing teachers and with no lessons and just movies in class. Most kids got Fs in those classes, so I was lucky.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 01, 2001 at San Francisco, California.

Alondra Sharae Jones
Alondra Sharae Jones

EXHIBIT A

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Hard Lessons

Students without textbooks. Crumbling facilities. Rats. Spending time at Balboa High School can be a real education.

By Bernice Yeung

At Balboa High School, Alondra Sharae Jones is known for making herself known. In the five minutes between classes, the 17-year-old senior, clad in bright orange pants, moves through the hallways like a party hostess, bellowing a greeting to a friend a few yards away, then running to embrace another with a shriek. Weaving her way to the stairwell, she bounces up, two steps at a time. On the third floor, Alondra's social cycle begins anew, as she calls to friends she sees in the distance.

"I am not a shy person," she declares. "I like all eyes on me."

Alondra is no less outgoing in class. She is quick to raise her hand for class discussions or offer under-the-breath commentary on the proceedings, making her presence felt.

Teachers at Balboa High consider Alondra one of the brightest and most inspiring students in a school long known as one of the worst in San Francisco. Alondra's English teacher says she is a "teacher's dream" because she is "like a plant that just grows and grows." Indeed, the honor roll student has her aims set high. She hopes to attend Howard University and plans to become an actress.

Even so, Alondra is struggling to graduate this spring. She has had to take summer school and night classes to meet the basic requirements for graduation because the public school system has played hooky with her education.

The conditions at her school are so unpleasant, she says, that it has hindered her ability to learn. In some of her classes, she is not even allowed to take textbooks home to study because there aren't enough for all the students. Other classes lack basic supplies. Rooms are missing ceiling tiles, wallpaper is peeling, window shades are unusable. The gym has rats, and the bathrooms are so vandalized and disgusting that students must be escorted to them by security guards.

But Alondra's biggest complaint is that in her four years at Balboa she has taken multiple classes with long-term substitutes. In Spanish class last year, for example, her regular teacher fled to Mexico in the middle of the school year to evade an arrest warrant, forcing Alondra and her classmates to spend the rest of the year with a rotating cast of substitutes. Though the school searched tirelessly for a replacement teacher, qualified Spanish instructors were hard to come by so late in the year. But the subs could not control the classroom and disregarded lesson plans provided by the administration. Instead, they played popular movies like *Rush Hour* and *Entrapment* during class.

At the end of the year, the class was given a final exam, which Alondra failed.

"The only people that passed were native Spanish speakers," Alondra says indignantly. "That's cool, but it's not my fault. I told them that if they wanted to test me on the movies I had watched, that would be fine. But I had to drop that class because I couldn't take a bad grade for something that was not my fault."

To meet the language requirements for graduation, Alondra now takes night classes in Japanese at San Francisco City College.

Alondra, however, has done much more than complain about conditions at Balboa High. Last August she became a plaintiff in a class-action lawsuit against California's Board of Education, filed by the American Civil Liberties Union on behalf of 100 schoolchildren in 46 public schools.

The suit, *Williams vs. California*, alleges that "too many California schoolchildren go to schools that shock the conscience. ... Schools lack the bare essentials required of a free and common education."

The ACLU contends that California has allowed a dramatic inequality to develop among schools in the state. The "substandard" conditions at many schools affect primarily poor and minority children, the ACLU says, which violates several clauses of the California Constitution, including the Civil Rights Act and the equal protection clause.

Balboa is one of three San Francisco schools cited as examples in the suit, along with schools from most other Bay Area counties and throughout California.

The state, in its written response to the court, calls the ACLU's suit vague and incomprehensible. It sees no discrimination in the way it runs schools and says it already has strict regulations for public schools. The state also says that local districts are responsible for problems at individual schools.

But the ACLU believes California is shirking its responsibilities. "If we have schools, we need to stock the schools," says ACLU attorney Katherine Lhamon. "And I'm not talking about an iMac in every classroom. But how can you call these things schools? You can't call a classroom that has no books a learning place. There has been unbelievable underfunding by the state. This suit is about ensuring that everyone has a minimum opportunity and every essential tool for an education."

For Alondra, the decision to join the lawsuit was more personal. "I'm mad [about the conditions]," she says, "but why pout? The only thing I can do is fight for the kids who are in ninth grade now, so they won't have to go through what I went through."

What Alondra and her classmates go through becomes apparent in following Alondra through her daily classes. It is an education in the realities of life at one of San Francisco's lowest-performing schools.

Alondra strolls into her first-period class at 8:13 a.m. — two minutes before the bell rings — and slides into her desk in the second row. Tim Gabutero, her health education teacher, looks at her with surprise.

"I'm on time, Mr. Gabutero!" Alondra boasts.

"I know, I can't believe it," Gabutero says, laughing.

Alondra has been tardy twice already this week because she was late catching the bus to school. Alondra lives with three other people, including a cousin who acts as her legal guardian, and "it's a struggle for the bathroom and the iron," Alondra says. Because of stricter tardy policies this year, her guardian was supposed to come with her to school to sign off on her tardies before she would be allowed back on campus. But her guardian couldn't take time off from work, so Alondra, determined not to miss a full day of school, sneaked through the school gate with her face hidden behind a binder.

The bell rings, and Gabutero tells his students to begin their daily "freewrites." The exercise is part of the school's effort to emphasize reading and writing in all classes because Balboa students score among the lowest on standardized tests in San Francisco; many students cannot read at grade level.

An easygoing and well-liked teacher, Gabutero says he is often startled and saddened by the things his students write. One student this morning expresses that she is "continuously stressed" from school and her after-school job at a toy store. "I can barely keep my eyes open," she writes.

Another student writes about her experience the night before, when she heard gunshots and found out that a friend from her neighborhood had been shot dead. The student is shocked. "He is so nice. I can't believe someone would want to shoot him."

Other students produce only a few muddled sentences about baseball and girlfriends, censored by apathy or limited English proficiency.

After the freewrites are collected, Gabutero instructs his students to get a book from the stack at the front of the room. Gabutero has two health ed classes, but only 30 books, so students return their texts to a messy pile when the bell rings instead of taking them home.

Book shortages are a common cry among students and some teachers at Balboa. Gabutero says he wishes he could give more homework, but he can't if his students don't have textbooks. For years, English teachers said the only books in the depository were published before their students were even born.

If there aren't enough books, teachers often resort to photocopying portions of books for readings and homework. And because the school's copy machines don't always work, the teachers often pay for the copies at Kinko's out of their own pockets.

But textbook availability has improved dramatically this year, thanks in part to a state grant for underperforming schools.

Once his students have their books, Gabutero instructs the class to open them to the section on sexually transmitted diseases. When the discussion digresses to abortion, students begin raising their hands to swap stories.

"My cousin just had someone punch her in the stomach so she'd have a miscarriage," one girl says.

"Yeah, I know someone who ran into a doorknob to do it," another girl offers. Gabutero shakes his head. "I learn so much from you," he says.

Gabutero, who came to Balboa a year ago, says his students go through a lot at home, and he doesn't think it helps that the school conditions -- drooping window shades and filthy bathrooms -- resemble their dreary personal lives.

Gabutero also teaches physical education and says the gym and sports equipment are especially pathetic. Often, he has only half as much equipment as he does students, so many kids spend their PE class watching others play.

Every day, he leads classes through stretching exercises in Balboa's crumbling gym. White paint peels from the walls, and the scratched wooden floor has seen too many years without refinishing. On the other side of a flimsy partition is another basketball court that isn't used for stretches because the PE teachers don't want their students sitting on the bird feces smeared into the gym floor. Gabutero explains that before the gym's exterior windows were fixed a few years ago, birds flew into the gym and defecated. Though the PE teachers scrubbed the floors, the mess remains, and the school can't afford to clean it up completely. There is still a mice problem, and rodents scurry around behind the wooden slats lined against the gym walls.

"We try to build self-esteem, but then look at these conditions -- rats, pigeon feces," Gabutero says. "The kids go to other schools and everything is brand-new, and they ask me why we don't have the same. What am I supposed to tell them?"

Alondra slips quietly into her second-period art class, taking a seat at the front of the room. Elham Khodabandeloo, the petite art teacher known for her funky fashion sense, instructs her students to do a freewrite on their emotions. "It doesn't have to make sense, it's just how you feel," she tells the class.

On the overhead projector, Khodabandeloo has written examples of feelings that came out during her first-period class: embarrassed, disappointed, angry, lonely, scared, sexy, dirty.

Alondra decides to write about her feelings of anxiety over a weeklong college tour she is going on in a few days as part of a California Bar Association-sponsored trip for low-income students.

The students turn in their freewrites and begin work on portfolios that will hold their artwork. The portfolios are made of thin, vanilla-colored cardboard that Khodabandeloo found in the old art building before it was converted into school district office space this summer.

Khodabandeloo's current room used to be a home economics classroom, and she mourns the closure of the old art building, which was equipped with a darkroom, a kiln, and drafting tables.

Now she makes do without those amenities, in a classroom barely able to hold her 36 students. "How do they expect me to teach a class when there are more students than chairs, and without any money?" she demands. "There's not one seat left. Some students hurry up to come to class to get a seat."

The students sit at cramped tables crowded between unused sinks and counters, coloring and shading their names graffiti-style onto their portfolios with colored pencils. Khodabandeloo reminds the students to conserve the pencils by using the electric sharpener instead of the manual one. "And if you've got short pencils that can't be sharpened by the sharpener, I've got a knife!" she calls out. Almost immediately, a boy approaches Khodabandeloo with a nub of blue pencil. Khodabandeloo pulls out an Exacto knife and begins whittling away at the pencil tip.

Khodabandeloo has learned to be extremely frugal with her meager supplies — going so far as to ask for students' keys or driver's licenses as collateral if they want to borrow an eraser.

Last year, she sent a letter home asking parents to chip in \$5 a semester per student so she could buy the class plaster, clay, and wire at a wholesale rate. That request was listed among the complaints in the ACLU lawsuit.

"I just wanted to give the students something to be excited about," Khodabandeloo explains. "And it's hard to do it when all you have is paper and pencil. Plus, I was hired to teach sculpture."

Khodabandeloo recognizes that the funding she receives — about \$500 a year for all five classes — is no different than the money doled out to other schools in the district. But many of her students come from poor families, and they can't afford to bring in their own materials like they do at other schools, she says.

"If they don't have it, they don't have it," Khodabandeloo says. "The community brings up other schools, but our community is unable to do that. So I've written grants and asked for donations. But these kids, there's no one to fight for them. There were no angry parents out there making the school open up the art building when it closed."

Building parent support has been a longtime goal for Balboa High, where only 30 parents showed up at Back to School Night in 1999 (about 200 parents came this year). Unlike schools such as Lowell High in the Parkside District, where Parent-Teacher Associations raise tens of thousands of dollars each year for the school, Balboa has no PTA. "Our parents are tired," says Principal Patricia Gray. "They're working two or three jobs. They just don't have time."

Between second and third periods, Alondra dashes to a bathroom to wash her hands — a decision that is not made lightly. Balboa is infamous for its putrid restrooms. Its stalls are covered with graffiti, the toilets and floors are caked with scum, and the walls are smeared with crusty, hardened spitballs made from wads of toilet paper.

Principal Gray says the school only has one full-time day janitor. "We don't have the manpower," Gray explains. "But we shouldn't have people cleaning up behind the kids. It's up to the kids to keep it clean."

In an attempt to keep the bathrooms usable, the school keeps them locked most of the day. If a student needs to use the bathroom, a teacher calls a security guard to escort the student.

After her quick trip to the bathroom, Alondra runs to her locker in the basement of a building across campus and grabs her math book, but halfway to her class the bell rings — she's tardy again. Still, she walks boldly into Room 200 just as her trigonometry teacher begins taking attendance.

Alondra doesn't exactly mind being late to trigonometry — she has been dreading third period all day. Because of

scheduling complications, caused in part by the school's antiquated computer system, Alondra didn't join her math class until the third week of school, and she has no idea what is going on in class, she says. She decides to tell her teacher and traipses to the front of the room, where he is marking attendance.

"Do you think I can pass this class?" Alondra demands. "Seriously."

"You can, if you are willing to work," the teacher responds gently.

Sympathetic to Alondra's confusion, he asks another student to explain the work to her while he goes over the homework with the rest of the class. Alondra sighs and slumps defeatedly in her desk.

Meanwhile, the teacher struggles to review the homework because many students didn't do it, and those who did were confused by square roots. He turns to the chalkboard to explain square roots and how they apply to triangles.

Alondra's math teacher, who is new to Balboa this year and prefers that his name not be used, is both jaded and sympathetic toward his students. He didn't expect the students at Balboa to have such poor math skills, he says, and he didn't expect such a wide range of skills in a single classroom, either.

"I'm not teaching the classical way," he says. "Because you have to put everything in there for them. Some students are capable of doing the average work of a student at Lowell. But some don't care to learn. You have to have more discipline, which starts in grade school. This is a product of all those years of kids in an inner-city school."

His low-level algebra classes are even more difficult to teach. In addition to dealing with more attitude problems, he says, he has to instruct one class using one set of textbooks and another class using a different set because there are not enough of one kind. (Principal Gray says part of the math book shortage can be attributed to the school phasing out one set of textbooks for newer editions.)

But Alondra's teacher says nothing is as frustrating as the class he volunteered to teach for a few weeks during fourth period, his preparation period. The teacher who was supposed to take the class quit after two weeks, when a 4-foot, 80-pound girl threatened to slap the rookie teacher. Before Alondra's teacher volunteered his services, the students sat through an ever-changing cast of substitutes as the school searched frantically for a permanent replacement in a district with an extreme shortage of math teachers.

The class openly rebelled under the substitutes. Students wandered in and out of the classroom, knocked the clock off the wall, and swore at the substitutes. One sub tried to teach the class, but only three students seemed to pay attention. He eventually gave up after the fourth problem because he couldn't figure out the basic algebra equation.

"You guys are falling behind and you're not going to pass this class," the sub warned when the class began acting out.

"It's *they* fault we falling behind if they can't get no teacher," one student shot back tartly.

Alondra's fourth-period media arts class is a shiny oasis in a desert of shabby, outdated classrooms at Balboa High. During the class, Alondra uses a lab on the first floor arrayed with more than 20 gleaming iMacs and state-of-the-art video equipment. She spends her class time drawing the storyboard for her autobiography, and by the end of the year she will have created and edited a digital video about her life.

Yet even this impressive facility tells a lot about Balboa High. The lab wasn't paid for with school or district funds. Media arts teacher George Lee spent a year reviving an existing grant proposal to the California Department of Education, asking for money to pay for the computer and video equipment, field trips, and extended staff hours. He has also worked overtime to solicit other donations from private media organizations.

Similarly, Balboa's environmental science program, spearheaded by a few teachers in a variety of academic subjects, secured \$200,000 in private grants this year so that students could go on a number of camping field trips.

It is a fact of life at Balboa that teachers often must be not just educators but fund-raisers and grant writers, taking valuable energy away from their primary job.

"It really is up to the individual," Lee says. "When you're working in a low-performing school, you need to be really resourceful for your students. If you want something to happen, you have to do it on your own."

Some teachers, like Robert Tynes, are resourceful in different ways. A music teacher, Tynes says he is always on the lookout for discarded buckets so he can convert them into drum sets for his students. Many teachers at the school have refurbished their classrooms on their own, spending their own money and knowingly violating labor union rules by painting over ugly, peeling wallpaper themselves.

Such creative solutions are necessary these days in part because of the growth of "categorical funding" (see "Why Can't Balboa Make the Grade?"), in which state money is dispersed to school districts already earmarked for specific programs, rather than as discretionary funds that allow schools to decide for themselves what their priorities are. Schools must therefore try to fill in the gaps on their own.

Balboa's administrators, too, have dedicated countless extra hours to writing funding proposals for Balboa. Assistant Principal Gilbert Chung spent several hours every Wednesday for six months with staff members writing a one-time grant proposal for schools with poor reading skills. Another assistant principal, Ted Barone, spent more than 30 hours applying for a state "small learning communities" grant to give students more specialized attention at Balboa.

Proudly, Lee says that even though Balboa needs new desks and chairs, it still has the best computer lab in the school district. "My class is really a bright spot, isn't it?" Lee muses. "God, I worked so hard to build that program."

The fifth-period bell rings and Alondra settles into her wooden desk in Room 306, Steven Brady's European literature class.

Brady is undisputedly Balboa's most popular teacher. School Dean Roni Howard says the fact that students beg to get into his classes on European lit is a testament to Brady's magical teaching powers.

Brady has a booming voice and a commanding presence in the classroom. He is firm but understanding. Brady believes he succeeds in engaging his students intellectually because he accommodates the breadth of skill levels in a single class, which ranges from the extremely bright Alondras to special education students.

But the varying skill levels of his students is only one part of the Balboa puzzle, Brady says.

The ACLU lawsuit focuses on school facilities and supplies, but many teachers at Balboa say the school's issues go far deeper. The quality of education is also affected by a host of social issues, including poverty and the students' home life, that find their way onto campus.

"I am asked to be a parent, extended family member, counselor, big brother, and instructor," Brady says of teaching at Balboa. "With these kids, if we could have more teachers with smaller classes, we could do a lot more for them."

Smaller classes has been the mantra of teachers throughout the school because they say teaching at Balboa means juggling a lesson plan with impromptu counseling and disciplining.

But small class sizes are not a reality. Brady's fifth-period class bounces between 30 and 35 students, depending on who shows up for school, and on this morning he has to raise his voice to quiet the unwieldy class.

"I'm waiting," Brady calls out. "Still waiting"

Once the students settle down, Brady tells them to write a paragraph about their most powerful attribute.

Alondra begins to write thoughtfully. The classroom becomes quiet, if only momentarily.

After a few minutes, Brady asks for volunteers to read their paragraphs aloud. Alondra's hand shoots up. Brady gives her a nod.

"My strongest characteristic is not a characteristic — it's a fact," Alondra says, reading confidently from her paper. "It's a fact that I am my mother's child, and I have inherited a sense of motivation from her. Whenever I think I can't do something, I think of my mom. I am glad I have inherited motivation from my mom because now I can do anything."

In addition to being Alondra's main source of motivation, Alondra's mother is also a homeless drug addict living on the streets of San Francisco.

At age 11, when Alondra's mother could no longer care for her, Alondra went to live with her second cousin in Bayview/ Hunters Point. Alondra's two younger sisters moved in around the corner with their great-aunt, and her two older brothers moved to Sunnydale, though one is constantly in and out of jail.

Splitting up the family was an act of desperation six years ago. Alondra and her family were evicted when she was 9, and the family lived for two years in a car and a homeless shelter. When the situation didn't improve, the kids moved in with relatives.

Alondra says she doesn't remember when her mother started taking drugs, and she still doesn't know why. But she says her mother has always been the most kind, generous, and motivated person she knows.

"She always tries," Alondra says. "Other people don't try. Like my dad. He didn't try, but she always did. She would come around, and it could be her last dollar or her very last piece of bread, and she would give it to us. Sometimes she's too giving and people take advantage of her."

"I try and dedicate everything good I do to my momma," Alondra continues. "I want people to see that she did something right by me."

Even with a more stable living arrangement in recent years, unpredictable circumstances have interrupted Alondra's dogged pursuit of an education. During her sophomore year, her cousin lost her job, and Alondra had to stay home from school for a month to take care of her younger cousins.

"I had to be the one to take the kids to school and pick them up and make dinner," Alondra recalls. "I had a friend take the homework for me, but there was only so much I could do. It was nobody's fault."

Having missed a month of school, Alondra ended up with a D in biology, which she made up through night classes.

She says the extra hours of classes have been "strenuous," but she pursues a high school diploma with blind determination. Her mother, father, and two older brothers all dropped out of high school, so should she graduate in June, she will be the first in the family with a high school diploma. "That means something to me," Alondra says. "My sisters need an example. I'm going to graduate. I am going to be that icon."

Alondra doesn't usually talk about her difficult home life at school, where she is known for her positivity and optimism. She says it's easy to be upbeat at school, where classes fill her head with Greek mythology or media arts, not "that mess outside."

"I don't have any home problems when I'm at school," Alondra says. "School is my sanctuary."

Most of Balboa's staff found out that their school had been included in a lawsuit by reading about it in the newspaper right before the school year began. Once the staff returned to Balboa in the fall, misinformation spread through the halls like a bad rumor. Many teachers mistakenly thought Balboa was getting sued; everyone was on the defensive.

Principal Gray says at first she felt "intimidated" by the suit because of the amount of energy it would take up, but

now she thinks it's "OK."

"We've got nothing to hide," she says. "There are some things that we have done right, and some things we have not done well enough."

She is troubled with what she perceives to be inaccuracies in some of the ACLU's allegations regarding Balboa and has offered a written rebuttal to the school district.

She says that contrary to the ACLU's argument, Balboa has enough money for textbooks, though there are a variety of reasons for shortages, ranging from teachers not ordering books on time, teachers choosing to use unavailable books, texts simply not arriving once they've been ordered, and students losing books. In fact, a popular joke among teachers is that Balboa "hemorrhages" textbooks.

Gray says she has worked hard to staff Balboa with qualified teachers, but sometimes unexpected circumstances -- like teachers evading arrest warrants -- come up. Gray uses emergency credentialed teachers -- student teachers with little or no classroom experience -- when she has to, and not all of them are unqualified. She says some have worked out so well she has gladly hired them once they earned permanent credentials.

Gray acknowledges that certain departments such as physical education, art, and music are underfunded, but there is only so much she can do. Gray adds that the school can afford to provide a bit more to these departments -- though not enough, teachers argue -- but some of the inexperienced teachers sometimes forget to fill out paperwork for supplies. Though she has tried to be vocal about some of her deteriorating facilities, Gray is equally hamstrung when it comes to the decrepit gym, bleachers, and football field because they are not funding priorities for the district.

The teachers, too, are conflicted about the lawsuit. Some hope the case will bring more attention to educational inequity, while others find the lawsuit misguided.

"There are definitely problems with the facilities, which you can tell just by looking at them," says social studies teacher Matt Alexander. "We can't get our shades fixed, there are only six phone lines, and we need more computers. All these things are really annoying, but they're not our biggest problem. Educational quality is our problem. This is a big, anonymous school, and then you bring in kids with a lot of challenges and it's a recipe for failure, no matter how talented the staff is."

Brady, Alondra's fifth-period teacher, says he heartily supports the ACLU lawsuit, but for someone on the front line of public education, his main concern is to keep teaching, despite the conditions.

"Clearly, if we have bathrooms that don't work and are foul, we are not serving our students," Brady says. "And if we have holes in our floor and chalkboards and shades that don't go up and down, and if I don't have the level of cleanliness that I'd like, that'll affect the way I teach. But there are a lot of really good people here trying to make do with it. Patricia Gray doesn't get the money to work with. And she can't gripe about it, and she won't. Because what can she do? It's like fighting a war without enough guns."

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