

**CAHUENGA ELEMENTARY SCHOOL
LOS ANGELES UNIFIED SCHOOL DISTRICT**

STATE'S "FACTS"	THE TRUTH
"Cahuenga is not overcrowded."	Cahuenga's principal stated at his deposition: "I assumed everybody knew we were an overcrowded school. That's no secret." Houske 232:5-7
Responding to the allegation that 1300 students are bused away from Cahuenga because the school cannot accommodate them, the State asserted that: "The district has plans to build a staggering number of new schools including at least five new elementary schools in the Cahuenga area."	Cahuenga's principal stated at his deposition that if LAUSD is planning to end the CAP [capacity adjustment program] "it sure isn't soon . . . because it takes a long time to build schools." Houske 395:14-22.

**CRENSHAW SENIOR HIGH SCHOOL
LOS ANGELES UNIFIED SCHOOL DISTRICT**

STATE'S "FACTS"	THE TRUTH
"Students do not regularly see rats, mice or roaches at Crenshaw. . . . [T]he principal, in his 11 years at the school, has never seen a cockroach on campus."	"The horticultural center is infested with rat[s]. Rat ate a hole in the pig." DT-LA 2996 (pest management inspection report dated 4/29/99). Principal Travis Kiel testified to "an ongoing fumigation problem" as a result of seeing water bugs on campus and explained that "[r]oaches is defined – I defined those as water bugs, big paper water bugs." Kiel 142:25-143:8.
"Each student has a textbook to use in class and to take home in all core classes."	D'Andre Lampkin testified that another student in his classes became so frustrated about not having books to use that "[s]he will just cry about it. She will go to the back and she will just cry about it." D'Andre Lampkin 167:18-170:6; <i>see also</i> DT-LA 8092 (9/13/99 request for 25 <i>Catcher in the Rye</i> copies with a note on the bottom from the bookroom clerk saying "P.S. Do not have 25 <i>Catcher in the Rye</i> "); DT-LA 8137 (9/16/99 request for 90 copies of <i>Catcher in the Rye</i> or <i>Black Boy</i> with a note that there are "none left"); DT-LA 8141 (9/15/99 request for 90 copies of Integrated [Math] 2 with a note that there are "none available"); DT-LA 8170 (9/22/99 request for 55 copies of <i>Career Planning</i> with a note that there are "none left"); DT-LA 8174 (9/28/99 request for 30 copies of <i>Paso a Paso</i> with a note that there are "no more books"); DT-LA 8186 (9/29/99 request for 80 copies of <i>Biology Visualizing Life</i> with a note that there are "no more"); DT-LA 8232 (9/7/00 request for 40 copies of <i>Using Computers</i>

<p>“Each student has a textbook to use in class and to take home in all core classes.” (cont’d)</p>	<p>(<i>A Gateway to Information</i>) for a class set, with a note that there are “only 37”); DT-LA 8245 (9/5/00 request for a class set of 40 copies of <i>Discovering Computers 2000</i> with a note that says “new books not ordered yet”); DT-LA 8376 (2/01 French book request, listing 11 students for one teacher who had not yet received books).</p>
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FREMONT SENIOR HIGH SCHOOL
LOS ANGELES UNIFIED SCHOOL DISTRICT

STATE’S “FACTS”	THE TRUTH
<p>“Every Fremont student has his or her own textbook to use in class. Inventories confirm that Fremont has a sufficient number of textbooks.”</p>	<p>Principal Margaret Roland testified to the following:</p> <p>“Q. . . . [W]ere there any other allegations that you reviewed, investigated [in plaintiffs’ complaint] that were accurate?</p> <p>A. Not enough textbooks.”</p> <p>Roland 47:17-23; <i>see also id.</i> 56:15-21 (principal has been approached by staff about insufficient number of books), 232:20-24 (principal noticed a problem with sufficiency and distribution of books to students); Hines 68:21-69:3 (assistant principal stated that government class did not have enough books), 202:1-7 (school did not have algebra books when class started), 248:4-15, 248:22-249:8 (school had not received all new books at start of school year), 426:15-17, 427:3-6, 427:22-25, 428:21-429:10, 430:3-6, 434:22-24; C. Diego 59:11-25, 61:19-62:1, 72:18-19, 132:13-16, 201:4-21, 219:1-6, 223:1-2, 223:23-25, 233:11-13, 240:9-23, 245:8-246:1, 391:11-13, 408:5-8, 435:18-24, 492:6-11, 494:9-13, 544:1-3; C. Diego 8/9/00 Decl. ¶¶ 4, 5, 7; C. Diego 9/7/00 Decl. ¶¶ 3-5; Doug Smith, <i>Students Seek More Teachers, Counselors</i>, L.A. Times, Sept. 29, 1999 (reporting the results of a survey of 1,062 Fremont students, including that “[o]f those responding to the survey . . . 56% did not have the textbooks and materials they needed”); Exhibit 13 to Hines deposition, 1/8/01 Fremont Leadership Council Minutes (“... [T]he Special Education department still needs books, especially grammar and composition books.”), 10/9/00 Fremont Leadership Council Minutes (classes in the Foreign Language department “have students with no books”), 1/11/99 Fremont</p>

<p>“Every Fremont student has his or her own textbook to use in class. Inventories confirm that Fremont has a sufficient number of textbooks.” (cont’d)</p>	<p>Leadership Council Minutes (“Ms. Hines and Ms. Harger commented that at one point last year we did have a current textbook for each student in each major academic area due to special district and corporate monies received. We now need to backfill for texts that have been lost or damaged.”).</p>
<p>“Students do not frequently see rats or roaches.”</p>	<p>Assistant Principal Marcia Hines testified that she sees mice or rats in her office. Hines 150:15-151:2; <i>see also</i> C. Diego 249:13-250:10, 297:1-4, 297:14-22, 298:20-24, 299:23-25, 300:8-11, 350:15-18; C. Diego 8/9/00 Decl. ¶ 14; DT-LA 4115-4118, 5412-5415 (pest control service log recording instances of vermin on campus and noting that between March 1998 and August 2000 the school was serviced about 80 times for mice, rats, roaches, ants, and other vermin); DT-LA 4121, 4124-25, 4129-31, 4136-39, 4141, 4148-52, 4159-61, 4164-65, 4172, 4176-79, 4181-82, 4184, 4187-91, 5416-5437 (pest management inspection reports detailing pest activity found, including that in April 2001 “rats [were] eating hot dog buns on bread rack”); DT-LA 3938-39 (pest management site activity log and trouble call log sheet noting roaches and rats).</p>

**HUNTINGTON PARK SENIOR HIGH SCHOOL
LOS ANGELES UNIFIED SCHOOL DISTRICT**

STATE’S “FACTS”	THE TRUTH
<p>“Students do not ‘regularly’ see rats, mice, or roaches at Huntington Park. . . . Moreover, the proposed class representative has never seen a rat or a mouse at school.”</p>	<p>Lizette Ruiz testified to having seen a trap with a tail in it and rat droppings and to having heard teachers complain about vermin on campus. L. Ruiz 339:14-15, 340:5-:14, 342:19-348:10, 352:5-17, :23-354:20, 362:2-363:9, 364:3-366:2; DT-LA 3704-3708 (pest control service report noting repeated service work for rats and mice, presence of “hole in cabinet from rats” in room 221, and that “[r]ats eating up wood board and student dining room are being left open and rats can come in any time they want”), 6290 (maintenance call noting: “repair holes in cabinet (rodents getting in);” 6333 (maintenance calls noting: “rats in cafeteria basement,” “mice in rm 71, 72, 73, 77, 76, and rm 77 storage rm,” “rats are in room 222 (the unfriendly kind. . .),” “found rat dropping in student serving area,” “cafeteria serving area ‘spotted a huge rat walking from one store room to the other,’” “rat is eating bread in cafeteria, cannot catch it.”) .</p>

<p>“Students do not ‘regularly’ see rats, mice, or roaches at Huntington Park. . . . Moreover, the proposed class representative has never seen a rat or a mouse at school.” (cont’d)</p>	<p>Principal Garcia testified to not having had “as many problems with rodents or mice” only “since the site next door was completed” in January 2001. Garcia 83:7-86:15.</p>
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BALBOA HIGH SCHOOL

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

STATE’S “FACTS”	THE TRUTH
<p>In response to our allegation that “[a]pproximately 40 percent of all the teachers at the school lack full, nonemergency teaching credentials,” the State argues: “Many of Balboa’s teachers with emergency credentials are excellent teachers.”</p>	<p>Principal Patricia Gray estimated that “[a]round 38%,” “[b]etween 35 and 40” percent of the Balboa teachers lack full, nonemergency teaching credentials. Gray 73:24-74:6.</p>
<p>“Only about thirteen teachers have left Balboa in the past two years.”</p>	<p>In fact, Principal Patricia Gray testified to 13 teachers leaving Balboa in the past year, since September 2000. And she testified to 75 teachers, in a school with approximately 60 teachers total, leaving in the three years before August 2000. Gray 85:2-13, 91:4-92:5.</p>
<p>“Balboa is not infested with mice. Mice have only rarely been seen at the school and on these occasions an exterminator comes to the school to resolve the issue.”</p>	<p>Principal Patricia Gray testified to having seen a mouse in her office a “[c]ouple weeks ago” and to having heard from her staff that they had seen mice and mice droppings, including a report from a teacher that she had seen multiple mice in her classroom on June 8, 2001. Gray 125:22-128:3, 132:14-21, 384:20-385:4; <i>see also</i> Jones 376:4-377:23; Jones 8/14/00 Decl. ¶ 15; Jones 2/7/01 Decl. ¶ 3; Bernice Yeung, <i>Hard Lessons</i>, S.F. Weekly, Oct. 11, 2000 (“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?’”).</p>

BRYANT ELEMENTARY SCHOOL

SAN FRANCISCO UNIFIED SCHOOL DISRTRICT

STATE’S “FACTS”	THE TRUTH
<p>“Classrooms at Bryant have functioning air conditioning and heat. Classroom temperatures at Bryant are usually comfortable”</p>	<p>Principal Larry Alegre testified that “the air conditioning is a constant problem, almost daily problem . . . That’s been the case ever since I’ve been at the school.” Alegre 146:24-147:8.</p>

<p>Walls separating classrooms “provide an effective sound barrier between classrooms.”</p>	<p>Principal Larry Alegre testified that the walls do not mute the sounds between classrooms and that he has heard kids talking in normal voices in a neighboring classroom and felt “disrupted.” Alegre 106:7-22, 115:6-118:20.</p>
<p>LUTHER BURBANK MIDDLE SCHOOL SAN FRANCISCO UNIFIED SCHOOL DISTRICT</p>	
<p>STATE’S “FACTS”</p>	<p>THE TRUTH</p>
<p>“Students at Luther Burbank have their own textbooks for math, science, and other core classes for use in class.”</p>	<p>During the 1999-2000 school year, when this case was filed, students had to share textbooks in class because they did not have enough textbooks even to use in class without sharing. Moultrie 92:5-93:5, 110:2-6; DT-SF 1166 (1/26/99 letter from Luther Burbank Assistant Principal identifying “the dire need for textbooks at Burbank” and noting that “[t]he textbook shortage is a serious problem at Burbank and many of our students are sharing books.”).</p>
<p>“Luther Burbank is not infested with vermin and roaches.”</p>	<p>Silas Moultrie testified to having seen mice or rats on campus and stated that the presence of vermin on campus bothered him “every day.” Moultrie 341:18-342:4.</p> <p>Principal John Michaelson testified to approximately “half a dozen” mouse sightings on campus during the 2000-2001 school year alone. Michaelson 109:6-11.</p>
<p>CESAR CHAVEZ ACADEMY RAVENSWOOD CITY ELEMENTARY SCHOOL DISTRICT</p>	
<p>STATE’S “FACTS”</p>	<p>THE TRUTH</p>
<p>In response to the allegation that 57 percent of Cesar Chavez teachers lack full, nonemergency teaching credentials, the State argues that “[t]he district recruits for Cesar Chavez by attending job fairs, posting job listings, and attending national and state educators’ conferences.”</p>	<p>Principal Carla Walden confirmed that most of the Cesar Chavez teachers do not have full, nonemergency teaching credentials. Walden 170:24-171:3, 178:8-17, 227:2-22, 228:19-25, 233:22-235:2.</p>

EDISON-McNAIR ACADEMY

RAVENSWOOD CITY ELEMENTARY SCHOOL DISTRICT

STATE'S "FACTS"	THE TRUTH
<p>In response to plaintiffs' allegation that 75% of Edison-McNair teachers lack full, nonemergency teaching credentials, the State's chart simply says: "Many of Edison-McNair's teachers who have emergency teaching credentials are excellent teachers. In fact, whether a candidate has a teaching credential is not 'the determining factor' for the principal."</p>	<p>Edison-McNair's principal stated during her deposition that only 25% of the teachers at her school have full credentials. Seiersen 380:21-381:17.</p>

TENAYA MIDDLE SCHOOL

MERCED CITY ELEMENTARY SCHOOL DISTRICT

STATE'S "FACTS"	THE TRUTH
<p>"No students at Tenaya are charged or asked to pay fees in connection with any classes or extracurricular activities. Even in the past, no students were required to pay fees, but students were asked for voluntary contributions."</p>	<p>Only in January 2001 did the Merced City Elementary School District adopt a new policy barring schools from charging students fees for classes and extracurricular activities. Declaration of Principal Pamela Atkinson filed in support of State's Opposition to Class Certification, ¶ 5.</p> <p>Before January 2001, students were asked to pay to take cooking classes, participate in the band and color guard, and play some sports.</p> <p>"We collected cooking fees first semester as noted by the paper work submitted for the subpoena" April 30, 2001 letter from Principal Pamela Atkinson to Scott Yarnell. <i>See also</i> SC-ME-TM 105 (General ledger entry for year 2000 noting collection of cooking fees); SC-ME-TM 129-130: (letters to parents from cooking teacher stating that cooking lab fees will be charged); SC-ME-TM 145, 147, 153 (music department memos collecting fees for band uniforms and travel noting: "this fee is due immediately."); SC-ME-TM 156, 158 (awarding points in band class for turning in fees on time)</p>

**WATSONVILLE HIGH SCHOOL
PAJARO VALLEY UNIFIED SCHOOL DISTRICT**

STATE'S "FACTS"	THE TRUTH
"The proposed class representative was never unable to take home a copy of the textbook for any of his classes due to a lack of books."	Manuel Ortiz testified that there were times when he was not permitted to take a book home because other students needed them. Ortiz 262:11-263:13.

**HELMS MIDDLE SCHOOL
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

STATE'S "FACTS"	THE TRUTH
"All students are provided with textbooks to use in class. Students may check out extra copies of textbooks from their teachers to use and study at home."	<p>Principal Steve Muzinich testified to the following:</p> <p>"Q. Is that true, there isn't enough textbooks for every kid to take home?</p> <p>A. That's correct.</p> <p>...</p> <p>Q. And how many classes is it true that there aren't enough textbooks for every student to take one home?</p> <p>A. Probably most of the classes."</p> <p>Muzinich 54:3-16.</p>