

1 JOHN F. DAUM (SB #52313)
2 FRAMROZE M. VIRJEE (SB #120401)
3 DAVID L. HERRON (SB #158881)
4 O'MELVENY & MYERS LLP
5 Embarcadero Center West
6 275 Battery Street
7 San Francisco, California 94111-3305
8 Telephone: 415.984.8700
9 Attorneys for Defendant State of California

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

11 ELIEZER WILLIAMS, et al.,) Case No. 312 236
12)
13 Plaintiffs,) Hearing Date: August 25, 2003
14)
15 vs.) Time: 3:30 p.m.
16)
17 STATE OF CALIFORNIA, DELAINE) Department: 16
18 EASTIN, State Superintendent)
19 Of Public Instruction, STATE) Judge: Hon. Peter J. Busch
20 DEPARTMENT OF EDUCATION, STATE)
21 BOARD OF EDUCATION,)
22)
23 Defendants.)
24)
25)
26)
27)
28)
AND RELATED CROSS-ACTION.)
)

DECLARATION OF NANCY AKHAVAN IN SUPPORT OF DEFENDANT STATE OF
CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY
ADJUDICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Nancy Akhavan, declare as follows:

1. I am the principal of Richmond Elementary School in Hanford Elementary School District. I have been the principal of Richmond Elementary since August 2000. Prior to that, I was a principal and administrator in Madera Unified School District. I became an educator in 1987 and since then I have also been a resource teacher, classroom teacher and teacher on special assignment. I hold administrative services, multiple subject teaching and bilingual specialist credentials. I also have a language development specialist certificate.

2. I have extensive knowledge of the students, teachers, and facilities at Richmond Elementary School and am familiar with the curriculum and the educational opportunities that are provided to Richmond students. I have personal knowledge of the facts set forth in this declaration; and if called as a witness I would and could testify competently thereto.

3. I am familiar with the January 2000 Initial Report of Findings that was prepared for Richmond Elementary School as a part of Richmond's participation in the Immediate Intervention/Underperforming Schools Program ("II/USP".) Richmond became an II/USP school beginning in the 1999-2000 school year.

LA2:685112.2

1 4. I am generally familiar with the Williams case and
2 am aware that plaintiffs have cited page 30 of Richmond's Initial
3 Report of Findings, which they identified as DOE 51432.

4
5 5. Page 51432 contains the statement that "Resources
6 for instruction are lacking. Students in the focus groups all
7 noted that their books are in very bad condition and that they
8 can't take them home." It is not true that Richmond lacks
9 instructional materials. We currently have such wealth of texts
10 and supplemental materials that the teachers are saying that they
11 don't have enough book shelves to hold them all.

12
13 6. At the time that Richmond's Initial Report of
14 Findings was written, the district had made a conscious choice to
15 focus on reading, language arts, and mathematics. As a result,
16 Richmond Elementary students have received new, up-to-date
17 instructional materials in mathematics and language arts. For
18 example, the district adopted new, standards-aligned mathematics
19 books in grades K-6 in 2002-2003, and new, standards-aligned
20 reading books for use in grades K-6 beginning in 2003-2004. In
21 addition, the district purchased new, standards-aligned textbooks
22 for a reading intervention series for fourth through sixth
23 graders that is called "Fast Track" in 2002-2003. Roosevelt also
24 has writing, phonics, and literature books that were purchased in
25 2000-2001.

26
27 7. In addition, Richmond invested extensively in a
28 variety leveled readers to support the district's focus on

1 literacy. These levels span grade K-8 reading abilities.
2 Leveled readers are typically soft-cover reading books at various
3 reading "levels," in sets of about six or so books. Both schools
4 have extensive "literacy libraries," from which teachers can
5 check out sets of leveled readers for use in their classes.
6 Richmond has acquired significant quantities of leveled readers
7 since we became an II/USP school.

8
9 8. Richmond has focused its purchase of new leveled
10 readers on those with science and social science themes which
11 contain the state content-standards in these subjects. Teachers
12 at Richmond use these readers not only to enhance student
13 literacy but also to supplement instruction in science and social
14 studies. The advantage of these leveled readers over traditional
15 texts is that they provide the students with access to the state
16 standards in science and social studies, regardless of their
17 reading level. These materials are in addition to our primary
18 instructional materials in science and social studies.

19
20 9. The books at Richmond Elementary are in good
21 condition. I know that this is true because Richmond conducts an
22 annual inventory of books and replaces those that are damaged or
23 in bad condition. Furthermore, the mathematics textbooks
24 purchased last year and the brand-new language arts books that
25 the students will have starting this fall are not in bad
26 condition. It is possible that some teachers chose to use, as
27 supplemental materials, Silver Burdett mathematics books that are
28

1 two adoptions old, some of which may be in poor condition. These
2 books are no longer used at Lee Richmond School.

3
4 10. At Richmond, whether students take books home for
5 homework is a matter of teacher preference. Students do not
6 necessarily need to take books home for a homework reference,
7 depending on the type of homework assignment that the teacher
8 designs. I am not aware of any situation at Richmond in which
9 students were unable to take books home for a homework reference
10 because there were not enough.

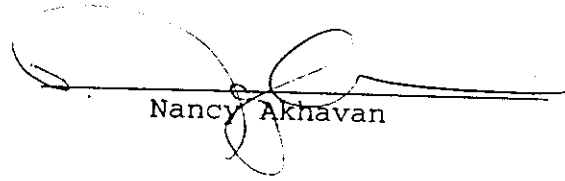
11
12 11. Richmond also has a current and up-to-date library
13 with at great selection of books for all grades and reading
14 levels and brand-new library building which will open this Fall.
15 The school has received classroom library and library funds for
16 the past few years as well as funds from the district to purchase
17 library books. In addition, Richmond has a Media Services Aide
18 who oversees the weeding out of the schools' library collections
19 and the purchasing of new library books and library committees
20 that determine what new library books to purchase.

21
22 12. Students at Richmond can take home library books
23 and they can also take home books from the school "book carts,"
24 which are actual carts full of books that we bring out to the
25 area where parents pick up students. These carts are another way
26
27
28

1 that Richmond attempts to make books more attractive and
2 available to students and to encourage reading and learning at
3 home.

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

7
8 Executed this 24th day of August 2003, at Hanford,
9 California.

10
11 
12 Nancy Akhavan
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28