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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 CITY AND COUNTY OF SAN FRANCISCO

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

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

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DECLARATION OF KATHLEEN COOPER

I, Kathleen Cooper, say:

1. I am the Associate Superintendent for Instruction and Learning for Sacramento City Unified School District. As Associate Superintendent of Instruction and Learning, I oversee twelve departments including the Standards, Curriculum and Instruction Department, which is responsible for the selection, purchase and distribution of books to the schools throughout the district. I have been the Associate Superintendent since fall 2001. Prior to that, I was an administrator in the Standards, Curriculum and Instruction Department. I am generally familiar with the curriculum and instructional materials provided to the students in Sacramento City Unified School District. 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.

2. Sacramento High was a school within Sacramento City Unified School District until the end of the 2002-2003 school year. I am generally familiar with the Williams lawsuit and am aware that plaintiffs, in their motion for summary adjudication, have quoted Sacramento High's March 2000 II/USP School Improvement Plan which states that the school experienced "a significant lack of materials in almost all classrooms" for English Learner students.

1           3.     Sacramento High was chosen to be a II/USP school  
2 beginning in the 2000-2001 school year. As an II/USP school,  
3 Sacramento High reviewed student needs and formulated an "action  
4 plan" that addressed ways to resolve those needs and improve  
5 student achievement. Despite additional II/USP funds and  
6 implementation of its action plan, the API scores at Sacramento  
7 High continued to decrease. Accordingly, Sacramento High failed  
8 to meet its growth target as required under the II/USP and faced  
9 state sanctions. This past school year, the District was given  
10 an option among several sanctions such as school closure or  
11 reassignment of the principal. In 2002, the Board of Education  
12 for Sacramento City Unified exercised its option under II/USP to  
13 close Sacramento High School. It is my understanding that the  
14 Board chose this option because it felt that it was in the best  
15 interests of the students to close the school. In the fall of  
16 2003, the high school will reopen as a new school.

17  
18           4.     I do not know why there would not have been sufficient  
19 textbooks at Sacramento High for all students. Even prior to its  
20 participation in II/USP, Sacramento High has received sufficient  
21 textbooks from the District to provide each Sacramento High  
22 student his or her own copy in all core classes. In fact, in the  
23 1999-2000 school year when the II/USP Plan was drafted, the  
24 district spent \$617, 633 in textbooks and instructional materials  
25 for Sacramento High alone. In the past year, the District has  
26 also spent \$76,000 dollars in purchasing replacement texts for  
27 Sacramento High students.

1           5.    The II/USP Plan states that English Learner students  
2   lacked textbooks and instructional materials in their classrooms.  
3   I would like to point out that all English Learner students are  
4   provided with and use the same textbooks as non-English Learner  
5   students in their core subjects. Although some English Learner  
6   students, depending on their level of English acquisition, are  
7   taught core subjects in SDAIE (Specially Designed Academic  
8   Instruction in English) classes, they too are provided with and  
9   use the same textbooks for their core classes. As stated above,  
10  the district has provided Sacramento High with enough texts for  
11  each student to have a copy in all core subjects.

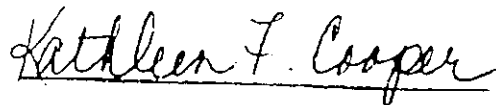
12  
13           6.    The District purchased enough English Language  
14  Development textbooks to provide to Sacramento High students on a  
15  one textbook per student basis when it initially adopted these  
16  books. Additionally, English Learner students throughout the  
17  District have been provided with additional instructional  
18  materials to enhance their literacy and English acquisition.  
19  Intermediate ELD students with literacy problems were provided  
20  with "Corrective Reading" textbooks, a series of reading  
21  intervention textbooks geared towards the students' reading  
22  level, to use in class. Beginner ELD students can attend a  
23  special newcomer class which is taught with teaching units  
24  specially designed and developed at the district level. These  
25  teaching units were developed in the District because of a lack  
26  of appropriate commercially developed materials. Moreover, the  
27  District will be piloting two new standards-aligned English  
28  Language Development textbook programs in the high schools during

1 the 2003-2004 school year in order to decide which new textbooks  
2 to adopt and purchase.

3  
4 7. Furthermore, \$196,000 was spent in library materials in  
5 the past four years at Sacramento High School. Using these  
6 funds, the librarian at Sacramento High School purchased  
7 materials that met the needs of English Learner students such as  
8 dictionaries in native languages; high-interest fiction and non-  
9 fiction books geared towards high school students with a low  
10 reading level; primary language novels including the classics and  
11 Newberry Award winners; books on different countries and  
12 cultures; and a rich bilingual and multi-ethnic poetry  
13 collection. The librarian ordered these materials with the  
14 advice and assistance of the English Language Development,  
15 English and Special Education Departments.

16  
17 I declare under penalty of perjury that the foregoing is  
18 true and correct.

19  
20 Executed this \_\_\_ day of August, 2003 at Sacramento,  
21 California.

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24 Kathleen Cooper  
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