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

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

23 DECLARATION OF JAMES S. HAHN IN SUPPORT OF DEFENDANT STATE OF
 24 CALIFORNIA'S OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY
 25 ADJUDICATION

Declaration of James S. Hahn

I, James S. Hahn, declare as follows:

1. If called as a witness, I can testify as to the truth of the following statement based upon my personal knowledge.

2. I am over the age of 18 and am currently employed by the Pittsburg Unified School District (hereinafter "District") as the Coordinator of Assessment and Intervention. Prior to my current appointment, I served as the Interim Assistant Superintendent of Educational Services. I have been an educator for thirty years.

3. I have investigated the facts regarding textbooks at Los Medanos and Foothill Elementary Schools (hereinafter "Los Medanos" and "Foothill," respectively), both of which are located within the District.

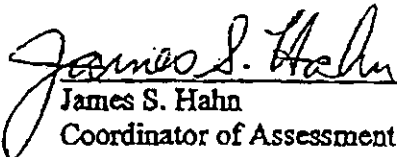
4. Students at Los Medanos have access to an appropriate number of textbooks. In a 2001-2002 II/USP action plan, the District did report that "[s]tudents need more books, not just handouts." (DOE 48040). Since the filing of this II/USP action plan, however, affirmative steps have been taken to remedy the need for more textbooks reported by the District: (1) Beginning in the fall of 2002 the district ordered sufficient textbooks for the students at Los Medanos, based on actual enrollment; (2) Since then, the district has continued to supply sufficient textbooks for Los Medanos students. When new students enroll at Los Medanos, they are given textbooks and if more are needed they are ordered. As of the date of this declaration, students at Los Medanos have access to appropriate textbooks in each of the core areas of instruction. It is my opinion that the steps taken by the District to furnish Los Medanos with sufficient numbers of textbooks has remedied the deficiency reported by the District in the II/USP action plan. Additional oversight or intervention by the State or a State agency would be unwarranted and unnecessary.

5. Students at Foothill have access to an appropriate number of textbooks. Specifically, students in the third grade at Foothill have access to an appropriate number of social studies and science textbooks for the type of delivery of instruction employed by

1 the third grade teachers. The faculty and administration at Foothill made a determination
2 in 2001-2002 that the school would purchase textbooks with money allocated for that
3 purpose. The decision of the school faculty was for classes to share books in some
4 subjects in the third grade. The result is that there are class sets of social studies and
5 science textbooks for use by third grade students. It is my opinion that this is an
6 appropriate number of textbooks to use for the type of instruction delivery employed by
7 the third grade teachers at Foothill. If and when it is determined that additional textbooks
8 need to be ordered for third grade students at Foothill, the district will order them.

9 I declare under the penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct.

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12 Date: August 7, 2003

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15 James S. Hahn
16 Coordinator of Assessment and Intervention
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