

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	AND RELATED CROSS-ACTION.	)	
28		)	

23  
24  
25  
26  
27  
28

DECLARATION OF SHERRY HERRERA 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

DECLARATION OF SHERRY HERRERA

I, Sherry Herrera, say:

1. I am the principal of Nuffer School in Norwalk, California, in the Norwalk-La Mirada Unified School District. I have been the principal for 10 years. Prior to that, I worked as an assistant principal, a teacher on special assignment, and a teacher in several public school districts and in private schools. I have been an educator for 30 years. I hold a multiple-subject teaching credential (K-8), a bilingual/cross-cultural credential (Pre K-Adult), and an administrative services credential.

2. I have extensive knowledge of the students, teachers, and facilities at Nuffer School, and am familiar with the curriculum and the educational opportunities that are provided to Nuffer 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 Nuffer's "School Application for II/USP Funding" (II/USP action plan) dated March 2000. In fact, I was heavily involved in preparing the action plan, which was done in connection with our participation in the Immediate Intervention/Underperforming Schools Program. Nuffer School was first selected to be an II/USP school in the 1999-2000 school year. During that year, we used II/USP funds to review our

1 student needs and formulate an "action plan" that addresses ways  
2 to resolve those needs and improve student achievement. In the  
3 following two years, with the assistance of additional II/USP  
4 funds, Nuffer has implemented the action plan. Indeed, I believe  
5 that in the last three years we have achieved many of the goals  
6 we set out to meet.

7  
8 4. I am aware that the plaintiffs in this case have  
9 cited page one of Nuffer's March 2000 School Application for  
10 II/USP Funding, which they identified as DOE 53585, in a  
11 submission to this court. The statements in this page were not  
12 my statements, but the statements made by the external evaluator  
13 that worked closely with Nuffer School as part of the II/USP  
14 process. These statements were based on opinions shared by staff  
15 and parents with the external evaluator.

16  
17 5. Page DOE 53585 contains the external evaluator's  
18 statement that "There is a District practice to provide one text  
19 for social studies for every two students." This is not  
20 accurate. To my knowledge, there has never been such a policy in  
21 Norwalk-La Mirada Unified School District. Rather, school sites  
22 are allocated state textbook funds and other district monies to  
23 purchase textbooks. Decisions regarding how many books to  
24 purchase are made at the school site.

25  
26 6. The 1998-1999 school year was the adoption year  
27 for social studies texts. Because the social studies book that  
28 the district chose for that particular adoption was particularly

LA2:680689.1

1 expensive, we made the decision at Nuffer School to purchase  
2 fewer than one social studies book per student. We made that  
3 decision because, at the time, our staff was doing a considerable  
4 amount of team teaching, where students would rotate between  
5 teachers who would each teach different subjects. The teacher in  
6 the team who taught social studies would have access to all of  
7 the textbooks for both classes of students in the team and would  
8 combine the books to make a complete set for students to use in  
9 class. We felt that the team teaching that we were already doing  
10 gave us more flexibility in our decisions to purchase textbooks  
11 and that we need not be constrained to order one textbook per  
12 student.

13  
14 7. We realized during the 1999-00 school year,  
15 however, that teachers were somewhat frustrated with sharing  
16 social studies books within teams. Whenever a teacher came to me  
17 and said that they wanted additional textbooks, I ordered more.  
18 By the beginning of the next school year, we had purchased enough  
19 social studies textbooks so that we would have one textbook per  
20 student. In all subsequent years, we have purchased one book per  
21 student whenever we adopted new textbooks. The 1999-00 school  
22 year was the only year in which we did not purchase one social  
23 studies book per student. To my knowledge, for all other years,  
24 and for all other subjects, we have purchased one book per  
25 student.

26  
27 8. Students may not have taken home their social  
28 studies textbooks during the 1999-00 school year, but it was not  
LA2:680689.1

1 because there were not enough books. Generally, Nuffer does not  
2 send home the current adoption of textbooks. This is basically  
3 an informal school-wide practice that we have adopted to prevent  
4 loss of expensive textbook materials and because textbooks are  
5 very heavy for young elementary school children to carry back and  
6 forth to school. Instead, Nuffer teachers assign homework from  
7 workbooks or supplemental materials.

8  
9 9. In my opinion, student's education does not suffer  
10 because they do not take primary textbooks home for homework.  
11 There are so many great supplemental materials available to  
12 teachers that they have a wide variety to choose from when they  
13 design homework assignments. Indeed, textbook publishers appear  
14 to see the need for something lightweight and inexpensive that  
15 can go home for homework and are creating supplemental materials  
16 that meet that need. For example, the language arts program that  
17 we just adopted in 2002-03 includes supplemental softcover books  
18 that are designed to go home.

19  
20 10. The page that the plaintiffs cited also includes  
21 some statements by the external evaluator that the library and  
22 classroom library collections at Nuffer School were outdated.  
23 Since that statement was made and using II/USP funds, Nuffer  
24 hired a consultant to go through the eleven thousand books that  
25 we had in our library collection and determine what was outdated.  
26 We then discarded all of the books that were outdated and, over  
27 the three years that we received II/USP funds, we have purchased  
28 new library books. Now, we have more than the eleven thousand

LA2:680689.1

1 that we started with, and at least sixty percent of those are  
2 less than three years old. For the past three years Nuffer has  
3 also given each classroom teacher \$150 a year to purchase books  
4 for their classroom collections. The first year that Nuffer  
5 received II/USP funding, we also purchased one book for each  
6 child to take home to have a new reading book at home.  
7

8 11. I would not characterize the current library  
9 collection or the current classroom collections as outdated at  
10 all. Indeed, my librarian coordinator regularly goes to  
11 conferences and weeds out about ten percent of Nuffer's library  
12 books every year. We give those books to students through the  
13 district's discard procedure.  
14

15 12. I believe that being a part of the II/USP program  
16 has helped Nuffer improve and has helped Nuffer students be more  
17 successful. Since Nuffer has been involved in the II/USP  
18 program, we have enjoyed a dramatic improvement in our API score,  
19 from 475 in 1999 to 659 in 2002.  
20

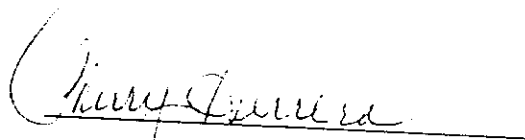
21 13. It was helpful to have the additional II/USP  
22 monies for instructional materials, but it was also helpful to  
23 have the heightened focus on student achievement and the unity of  
24 purpose that being a part of the II/USP program helped us to  
25 achieve. The additional teacher training that was available to  
26 us through II/USP was also extremely helpful. The first year  
27 that we participated in the program, every certificated person  
28 went through a Consortium on Reading Excellence Training. The

LA2:680689.1

1 next year, teachers participated in Great Books training, and  
2 then the year after that in Project GLAD training, which lasted  
3 seven days. A large part of our II/USP funds went to pay for  
4 teacher training, and I believe that Nuffer is really starting to  
5 see the results. Teachers are excited and implementing the  
6 strategies that they have learned in their classrooms. They are  
7 also encouraged by the results that they are seeing in their  
8 students and in Nuffer's test scores.  
9

10 I declare under penalty of perjury that the foregoing  
11 is true and correct.  
12

13 Executed this 12<sup>th</sup> day of August, 2003 at Norwalk,  
14 California.  
15

16   
17

18 Sherry Herrera  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28