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ELIEZER WILLIAMS, etc., et al.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

ELIEZER WILLIAMS, a minor, by SWEETIE
WILLIAMS, his guardian ad litem, et al., each
individually and on behalf of all others similarly
situated,

No. 312236

Plaintiffs,

DECLARATION OF JOSE TORIBIO

v.

STATE OF CALIFORNIA, DELAINE EASTIN,
State Superintendent of Public Instruction,
STATE DEPARTMENT OF EDUCATION,
STATE BOARD OF EDUCATION,

Hearing: August 25, 2003
Time: 3:30 p.m.
Department: 20, Hall of Justice
Judge: Hon. Peter J. Busch
Date Action Filed: May 17, 2000
Trial Date: August 30, 2004

Defendants.

ENDORSED
FILED
San Francisco County Superior Court
JUN 10 2003
GORDON PARK-LI, Clerk
BY: KEVIN M. LEE
Deputy Clerk

Declaration of Jose Toribio

I, Jose Toribio, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. I am a student at Fremont High School in Los Angeles, where I am a sophomore and a student on Track A. I am sixteen years old.

3. In French and Biology class we have books to use in class but they are old and beat up. Some of our books are written in and nearly unreadable, and in some of the books pages are torn out. My teacher for French, Ms. Astorian, said over two weeks ago that the school will order new books, but the books have not come yet.

4. In Math class we don't have enough books to take home and the books we use in class are very old and beat up. I don't think they are usable at all. Instead we have to copy our notes and the problems from the overhead. When I am at home I have to do my homework with just the notes and the problems I wrote down from the board. At the end of class we have to write down the problems before going home, but most of the time the bell rings and I don't have time to write down all the notes. I think not having a book really hurts me. It makes me feel like there is no point in doing homework. I feel like I am just copying what the teacher writes on the board and not really listening and learning.

5. In one of my classes in the main building, history, the cooler breathes out hot air instead of cold air. The school tries to fix the coolers, but they just break down again and we usually just don't use them. Because the coolers are usually broken we open the windows on hot days to try to keep the room cool, but it still gets very hot. I think the heat really distracts the students in class. I have a hard time concentrating and I can't take my mind off the heat when I am very hot.

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6. In my first period English class and my French class there are not enough seats for all the students. Some days I don't even have a seat to sit on and I have to sit on the floor. Everyday I rush to class to try to get one of the seats, but everyone else is rushing too, so I sometimes come too late to get a seat. In French class it is hard for me to get to class early and get a seat because my class before is in the main building and French is in building 500, a portable classroom on the other side of campus.

7. For about the last three months in Biology I was taught by just substitute teachers. The main teacher was in the army and he had to leave because of the army or for some other reason. In the three months after he left we had about 15 or so substitute teachers. We finally got a permanent teacher last week, on May 22nd. Most of the substitute teachers were other teachers who had free periods. Most of the time, the substitute teachers didn't know the material and didn't bother to teach. They just watched the class like a babysitter. I don't know how am I supposed to learn biology if I don't have a teacher.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 3 day of June, 2003 in Los Angeles, California.

Jose Toribio
Jose Toribio