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DECLARATION OF GENOVEVA DE ALBA

I, Genoveva De Alba, hereby declare:

1. I am the mother of Magaly de Loza, who is a plaintiff in this action. I make this declaration based upon my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. The purpose of this declaration is to explain the unacceptable conditions my daughter endures at school where she feels unsafe because of the lack of security, she is subjected to a dreary and damaged building, and she does not have her own books. These conditions severely interfere with her ability to learn.

3. [redacted]

4. My daughter Magaly de Loza is in the eighth grade at Helms Middle School in San Pablo, California, near Richmond in northern California. Magaly is thirteen years old.

5. I visit the school weekly during school hours. I volunteer as a lunch-time chaperone to help ensure that the kids do not get out of control.

6. My daughter has told me and I have witnessed personally that there is a serious security problem at Helms Middle School. Students are often violent and out of control, fighting and running through the halls. The school security personnel and teachers often do not even attempt to control them. Not long ago, a student was raped behind the school, just off of school grounds. All of this violence has made my daughter afraid to go to school. Sometimes I have to force her to go. I am very worried that my daughter cannot focus on her school work and lectures because she does not feel safe at school. I believe that my daughter's fear for her own safety interferes with her ability to learn. Magaly cannot get an adequate education if she is worried for her own safety and security at school.

7. The lack of security also makes the bathrooms unsafe. The bathrooms are filthy and sometimes have used condoms, empty liquor bottles, and cigarette butts in them, indicating the types of activities that occur in the bathrooms. They also never have paper seat covers for the children to use, and they rarely have soap.

1 8. My daughter almost never has homework. The only books she has that she can take
2 home are for her class in English as a second language. For all other classes, she can only use books
3 provided at school. I am concerned that she is not getting an adequate education because she cannot
4 take most of her books home to read, study, or do school exercises outside of class. I would like for
5 her to have her own books to bring home so that she can study.

6 9. The school building itself is also in terrible shape. For example, the ceiling tiles outside
7 of the school library are stained, cracked, and falling off. Some tiles have already fallen off. This is
8 a hazardous situation which endangers my daughter Magaly and all other students at the Helms.

9 10. There are also other problems with the building. For instance, the drinking fountains
10 are broken and dirty, so the children cannot get water.

11 11. The hallways look like prison halls. They are dark, dreary, and dirty. I believe that
12 this is very poor for the children's morale.

13 12. The cafeteria is dark, smelly, and somewhat scary. It is also too small for the number of
14 students at the school. I believe that this condition also worsens the children's morale. There is no
15 safe, comfortable place for them to eat during the school day.

16 13. I believe that these conditions are interfering with my daughter's ability to obtain an
17 adequate education. The school lacks sufficient security and materials to give my daughter the
18 education that she and all children deserve. My daughter does not feel safe at school and hardly has
19 any books of her own. She takes no pride in her school, which I believe hurts her self-esteem. I do
20 not see how she can learn and grow under these circumstances.

21
22 I declare under penalty of perjury of the laws of the State of California that the foregoing is
23 true and correct. Executed by me this ____ day of May, 2000 at San Pablo, California.

24
25 
26 Genoveva De Alba