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DECLARATION OF SARA CANEL

I, Sara Canel, hereby declare:

1. I am the mother of Moises Canel, 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 that my son endures at school, where the overall conditions of the school are inadequate and the security is compromised.

3. [redacted]

4. My son Moises attends Helms Middle School in San Pablo, near Richmond, California where he is in the seventh grade. Moises is twelve years old.

5. I volunteer my time for parents' meetings and similar activities at Helms Middle School. I visit the school regularly, and I have often observed the school while in session.

6. The quality of instruction is compromised by the fact that certain teachers and the principal himself do not have proper certification to teach in a public school. It is my understanding that the principal, [redacted], received his post-secondary training in carpentry and is not licensed for his position as principal. I have also been told that several teachers are not properly certified to teach.

7. In addition, the class materials are inadequate. The books the students are using are old and not enough in number. The teachers must often photocopy portions of textbooks in order to give the students materials to take home. It is important to me that my son have a more current book of his own to use and bring home to complete assignments.

8. My son receives homework assignments consistently in only two of his six classes: math and social studies. The homework that is offered is not always explained. This leaves my son and the other students with insufficient instruction to complete the assignments.

1 9. The temperature of the school is dependent on the temperature of the outdoors. I do not
2 believe that the school has heaters. In the wintertime, it is common for rooms such as the arts
3 classrooms, gymnasium, library, and any classroom that is detached from the main school building to
4 have indoor temperatures reaching as low as forty degrees.

5 10. The cafeteria is not large enough to seat the number of students required to eat at any
6 given lunch hour. Consequently, it is typical that the children who cannot find a place at a table will
7 not eat lunch.

8 11. The condition of the bathrooms is abominable. It is not uncommon to find used
9 condoms and bottles of alcohol strewn about. There are no trash bins. There is no hot water.
10 Occasionally there is hand soap, but there are no hand towels. The school does not provide sanitary
11 seat covers for the toilets. Additionally, the girls' bathrooms do not have feminine product
12 dispensers. As a result, the girls that are not prepared when their menstrual period begins during a
13 school day are sent home.

14 12. The hallways have no trash bins. It is common to see trash strewn about.

15 13. This past winter, during a heavy rain, I observed water entering through the hallway
16 ceiling and ceiling tiles falling to the floor. The principal expressed an interest in having the tiles
17 replaced but stated that there was not enough money in the budget to do so, despite his having
18 requested the funds.

19 14. The overall appearance of the school is that of a prison. The cafeteria is cramped, dark,
20 and dirty. The color of the paint used on the school is depressing. There is graffiti in the bathrooms
21 and on the exterior of the school. The ceilings and walls have water damage. My son comes home
22 commenting that he feels bad about having to attend a school that reminds him of a prison and
23 concentration camp.

24 15. Morale is very low at this school. The students do not respect each other during the
25 school day. Fights in the hallways between students are typical. My son has been harassed by his
26 fellow students.

1 16. The level of respect offered by the teachers to the students is also very low. One
2 teacher physically pushed a student down. This left the victim and the students who witnessed the
3 incident feeling confused and violated.

4 17. Security at the school is minimal. The teachers are either hesitant or entirely unwilling
5 to break up the fights between students, fearing retaliation by the students. In particular, should the
6 teachers in fact touch the students, the teachers fear they would be charged with assault and
7 harassment. During one recent incident, two students were openly fighting in the cafeteria, but no
8 security guards were present. When the guard finally arrived, he did not do anything to the students
9 who had been fighting.

10 18. For the most part, access to the school is not secured. Most importantly, the main doors
11 of the school located at the front of the school, those leading off the main hallways, and those
12 connecting to the gymnasium are unsecured so that anyone can enter.

13 19. Windows facing the playground have been left in disrepair for a long period of time.
14 This allows for easy access to the school. It has already been reported that during weekend hours,
15 children from another school entered the building through these broken windows.

16 20. The school grounds are surrounded by a fence. Unfortunately, the fence was damaged
17 in one section that allowed for students easily to pass through. There were several complaints and
18 requests to have the fence mended, but the requests went unanswered. There is a creek on the
19 property adjacent to the school, which was accessible through the hole in the school fence. As of not
20 too long ago, a small shack stood on the property with clothing strewn about it. It was common to
21 find used condoms, beer cans, and other garbage at the creek. Fairly recently, a rape occurred there,
22 involving students from Helms Middle School. School officials did not take action to mend the fence
23 until after this tragic incident occurred.

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21. My son has told me that he does not feel safe at school because of the conditions I have highlighted in the foregoing paragraphs. He has told me, with tears in his eyes, that he does not want to continue attending Helms Middle School. Under these circumstances, my son clearly cannot obtain an adequate education.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed by me this 9 day of May, 2000 at San Pablo, California.



Sara Canel

1 9. La temperatura de la escuela depende de la temperatura de afuera. No creo que la
2 escuela tenga calefacción. En tiempo de invierno, es muy común que las salas de clases, como la sala
3 de arte, el gimnasio, la biblioteca, y cualquier otra sala de clase que esté separado del edificio
4 principal de la escuela, tenga temperaturas que bajan a los 40 grados.

5 10. La cafetería no está lo suficientemente grande para acomodar el número de estudiantes
6 que requieren tomar sus alimentos a cualquier hora del almuerzo. Consecuentemente, es muy común
7 que los niños, al no encontrar lugar en una mesa, no coman su almuerzo.

8 11. La condición de los baños es detestable. No es raro encontrar condones usados y
9 botellas de licor tirados por todas partes. No hay botes para basura. No hay agua caliente. De vez en
10 cuando hay jabón para las manos, pero no hay toallas. La escuela no provee coberturas de papel para
11 la sillas de los inodoros. Como resultado, las niñas que no están preparadas durante su periodo de
12 menstruación se les mandan a sus hogares.

13 12. Los pasillos no tienen botes para la basura. Es común observar basura tirada por
14 dondequiera.

15 13. Este pasado invierno, durante lluvias pesadas, observé el agua entrar por el techo del
16 pasillo y las tejas del techo caer al piso. El principal expresó interés en reemplazar las tejas pero dijo
17 que no había los suficientes fondos en el presupuesto para llevar esto a cabo, a pesar que había pedido
18 los fondos.

19 14. La apariencia total de la escuela es la de una prisión. La cafetería es muy estrecho y
20 sucio. El color de la pintura de la escuela es deprimido. Hay graffiti en los baños y en el exterior de
21 la escuela. Los techos y las paredes están dañados por el agua. Mi hijo llega a casa sintiéndose mal
22 al tener que asistir a una escuela que lo recuerda a una prisión y campo de concentración.

23 15. La moral es muy bajo en esta escuela. Los estudiantes no se respetan los unos a los
24 otros durante el día escolar. Peleas ocurren en los pasillos con frecuencia. Mi hijo es acosado por sus
25 compañeros.

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2 16. También el nivel de respeto por los maestros hacia los estudiantes es muy bajo. Un
3 maestro físicamente empujó a un estudiante. Esto dejó una mala impresión tanto a la víctima y los
4 estudiantes que presenciaron este incidente sintiéndose confusos y violados.

5 17. La seguridad en la escuela es mínimo. Los maestros vacilan o totalmente están
6 desinclinados en poner un alto a las peleas entre estudiantes por temor de represalias por los
7 estudiantes. En particular, si algún maestro toca a un estudiante, los maestros temen que serán
8 acusados por agresión y acoso. Durante un incidente reciente, dos estudiantes peleaban en la
9 cafetería, pero no estaba presente ninguna guardia de seguridad. Cuando, por fin, llegó una guardia,
10 no hizo nada a los estudiantes que peleaban.

11 18. Por la mayor parte, acceso a la escuela no es seguro. Mucho más importante, las
12 puertas principales de la escuela situado en frente de la escuela, las puertas de los pasillos principales,
13 y las puertas que conectan con el gimnasio no están asegurados, así es que cualquier persona puede
14 entrar.

15 19. Las ventanas frente al patio de recreo han quedado en estado de deterioro por un largo
16 periodo de tiempo. Esto permite entrada fácil a la escuela. Ya se ha reportado que durante los fines
17 de semana niños de otra escuela entran al edificio por medio de las ventanas quebradas.

18 20. El pavimento de la escuela está rodeado por una cerca. Desafortunadamente, la cerca
19 fue dañada en una sección que permite la entrada fácil a los estudiantes. Han habido varias quejas y
20 peticiones de que se arregle la cerca, pero las peticiones no han tenido contestación. Existe un arroyo
21 en la propiedad contiguo a la escuela, que era accesible por el hoyo en la cerca. No hace mucho, una
22 choza quedaba en la propiedad donde había ropa tirada por dondequiera. Era común encontrar
23 condones usados, botes de cerveza, y demás basura en el arroyo. Más recientemente, una violación
24 ocurrió allí que implicaba estudiantes de Helms Middle School. Los oficiales escolares no tomaron
25 acción pare enmendar la cerca hasta que ocurrió este incidente trágico.

26 21. Mi hijo me ha contado que el no se siente seguro en esta escuela por las condiciones
27 que yo he subrayado en los párrafos arriba mencionados. Con lágrimas en los ojos, el me ha dicho
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que no desear continuar en Helms Middle School. Bajo estas circunstancias, my hijo claramente no puede obtener una educación adecuada.

Declaro bajo pena de falso testimonio bajo las leyes del Estado de California que la información contenida en los párrafos anteriores es correcta y verdadera.

Ejecutado en el 9 día de Mayo, 2000, en San Pablo, California.



Sara Canel