

DECLARATION OF ELIZABETH LOPEZ

1 I, Elizabeth Lopez, hereby declare:

2 1. I am the mother of Daniel Shane Luther and Saige Evan Luther, who have been in fifth
3 and third grade, respectively, this year at Morris E. Dailey Elementary School ("Dailey") in Fresno. I
4 make this declaration based on my own personal knowledge and, if called as a witness, I could and
5 would testify competently thereto.

6 2. The purpose of this declaration is to explain the lack of teachers and resources at my
7 sons' school and the effect this has on my children's education.

8 3. I go to Dailey everyday to talk to my sons' teachers and to ensure that they are being
9 taught properly. I also often sit in on my sons' classes while they are in session.

10 4. Dailey lacks critical resources. Every year, including this year, the teachers send home
11 letters asking parents to bring in supplies for the classrooms, like towels, tissues, antiseptic and paper.
12 I've supplied paper and pencils to my sons.

13 5. In addition, my kids can never bring textbooks home with them because there are never
14 enough to go around. My son Daniel has come home with a textbook only a couple of times this
15 year.

16 6. The teacher writes the assignments down on the board because apparently there isn't
17 enough paper to make homework handouts. The result is that the assignments are often unclear,
18 often have no instructions and as a parent I can never understand what my child is learning or how I
19 can help him. One assignment this year was so unclear that my son's tutor had to go in and talk to
20 the teacher because even he couldn't understand it.

21 7. In addition, each time I go to Dailey I notice how incredibly rundown the school is. For
22 example, in the cafeteria the paint is peeling away from the walls. The bathrooms are dirty with trash
23 on the floor.

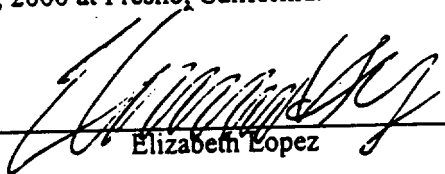
24 8. Also, to my knowledge there aren't enough teachers, and often the teachers that they
25 have are not qualified. For example, one day two years ago the school lost my son. What happened
26 was that in my son Saige's class the teacher didn't show up. They had to combine around 40 to 50
27 six- and seven-year-olds from two different classes into one classroom. They found a student teacher
28 to take over the class who spent the day teaching without any sort of curriculum.

9. While the student teacher was teaching the class, my son and three other kids snuck out and went and played outside. No one even saw them leave. When I came to get my son at the end of the day, I walked into the classroom and saw this teacher trying to control all of these kids. I asked her where my son was and she didn't even know that he was missing. My son was missing for three and a half hours. As it turned out, my mother saw him playing by himself on the school playground. I figured that school must be out and picked him up. The point is though, that there is not enough staff, the staff doesn't know what they're doing and it's just not safe.

10. We've also had a high turnover in the administration of Dailey. Dailey has had four or five principals this year. I know this because I've met with all of them except for the most recent one. This high turnover makes it incredibly difficult, as a parent, to find anyone who will listen or fix problems. For example, there are certain requirements under state law for special education students like my son Daniel. One of the things he is supposed to receive is a referral to a Diagnostics Center. It took seven months for him to receive the referral when, by law it is supposed to take thirty days. However, the administration kept insisting in their written reports that they had given a referral to him before they had done so and that they've conformed with this and every other state requirement for special ed. In reality though they haven't conformed to the state requirements, and I can't find anyone who can help me with this problem or even who will listen. As a result I've since filed a due process claim with the state.

11. All of these problems have had a devastating effect on my son Daniel. He has failed nearly every course this year and I've since hired a private tutor to bring him up to where he's supposed to be so that he can pass. With an adequate learning environment I wouldn't need to hire a tutor. My son wants to learn but he doesn't get the quality time and attention that he needs and is supposed to get as a special education student.

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 ___ day of July, 2000 at Fresno, California.


Elizabeth Lopez