

1 **DECLARATION OF SHANNON SMITHWICK CAREY**

2 I, SHANNON SMITHWICK CAREY, hereby declare:

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

5 2. I teach a fourth and fifth grade combination class at Stonehurst Elementary School
6 in Oakland, California. I have been teaching at Stonehurst for eight years.

7 3. My students and I have been rained out of our classroom since January 24, 2000,
8 when we found our ceiling dripping with water after a weekend of heavy rains. During the past two
9 and a half months since that day, we have changed classroom locations four times, losing class time
10 each time we had to move. And the portable classroom we are in now is cramped, noisy, and doesn't
11 have enough space for all the teaching materials we had in our former classroom.

12 4. The roof of the classroom in which our class began this school year has leaked for
13 three years. The rain would drop on the students and their desks during school days. The leaks
14 caused mold to grow on the walls and ceilings. Other teachers who came into my classroom would
15 be unable to stay because the mold made them cough and they found it difficult to breathe.

16 5. Over the three years, I have several times filled out maintenance reports and placed
17 them in my principal's mailbox. I also have told the principal that the roof leaked. Last December,
18 someone from the school district came in and painted over the mold in the room. The new paint did
19 not make it any easier to breathe because the mold was still there under the paint.

20 6. The four moves my class has had to make since being rained out of our room have
21 been extremely disruptive, have cost my class learning time, and have not yet resulted in an adequate
22 learning space for my students. After we were rained out of our room, we first moved into a
23 classroom across the hall that was temporarily vacant. Then, after two days in the temporarily vacant
24 classroom, my class had to move their own desks and chairs and materials to the library. Moving
25 and arranging the desks took up an hour of our class time. We had an extremely small, inadequate
26 portion of the open-pod library to use for our class space. After we arranged the desks, my students
27 could not see me because of the way we had to arrange desks in such a small space. Also, the class
28 had no privacy when we were in the library. Our area in the library was an open hallway that

1 everyone in the school had to walk through on a regular basis. From 11:00 AM to 12:15 PM every
2 day, there was a constant stream of students from other classes walking through our hallway. This
3 constant stream of other students was very disruptive for my students and for me. Finally, the space
4 in the library was far too noisy. Three steps down from our library hallway space was another class
5 that is permanently situated there. Our class could hear everything that went on in that class because
6 there were no walls separating us. This noise was very disruptive and interfered with our lessons.

7 7. The week we moved into the library hallway space, I had planned to begin a new unit
8 on volume with my class, using cubes, liters, and other measuring materials. I still have not been
9 able to teach my class that lesson unit. I could not do any new math or science instruction at all
10 while we were in the library hallway because there was not enough room. As an alternative, I
11 resorted to simple math problem solving because I could not conduct a regular math class or any new
12 lessons.

13 8. While we were in the library hallway, my students became more aggressive and
14 irritated in the small space. They were bewildered as to why they had to go to school in a hallway.
15 With all of the distractions, they became far less attentive.

16 9. I complained to the school board and to the principal about our situation. After a
17 week and a half in the library hallway, I had a meeting with the principal, seven parents, and the
18 district architect. The parents insisted that the class be moved out of the library hallway, so we
19 moved to the school auditorium. The auditorium was very noisy because there was another class
20 permanently situated on the stage. Our class could hear everything that was going on with their
21 class, making it difficult for the students to concentrate and pay attention.

22 10. There are no windows in the auditorium, and it was really hot in there. The students
23 complained about the heat constantly. It made them tired and gave them headaches. The heat also
24 made it impossible for the students to concentrate. I had to keep the doors open to let in some air,
25 but having the doors open let in all the outside noise. We could hear other classes as well as the
26 noise from the street. The noise, both from outside the auditorium and from the other class inside
27 the auditorium, made it impossible to conduct an effective class.

28 11. I complained again to the school board about our plight, this time in the form of

1 performance. I wrote a play about having been rained out of our classroom and about moving so
2 many times and six other teachers and I presented the play at a school board meeting in February 9,
3 2000. Parents and students staged a protest outside the same school board meeting. Coincidentally,
4 the day we performed the play, our class moved for our final time this year.

5 12. Our final move this year has been to a portable formerly used by a special education
6 class of eight students. The special education class that had been using the portable was combined
7 with another special education class of eight students in the adjacent portable, so now there are 16
8 special education students in a portable intended for only eight students. Our class and the now-
9 doubled special education class are separated only by a partial wall, with no door. The special
10 education class often sings together, making it even noisier in my classroom. Also, many of the
11 special education students scream and holler, further distracting my class. I try to talk over the noise
12 and tell my students to concentrate, but the students really can't hear over the noise.

13 13. Our class lost two full days of instruction when we moved from the auditorium to the
14 portable. The movers dumped my students' desk contents onto the floor and moved only their desks.
15 My students had to arrange their desks in the portable and put away their desk contents. My students
16 also had to transport their own books, chairs, and our teaching supplies to the portable.

17 14. The portable is far too small to house my class, and it was difficult to figure out how
18 to arrange 30 desks and chairs in such a small space. I've measured the portable we're in now, and
19 it is 25 feet by 30 feet, generously. So there are about 750 square feet in the portable for all 30 of
20 my kids in addition to me. Because the room is so small, it is impossible to move around freely.
21 The students and I are crammed in together. It is difficult to conduct even the most basic lessons,
22 and we cannot conduct reading groups because we do not have enough space.

23 15. I have been told that my class will remain in the portable for at least the rest of this
24 school year. That means the two special education classes also will remain combined at least for the
25 rest of this school year. My principal told me to move the contents of my old classroom into storage
26 because we do not have room for all of it in the portable. I had to take an additional two days away
27 from my class so I could move the contents of the old classroom into storage. So not only are my
28 students losing access to many of the instructional materials we had in the old room, they are also

1 losing yet more of my time as their teacher.

2 16. Because we have moved classrooms so many times and been so badly disrupted this
3 year, I have only been able to accomplish one third of the lessons I would normally have been able
4 to accomplish during the disrupted part of our school year. My students have been deprived of two
5 thirds of their education this winter and will be at a significant disadvantage going into their classes
6 next year. We are several units behind in all of our subjects. I am particularly troubled about the
7 students' loss of two thirds of their education this winter because the state is now rewarding and
8 punishing schools based on their SAT 9 test scores. Despite losing two thirds of the winter's class
9 time, my students still have to take the test, and their scores will be thrown in with the rest of the
10 school scores to determine our funding for next year.

11 17. The school doesn't have enough bathrooms for all the kids. There are seven toilets
12 for girls and four toilets for boys, along with four urinal trough-type things. We have about 840
13 children at the school, with roughly even numbers, I think, of boys and girls. It's disgusting that we
14 have so few toilets for all those children.

15 18. Finally, Stonehurst has about 43% uncredentialed teachers at the school. To the best
16 of my knowledge, 16 out of 37 teachers at the school do not have certifications, and 23 out of the
17 37 teachers have been at the school for fewer than three years. I know from my own experience
18 teaching for eight years that it makes a huge difference to have more experienced teachers to talk to
19 and learn from as a new teacher. I also know that I have more skills now as a teacher than I had
20 when I first began. I think we do a disservice to the students at the school to have so many new and
21 inexperienced teachers teaching the children. Also, the fact that almost half of our staff has not been
22 to "teaching school" is not only unfair to the students, but burdens the few teachers with experience
23 with the added responsibility of educating their fellow educators.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing
25 is true and correct. Executed on April 30, 2000 at Oakland, California.

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27 
28 Shannon Smithwick Carey