DECLARATION OF MARCELINO LOPEZ

2 I, MARCELINO LOPEZ, hereby declare:

- 1. I am the father of Carlos Santos and Candelaria Santos, who are plaintiffs in this
 action. The matters set forth herein are based upon my own personal knowledge and, if called as a
 witness, I could and would testify competently thereto.
- 2. Carlos, age twelve, just completed the sixth grade at Edison-McNair Middle School in the Ravenswood School District, and Candelaria, age fourteen, just completed the eighth grade at the same school. Edison-McNair Academy covers grades four through eight.
- 9 3. I am very concerned about the quality of my children's education. As a parent, I am involved in their education. I am Vice President of the Ravenswood District English Learning

 Advice Committee Parents Committee at the school and regularly attend school meetings.
 - 4. In my daughter's eighth grade classes, there were not enough textbooks for the students. The students would have to share books among themselves during class. My daughter did not have her own book to use in class or to take home to complete her homework.
 - 5. I also believe that there is a severe problem with teacher quality and teacher retention at Edison-McNair. Based upon my reading of the local newspapers and upon a conversation I had with a representative of the School District there are only between eleven and twenty-three teachers with proper qualifications to teach limited English speaking students in the entire district. I think the name of the person with whom I spoke was Mr. Knight. From conversations with the principal at Edison-McNair, I estimate that at least 60 percent of the teachers at Edison-McNair do not have proper traditional teaching credentials.
 - 6. Edison-McNair also has a difficult time retaining teachers. It seems that teachers are always coming and going. Although my son had one of his teachers leave mid-year, the larger problem is that teachers do not stay from year to year. The result is that our school has many teachers with little experience teaching the students.
 - 7. The consequences of the poor environment at Edison-McNair directly affects what our children learn. During the last school year, I went to a parent student conference on behalf of my

- son. My son's homeroom teacher told me that my son was reading at the fourth grade level. The
- 2 teacher said that he should be done with the fourth grade book by the end of May, that in June he
- 3 would begin the fifth grade level reading book and in summer school he would start the sixth grade
- 4 reading program. This was very upsetting and is entirely unacceptable. How is my child supposed to
- 5 learn one grade level per month?
- 8. I have been very active in advocating for the plight of limited-English speaking
- students. Based upon my discussions with teachers at the school and my own observations, I
- 8 estimate that at least 80 percent of the students at Edison-McNair have limited English skills. Due to
- 9 the combination of not enough teachers qualified to teach English learners and students who have
- difficulty speaking English, students who speak English well spend some of their class time helping
- the students who do not speak and understand English as well. This should be the responsibility of
- 12 the teacher. I have raised the issue of the need to provide qualified teachers to teach the English
- learner population with the district at least six or seven times.
- 14 9. The classes are too crowded and uncomfortable for the students to effectively learn.
- 15 There were about twenty-eight students in Carlos' sixth grade class and thirty-one students in
- 16 Calandaria's eighth grade class. My children have complained to me that the classrooms are too hot
- because they have no air conditioning. They can only open the windows to cool the room.
- 18 10. Some of the basic facilities are also in disrepair. Some present health and safety
- 19 threats to our kids. For example, there are holes in the walls of the bathrooms, the urinary facilities in
- 20 the boys bathrooms are broken, the wall area behind the urinals is broken, and you can see the
- 21 interior part of the wall. Although there is a water fountain in every classroom, the majority of them
- do not work.
- 23 11. Also, the school grounds are not maintained. Last school year, some other parents and
- I had a meeting with school officials. We learned that there was a tree that needed to be cut down.
- 25 The roots of the tree were overgrown and threatening to destroy the overlaying concrete, and the top
- of the tree was close to hitting a building. The school officials told us that it was a dangerous
- 27 condition and that the district would take care of it. After three or four months, the tree had still not

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1	been removed. A	group of the parents got together and cut down the tree ourselves with the school s
2	permission. Pare	nts should not be responsible for such maintenance, but we did not want a
3	dangerous situati	on at the school. In addition, for all of last school year, the playground area has
4	been in need of r	epair. For instance, the "monkey bar" area has broken parts. Also, the playground
5	water fountain de	
6		am aware from reading the newspapers that Edison-McNair had the lowest scores of
7	the entire district	on the standardized test known as the "STAT 9". I cannot help but think that this is
8		to the lack of books, low teacher experience, and poor facilities.
9		under penalty of perjury of the laws of the State of California that the foregoing is
10	true and correct.	Executed by me this day of August, 2000 at East Palo Alto, California.
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13		Marcelino Lopez
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I, Christina L. Checel am an associate with Morrison & Foerster LLP. I read, write and speak Spanish fluently. I translated the declaration of Marcelino Lopez, and the English version is an accurate translation of the Spanish version.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of August, 2001, in Los Angeles, California.

Christina L. Checel