



1 a clear set of expectations for the ELL program, which leads to uneven ELL instruction at the  
2 school. Some students get lost in the shuffle as a result. In addition, uncredentialed teachers  
3 generally have more difficulty with classroom management, so the ELL students are likely to face  
4 more discipline-related disruptions in their classes.

5         5.         The ELL students at Garfield also lack appropriate instructional materials. Although  
6 the school has an English grammar and phonics program, there is no comprehensive grammar and  
7 phonics program for Spanish-speaking students in the lower grades. Those of us who teach bilingual  
8 students must make up the grammar and reading curriculum as we go along.

9         6.         Because of a district-wide shortage of substitute teachers, often times the school  
10 cannot find a substitute to teach a class when the teacher is absent. When this happens, the school  
11 splits the class in half or in thirds and places the students in other classes. In the winter months,  
12 when teachers tend to be absent more often, at least a couple classes a week are split up in this way.  
13 Dividing a class in this way disrupts students' continuity of instruction, which is important for  
14 learning.

15         7.         In the wing of the main building where I teach, the sixteen classrooms are separated  
16 by walls that extend up only five feet. Thus, each class can hear what is going on in the neighboring  
17 classes, which is distracting for students and teachers. This lack of privacy and quiet limits my  
18 ability to teach my class through a wide range of learning activities because I must always worry  
19 about how much noise my class is producing. For example, I cannot practice dances with my class,  
20 as I would like to do, because it would create too much of a distraction for other classes in the wing.  
21 I often coordinate with the teacher across the hall from me to make sure that I keep my class quiet  
22 when the other class is trying to read or is working on something else that takes a lot of  
23 concentration. The wing was originally built thirty or forty years ago without walls in between the  
24 classrooms to allow for a communal learning environment. At some point, the school began

1 dividing the rooms with shelves and other furniture. In the 1999-2000 school year, the wing was  
2 renovated, but the administration told us that full walls could not be installed because the wing lacks  
3 proper ventilation. Ventilation is poor because there are not enough windows in that wing and the  
4 fan system is out of date.

5 8. Because the ventilation in the wing in which I teach is poor, the room gets very hot  
6 when it is hot outside. Rooms in the other wing of the school, where there is also no functioning air  
7 conditioning, get even hotter. Teachers in the other wing have complained to me that the heat in  
8 their rooms makes it difficult for their students to concentrate. During my first year teaching at  
9 Garfield, one teacher kept track of the temperature in that wing and found that, in April and May, it  
10 reaches over 80 degrees in those rooms. To keep cool, students drink a lot of water, and some  
11 teachers buy their own fans and try to keep the class quiet. However, not much can be done to cool  
12 down the rooms because the windows have bars on them and can be opened only slightly. From my  
13 experience as a teacher, I do not think much learning can take place when the classroom is so hot.

14 9. No one at the school knows how to turn the heater on. Every year, we have to ask  
15 someone from the District to come turn the heater on for us. The District usually takes about a week  
16 to respond, during which it gets very cold in the school. Sometimes, even with the heater on,  
17 students are too cold to learn comfortably. In December, January, and February, in particular,  
18 students often wear their coats inside to stay warm.

19 10. There are not enough bathrooms for students. The school has approximately 950  
20 students, but there are only two boys' bathrooms and two girls' bathrooms in the entire school. One  
21 boys' bathroom has eight stalls and another has five stalls, but I do not know how many the girls'  
22 bathroom has.

23 11. The tiles of the bathrooms are filthy, and the walls are not painted. On a daily basis,  
24 there is not enough soap, paper towels, and toilet paper in the bathrooms. At least once every two

1 weeks, one of my students complains to me that about the lack of supplies in the bathrooms. When  
2 students complain, I call the office, but often times the principal just responds by telling me to leave  
3 a note for the custodian.

4 12. When I first began teaching at Garfield, I was blown away by the filthy condition of  
5 the school. It is sad that the school is just as filthy now, but I have grown accustomed to teaching in  
6 such substandard conditions. The administration will make sure that the school is cleaned when  
7 some agency, such as OSHA, is coming to inspect it, but the principal does not ensure that the  
8 school is cleaned nightly or even weekly. The custodians might sweep or take out the garbage  
9 nightly, but mopping is not done more than once a month. The custodians do not regularly clean the  
10 sinks in the classrooms, so teachers have to do it themselves. There is trash all over the school yard.  
11 I see broken bottles on the yard almost every day, and sometimes I see used condoms and needles as  
12 well. People urinate on the portable steps or by other classrooms on the first floor, but nothing is  
13 done to clean it. The water fountains at the school are filthy. The fountains outside look as if they  
14 have never been cleaned. Whenever I complain to the principal about the filth in my classroom, she  
15 just responds by telling me to ask the custodian to clean it.

16 13. When I was teaching 5<sup>th</sup> grade four years ago, I saw rats in my closet once or twice.  
17 At that time, I did tell an administrator, but I am not sure anything was done. Sometimes, if you  
18 complain about a problem at the school, the school will call the district, but other times they will not.  
19 This year, a few times I have seen rats running across the yard at dusk by the portables near the  
20 dumpster.

21 14. Mold is visible on the ceiling tiles in the wing where I teach. There used to be mold  
22 under the carpet in that wing. The moldy carpet, which was at least 20 years old, caused teachers to  
23 get sick. I had a sinus infection that I attribute to the mold problem in that wing. One teacher even  
24

1 brought an OSHA complaint regarding the mold. The carpet was finally replaced with very cheap  
2 white tile during reconstruction in 1999-2000.

3 15. Garfield is overcrowded. Until this past year, Garfield dealt with the overcrowding  
4 by following a year-round multi-track schedule. The year-round schedule was disruptive because  
5 four teachers would share one classroom in a year, and every three months, teachers had to switch  
6 rooms. Thus, each class would move three to four times in a year. This practice was known as  
7 "roving." Roving prevented me and other teachers from setting up our classrooms the way we  
8 wanted because everything in the class had to be mobile. It was also difficult to create a stable  
9 learning environment for the students. The moving process itself was inconvenient. Teachers  
10 received two paid hours to move classrooms, and sometimes students helped us move. Each time we  
11 had to move, we would have to organize the students, asking them to put all their belongings in  
12 plastic boxes. The time we spent moving took up time we could have otherwise used planning  
13 lessons.

14 16. Since the school moved to a traditional schedule this past year, students and teachers  
15 were packed into every nook of the school. Before, we had some rooms that were used for makeup  
16 days, adult education, or storage space. Now, all classrooms are in use all the time.

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19 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
20 true and correct. Executed on August 8, 2001, at Oakland, California.

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22 \_\_\_\_\_  
23 Daniel Cogan

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