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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor, by Sweetie
Williams, his guardian ad litem; OLIVIA
SAUNDERS, a minor, by Karen Por'chet, her
guardian ad litem; SILAS MOULTRIE, a minor,
by Theresa Manning, his guardian ad litem;
MONIQUE MABUTAS, a minor, by Monica
Real, her guardian ad litem; ALONDRA

No. 312236

[CLASS ACTION]

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

ENDORSED
FILED
San Francisco County Superior Court

AUG 14 2000

ALAN CARLSON, Clerk
REMEDIOS DE LUNA
Clerk

MANUELITA ECHEVERRIA

1 SHARAE JONES, a minor, by O. Denise Vander
Court, her guardian ad litem; LAWRENCE
2 POON, a minor, by Andrew Poon, his guardian
ad litem; BIANCA ARRIOLA, a minor, by Luz
3 Arriola, her guardian ad litem; BIBIANA
ARRIOLA, a minor, by Luz Arriola, her guardian
4 ad litem; CARLOS RAMIREZ, a minor, by
Leticia Ramirez, his guardian ad litem;
5 RICHARD RAMIREZ, a minor, by Leticia
Ramirez, his guardian ad litem; IVANNA
6 ROMERO, a minor, by Ana Romero, her
guardian ad litem; MOISES CANEL, a minor, by
7 Sara Canel, his guardian ad litem; MAGALY DE
LOZA, a minor, by Genoveva de Alba, her
8 guardian ad litem; YEIMI ALBA, a minor, by
Ana Romero, her guardian ad litem; ARTURO
9 ESCUTIA, a minor by Beatriz Escutia, his
guardian ad litem; EDGARDO SOLANO, a
10 minor, by Berta Solano, his guardian ad litem;
LAUREL CLEMONS; ROMANA CLEMONS, a
11 minor, by Michele Clemons, her guardian ad
litem; KIM PARKS, a minor, by Sandra Parks,
12 his guardian ad litem; CESAR CHAVEZ, a
minor, by Patricia Ibarra, his guardian ad litem;
13 CHRISTINA CHAVEZ, a minor, by Patricia
Ibarra, her guardian ad litem; JUSTIN
14 SESSIONS, a minor, by Brinoda Sessions, his
guardian ad litem; JOSHUA SESSIONS, a minor,
15 by Brinoda Sessions, his guardian ad litem;
VINCENT PULIDO, a minor, by Cathy Pulido,
16 his guardian ad litem; KIANDRA PULIDO, a
minor, by Cathy Pulido, her guardian ad litem;
17 MARCELIS GASCIE, a minor, by Lenette
Gascie, his guardian ad litem; CANDELARIA
18 SANTOS, a minor, by Marcelino Lopez, her
guardian ad litem; CARLOS SANTOS, a minor,
19 by Marcelino Lopez, his guardian ad litem; JOSE
GOMEZ, a minor, by Ramon Gomez, his
20 guardian ad litem; KRISTAL MONJE RUIZ, a
minor, by Pedro Monje Robles, her guardian ad
21 litem; MYRA MONJE RUIZ, a minor, by Pedro
Monje Robles, her guardian ad litem; SANDRA
22 HERNANDEZ, a minor, by Andrea Uvera
Morales, her guardian ad litem; NADIA
23 ANGELICA HERNANDEZ, a minor, by Andrea
Uvera Morales, her guardian ad litem; ALLISON
24 SCHAUER, a minor, by Kimberly Schauer, her
guardian ad litem; RACHEL SCHAUER, a
25 minor, by Kimberly Schauer, her guardian ad
litem; DREW SMITH, a minor, by Rose Smith,
26 his guardian ad litem; GINO BUCHIGNANI, a
minor, by Donna J. Buchignani, his guardian ad
27 litem; JASON KEHRLI, a minor, by Cynthia
Kehrli, his guardian ad litem; JONATHAN
28 CAMBRA, a minor, by Donna R. Cambra, his

1 guardian ad litem; CHRISTOPHER BARNARD,
a minor, by Devonna Barnard, his guardian ad
2 litem; JACOLYN BARNARD, a minor, by
Devonna Barnard, her guardian ad litem;
3 MANUEL V. ORTIZ, a minor, by Juana Gomez,
his guardian ad litem; MARIA IMPERATRICE, a
4 minor, by Patrick Imperatrice, her guardian ad
litem; CATHERINE FIPPS, a minor, by Patricia
5 Fipps, her guardian ad litem; JASON FIPPS, a
minor, by Patricia Fipps, his guardian ad litem;
6 AXEL FIPPS, a minor, by Patricia Fipps, his
guardian ad litem; HEIDI KARNES, a minor, by
7 Karen Pereira, her guardian ad litem; JEFFREY
D. SEALS, a minor, by Patricia Farris, his
8 guardian ad litem; THERESA ENSMINGER, a
minor, by Keith Ensminger, her guardian ad
9 litem; KELSEY GIN, a minor, by Robert Gin, her
guardian ad litem; ALEXANDER NOBORI, a
10 minor, by Linda Nobori, his guardian ad litem;
KENNY YEE, a minor, by Cynthia Yee, his
11 guardian ad litem; TIFFANY GIN, a minor, by
Robert Gin, her guardian ad litem; JOHN
12 NOBORI, a minor, by Linda Nobori, his guardian
ad litem; NICHOLAS NOBORI, a minor, by
13 Linda Nobori, his guardian ad litem; OSCAR
RUIZ, a minor, by Clementina Rios, his guardian
14 ad litem; JOSUE HERRERA, a minor, by Eulalia
Nava, his guardian ad litem; ABRAHAM
15 PEREZ, a minor, by Herendida Bautista, his
guardian ad litem; CARLOS PEREZ, a minor, by
16 Herendida Bautista, his guardian ad litem; JUAN
SALGUERO, a minor, by Yanira Salguero, his
17 guardian ad litem; GRACIELA SOLANO, a
minor, by Elena Solano, her guardian ad litem;
18 RAFAEL SOLANO, a minor, by Elena Solano,
his guardian ad litem; JONATHAN
19 TELLECHEA, a minor, by Rosa Tellechea, his
guardian ad litem; SAMUEL TELLECHEA, a
20 minor, by Rosa Tellechea, his guardian ad litem
JOSE NEGRETE, a minor, by Juana Jacobo, his
21 guardian ad litem; JOSE VALENCIA, a minor,
by Luisa Valencia, his guardian ad litem;
22 HANOVER MARES, a minor, by Rosa Romero,
his guardian ad litem; DANIEL PASTOR, a
23 minor, by Cenovia Pastor, his guardian ad litem;
FRANCISCO TENORIO, a minor, by Maria
24 Tenorio, his guardian ad litem; PATRICIA
FIGUEROA, a minor, by Sandra Hernandez, her
25 guardian ad litem; FLOR OSORIO, a minor, by
Maria Portillo, her guardian ad litem; MARIA
26 MUÑIZ, a minor, by Maria Angelica Muñiz,
her guardian ad litem; HILDA OLIVA; DELWIN
27 LAMPKIN, a minor, by Rosalyn M. Lampkin, his
guardian ad litem; D'ANDRE LAMPKIN, a
28 minor, by Rosalyn M. Lampkin, his guardian ad

1 litem; MARIA VALLE, a minor, by Sara Valle,
her guardian ad litem; CINDY DIEGO, a minor,
2 by Alex Diego, her guardian ad litem; GLAUZ
DIEGO, a minor, by Alex Diego, his guardian ad
3 litem; SONIA FELIX; ABRAHAM OSUNA, a
minor, by Norberto Osuna, his guardian ad litem;
4 LLULIANA ALONSO, a minor, by Leonor
Alonso, her guardian ad litem; LISA LOPEZ, a
5 minor, by Rosa Gutierrez, her guardian ad litem;
ALTAGRACIA GARCIA, a minor, by Petra
6 Sanchez, her guardian ad litem; MARIA PEREZ,
a minor, by Blanca Perez, her guardian ad litem;
7 FABIOLA TOSTADO, a minor, by Refugio
Tostado, her guardian ad litem; LIZETTE RUIZ,
8 a minor, by Uriel Ruiz, her guardian ad litem;
GEYMAN HERNANDEZ, a minor, by Gerardo
9 Hernandez, his guardian ad litem; ERIKA
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10 guardian ad litem; RUTH MATA, a minor, by
Leticia Hernandez, her guardian ad litem;
11 SONYA MATA, a minor, by Leticia Hernandez,
her guardian ad litem; LISSA PALACIOS, a
12 minor, by Teresa Palacios, her guardian ad litem;
MONIQUE TREVIÑO, a minor, by Estella
13 Montoya, her guardian ad litem; MARLENE
FUNES, a minor, by Flor Funes, her guardian ad
14 litem; REMINGTON CASTILLE, a minor, by
Estrellita Castille, his guardian ad litem;
15 SHARIFA MCCAULEY, a minor, by Joscelyn K.
McCauley, her guardian ad litem; JUSTIN
16 JONES, a minor, by Beverly Kuykendall-Jones,
his guardian ad litem; TAYLOR JONES, a minor,
17 by Beverly Kuykendall-Jones, her guardian ad
litem; RONISHA GOOD, a minor, by Beverly M.
18 Good, her guardian ad litem; each individually
and on behalf of all others similarly situated, and
19 JOSCELYN K. MCCAULEY, in her individual
capacity; BICHNGOC CAO, in her individual
20 capacity,

21 Plaintiffs,

22 v.

23 STATE OF CALIFORNIA; DELAINE EASTIN,
State Superintendent of Public Instruction;
24 STATE DEPARTMENT OF EDUCATION;
STATE BOARD OF EDUCATION,
25

26 Defendants.

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14 **I. INTRODUCTION**

15 1. Tens of thousands of children attending public schools located throughout the State of
16 California are being deprived of basic educational opportunities available to more privileged children
17 attending the majority of the State's public schools. State law requires students to attend school. Yet
18 all too many California school children must go to schools that shock the conscience. Those schools
19 lack the bare essentials required of a free and common school education that the majority of students
20 throughout the State enjoy: trained teachers, necessary educational supplies, classrooms, even seats in
21 classrooms, and facilities that meet basic health and safety standards. Students must therefore
22 attempt to learn without books and sometimes without any teachers, and in schools that lack
23 functioning heating or air conditioning systems, that lack sufficient numbers of functioning toilets,
24 and that are infested with vermin, including rats, mice, and cockroaches. These appalling conditions
25 in California public schools represent extreme departures from accepted educational standards and
26 yet they have persisted for years and have worsened over time. Students who are forced to attend
27 schools with these conditions are deprived of essential educational opportunities to learn. Plaintiffs
28 bring this suit in an effort to ensure that their schools meet basic minimal educational norms.

2. The schools at which these manifestly substandard conditions exist are overwhelmingly
populated by low-income and nonwhite students and students who are still learning the English
language. In 37 of the 46 schools described in this complaint, more than half the student body is

1 eligible for free or reduced-price meals at school. Nearly all the Plaintiffs in this action are black,
2 Latino or Latina, or Asian Pacific American, and in 42 of the 46 schools described here, nonwhite
3 students constitute far more than half the student body. In 30 of the 46 schools, more than 30 percent
4 of the students are still learning the English language.

5 3. Plaintiffs are children whose education the State of California cannot afford to ignore or
6 impede. These children have dreams of college and productive careers. These children have hopes
7 to vote and participate in their communities. These children have desires to challenge themselves and
8 to learn. But those dreams and hopes and desires will be forever frustrated if California continues to
9 relegate these children to learning conditions that should shock the conscience of any reasonable
10 person. The State currently denies these children the basic tools necessary for them to have
11 educational opportunities. Without those tools, children have no option to realize their dreams as
12 fully educated, considered members of their State community.

13 4. The Constitution and laws of California require the State to ensure the delivery of basic
14 educational opportunities for every child in California and vest the State with ultimate responsibility
15 for the State’s public elementary and secondary school system. The State therefore has a
16 nondelegable duty to ensure that its statewide public education system is open on equal terms to all
17 and that no student is denied the bare essentials to obtain an opportunity to learn. The deplorable
18 conditions at the schools the student Plaintiffs must attend fall fundamentally below even baseline
19 standards for education. The conditions enumerated here are the direct and foreseeable consequence
20 of the State’s failure to discharge its duty; these conditions could not exist if State officials carried out
21 their mandate.

22 5. The California Constitution locates responsibility for providing education to all of
23 California’s children, together with the responsibility to ensure basic educational equality, in one
24 place: the State itself. The State’s delegation of much of its responsibility to local school districts
25 cannot elide the State’s ultimate responsibility to ensure that all California public school children
26 receive a basic education. That delegation is “not a constitutional mandate, but a legislative choice.”
27 Butt v. State of California, 4 Cal. 4th 668, 688 (1992). The State’s ultimate responsibility, by
28 contrast, is constitutionally mandated. Through this lawsuit, Plaintiffs seek to hold the State and

1 responsible State officials accountable to their constitutional mandate to provide a free and equal
2 public school education to all California public school children.

3 6. In fact, as the following examples illustrate, the State has already assumed statewide
4 responsibility for many aspects of governance of its public school system. The State provides
5 approximately 60 percent of the money local school districts use to operate the public secondary and
6 elementary schools. The State specifies how approximately 48 percent of that State money is to be
7 spent, leaving school districts no discretion about its use. The State plays the principal role in
8 determining how much money every school district in the State will receive. Moreover, the State has
9 recently adopted a system of statewide education standards, a rigorous system of mandatory testing to
10 monitor whether students satisfy those standards, and a system to bar students who fail to meet those
11 standards from graduating or being promoted within their schools. Yet the State, in violation of every
12 concept of fundamental fairness and due process, has failed to ensure that all students are accorded
13 even the minimal educational tools needed to meet these standards. Notwithstanding the State's
14 assumption of responsibility for some aspects of public education, it has abdicated its responsibility
15 to oversee and superintend the constitutional functioning to ensure that all California public school
16 children receive a free and equal common school education.

17 7. This lawsuit seeks to require the State and State officials charged with affording basic
18 educational opportunity to recognize and to fulfill their obligation to all California public school
19 children to ensure that each of these children has at least the minimal educational essentials. Without
20 relief, these children will continue to be denied their constitutional right to a free, common, and equal
21 public school education.

22 **A. Substandard Learning Conditions at Many California Schools**

23 8. Although required by law to attend school, thousands of California public school students
24 lack essential educational tools that other students in the State take for granted. Many students lack
25 textbooks in core academic subjects. Many students must rely on illegible or incomplete photocopies
26 provided by teachers, when and if teachers have time and the individual resources to make the copies,
27 on science books so old that their content is now known to be false, or on social studies and
28 economics texts describing persons long departed from politics as current American leaders. Many

1 students must share textbooks in classrooms, sometimes three or four students to a book, with no
2 opportunity to take the books home for study and homework. Without books, students receive
3 compromised course instruction and homework assignments and cannot therefore satisfy or learn
4 grade-appropriate course goals.

5 9. Many California public school students are taught by persons who, however motivated or
6 well-meaning, have received not so much as one hour of instruction in how to teach children. The
7 State permits districts to hire and place in classrooms unlimited numbers of persons who have only
8 emergency teaching permits, signifying nothing more than that they have graduated from college and
9 passed a written test unrelated to their teaching effectiveness. In at least 100 schools in the State, as
10 few as 50 percent, sometimes as few as 13 percent, of the teachers in a school have full,
11 nonemergency teaching credentials. That means that at least 100 California schools attempt to
12 instruct students with teaching staff who are grossly underprepared and inexperienced and who have
13 virtually no seasoned mentors to turn to for in-practice guidance.

14 10. Some California public schools require students to pay money for basic instructional
15 materials in such core subjects as English and science. Other schools simply do not provide enough
16 basic materials, such as pencils, crayons, paper, and scissors.

17 11. Many of California's public school students are consigned to overcrowded, unsafe, poorly
18 ventilated buildings with terrible slum conditions: Some schools have bathrooms in wretched
19 condition, with toilets that back up or leak, with faucets that do not work, and with floors that are wet
20 and sticky and that smell of human waste. Some schools have too few toilets of any kind. Many
21 schools lack air conditioning and/or heat, leaving children in a constant sweat in temperatures of 90
22 degrees and above or with a persistent chill so severe that they have to wear coats, hats, and gloves in
23 the classroom. The growth of mold and fungus in many classrooms induces asthma attacks and leads
24 to regular illnesses among children and teachers. Cockroaches, rats, and mice infest many school
25 buildings, threatening disease and ensuring distraction from learning. Leaky roofs, broken windows,
26 peeling paint, defective electrical systems, and other indicia of maintenance long deferred are all too
27 common in many schools.

1 12. Many California children attend public schools that are so crowded that whole classes do
2 not receive instruction in a classroom in any condition; instead, these classes take instruction in an
3 auditorium or library, while other activities, such as music classes or school assemblies, occur at the
4 same time in the same place. Many children must either lose irreplaceable hours of learning time
5 while on buses traveling to slightly less crowded schools or attend schools with multitrack schedules
6 that extend hours in school days but cut short numbers of days students attend school in order to
7 rotate multiple sets of students through one set of existing classrooms.

8 13. Without a safe classroom or any classroom, without books or other educationally essential
9 materials, without minimally qualified teachers, and without facilities that are safe and healthful,
10 many of California’s children are consigned to a system of inadequate custodial care that does not, in
11 fact or in law, provide the free and common education mandated by the California Constitution.
12 Those same children suffer conditions that are fundamentally inferior to those that children elsewhere
13 in the State enjoy. Not all students in California’s public schools are compelled to try to learn in
14 slum conditions or without classrooms, books, or teachers. In fact, most schools in California
15 provide free and basic education to their children. Schools with the substandard learning conditions
16 cataloged herein are concentrated in neighborhoods and cities populated primarily by low-income
17 and nonwhite families, many of whom are still learning the English language. Other more privileged
18 public school children in California enjoy learning tools and learning conditions that are basic and
19 essential, but absent for the Plaintiff schoolchildren. The State has therefore failed to discharge its
20 constitutional duty to ensure that all California public school children have basic, essential
21 educational tools and conditions.

22 **B. The State Constitutional Scheme**

23 14. The California Constitution recognizes that “[a] general diffusion of knowledge and
24 intelligence [is] . . . essential to the preservation of the rights and liberties of the people” Cal.
25 Const., art. IX, § 1. Because of this principle, “California has assumed specific responsibility for a
26 statewide public education system open on equal terms to all.” Butt, 4 Cal. 4th at 680. That right to
27 an equal education is fundamental in California. Our Supreme Court has recognized that education
28 remains “the bright hope for entry of the poor and oppressed into the mainstream of American

1 society.” Serrano v. Priest, 5 Cal. 3d 584, 609 (1971). These constitutional provisions impose on
2 Defendants a nondelegable duty to provide to each student Plaintiff and each member of the Plaintiff
3 class and subclass the opportunity to obtain a basic education.

4 15. The staggering range of disparities in public education in this State offends the core
5 constitutional principle of equality. The equal protection clauses of the California Constitution, Cal.
6 Const. art. I, § 7(a); art. IV, § 16(a), bar the State from maintaining the public school system in a
7 manner that denies some students the basic educational necessities provided to other students.
8 Students who suffer the educational conditions herein alleged are deprived of their right to the equal
9 protection of the laws of this State.

10 16. The range of differences in education offered in California also offends the constitutional
11 principle that public education must be free and provided in common schools that are kept up.
12 According to article IX, section 5 of the California Constitution, access to public education is a right
13 enjoyed by all, not a privilege available for purchase. By failing to establish and enforce effective
14 baseline educational standards for what constitute minimally required learning tools and conditions
15 and then by consigning students to try to learn without provision of some or any basic essentials, the
16 State denies these children their right to free education in common schools.

17 17. The shocking scope of substandard educational conditions that so many of California’s
18 public school children experience also offends fundamental principles of due process guaranteed in
19 article I, sections 7(a) and 15 of the California Constitution. California compels all children to attend
20 schools but provides the Plaintiff children with schools in unsafe and unsanitary conditions and
21 schools without the basic textbooks, teachers, and facilities needed to achieve the standards the State
22 itself has mandated as essential for all to graduate from each grade and to satisfy the requirements for
23 a high school diploma. By placing these children in harm’s way, by arbitrarily denying them the
24 benefits of their schooling, and by substantially impinging on their fundamental interest in a public
25 education, Defendants violate these children’s due process rights.

26 18. Through this lawsuit, Plaintiffs seek to compel Defendants’ compliance with their
27 constitutional duties, by the means of their choice, to (1) ensure that every child in California has an
28 opportunity to obtain a basic education and (2) ensure that no child is compelled to attend a

1 fundamentally unequal school that lacks those requirements of a basic education that are provided to
2 most children.

3 **II. PARTIES**

4 **A. PLAINTIFFS**

5 19. Plaintiffs Eliezer Williams, Olivia Saunders, Silas Moultrie, and Monique Mabutas reside
6 in the County of San Francisco within the boundaries of the San Francisco Unified School District
7 and Luther Burbank Middle School in San Francisco. Plaintiffs Eliezer Williams, Olivia Saunders,
8 Silas Moultrie, and Monique Mabutas are children attending school at Luther Burbank Middle School
9 and are legally required to attend school. The parents of Plaintiffs Eliezer Williams, Olivia Saunders,
10 Silas Moultrie, and Monique Mabutas have already filed petitions with the Court to act as Plaintiffs'
11 guardians ad litem.

12 20. Plaintiffs Alondra Sharae Jones and Lawrence Poon reside in the County of San Francisco
13 within the boundaries of the San Francisco Unified School District and Balboa High School in San
14 Francisco. Plaintiffs Alondra Sharae Jones and Lawrence Poon attend school at Balboa High School
15 and are legally required to attend school. The legal guardian of Plaintiff Alondra Sharae Jones and
16 the parent of Plaintiff Lawrence Poon have filed simultaneously with this First Amended Complaint a
17 petition with the Court to act as Plaintiffs' guardian ad litem.

18 21. Plaintiffs Bianca Arriola, Bibiana Arriola, Carlos Ramirez, Richard Ramirez, and Ivanna
19 Romero reside in the County of San Francisco within the boundaries of the San Francisco Unified
20 School District and Bryant Elementary School in San Francisco. Plaintiffs Bianca Arriola, Bibiana
21 Arriola, Carlos Ramirez, Richard Ramirez, and Ivanna Romero are children attending school at
22 Bryant Elementary School and are legally required to attend school. The parents of Plaintiffs Bianca
23 Arriola, Bibiana Arriola, Carlos Ramirez, Richard Ramirez, and Ivanna Romero have already filed
24 petitions with the Court to act as Plaintiffs' guardians ad litem.

25 22. Plaintiffs Moises Canel, Magaly de Loza, Yeimi Alba, Arturo Escutia, and Edgardo
26 Solano reside in Contra Costa County within the boundaries of the West Contra Costa County
27 Unified School District and Wendell Helms Middle School in San Pablo. Plaintiffs Moises Canel,
28 Magaly de Loza, Yeimi Alba, Arturo Escutia, and Edgardo Solano are children attending school at

1 Wendell Helms Middle School and are legally required to attend school. The parents of Plaintiffs
2 Moises Canel, Magaly de Loza, Yeimi Alba, Arturo Escutia, and Edgardo Solano have already filed
3 petitions with the Court to act as Plaintiffs’ guardians ad litem.

4 23. Plaintiffs Laurel Clemons and Romana Clemons reside in Contra Costa County within the
5 boundaries of the West Contra Costa County Unified School District and John F. Kennedy High
6 School in Richmond. Plaintiffs Laurel Clemons and Romana Clemons attend school at John F.
7 Kennedy High School and Plaintiff Romana Clemons is legally required to attend school. Plaintiff
8 Laurel Clemons is 18 years old now. The parent of Plaintiff Romana Clemons has already filed a
9 petition with the Court to act as Plaintiff Romana Clemons’s guardian ad litem.

10 24. Plaintiffs Kim Parks, Cesar Chavez, and Christina Chavez reside in Alameda County
11 within the boundaries of the Oakland Unified School District and Garfield Elementary School in
12 Oakland. Plaintiffs Kim Parks, Cesar Chavez, and Christina Chavez are children attending Garfield
13 Elementary School and are legally required to attend school. The parents of Plaintiffs Kim Parks,
14 Cesar Chavez, and Christina Chavez have filed simultaneously with this First Amended Complaint a
15 petition with the Court to act as Plaintiffs’ guardians ad litem.

16 25. Plaintiffs Justin Sessions, Joshua Sessions, Vincent Pulido, and Kiandra Pulido reside in
17 Alameda County within the boundaries of the Oakland Unified School District and Stonehurst
18 Elementary School in Oakland. Plaintiffs Justin Sessions, Joshua Sessions, Vincent Pulido, and
19 Kiandra Pulido are children attending school at Stonehurst Elementary School and are legally
20 required to attend school. The parents of Plaintiffs Justin Sessions, Joshua Sessions, Vincent Pulido,
21 and Kiandra Pulido have already filed petitions with the Court to act as Plaintiffs’ guardians ad litem.

22 26. Plaintiff Marcelis Gascie resides in Alameda County within the boundaries of the Oakland
23 Unified School District and Burbank Elementary School in Oakland. Plaintiff Marcelis Gascie is a
24 child attending school at Burbank Elementary School and is legally required to attend school. The
25 parent of Plaintiff Marcelis Gascie has already filed a petition with the Court to act as Plaintiff’s
26 guardian ad litem.

27 27. Plaintiffs Candelaria Santos and Carlos Santos reside in San Mateo County within the
28 boundaries of the Ravenswood City Elementary School District and Edison-McNair Academy in East

1 Palo Alto. Plaintiffs Candelaria Santos and Carlos Santos are children attending school at Edison-
2 McNair Academy in East Palo Alto and are legally required to attend school. The parents of
3 Plaintiffs Candelaria Santos and Carlos Santos have already filed petitions with the Court to act as
4 Plaintiffs' guardians ad litem.

5 28. Plaintiffs Jose Gomez, Kristal Monje Ruiz, Myra Monje Ruiz, Sandra Hernandez, and
6 Nadia Angelica Hernandez reside in San Mateo County within the boundaries of the Ravenswood
7 City Elementary School District and Cesar Chavez Academy in East Palo Alto. Plaintiffs Jose
8 Gomez, Kristal Monje Ruiz, Myra Monje Ruiz, Sandra Hernandez, and Nadia Angelica Hernandez
9 are children attending school at Cesar Chavez Academy in East Palo Alto and are legally required to
10 attend school. The parents of Plaintiffs Jose Gomez, Kristal Monje Ruiz, Myra Monje Ruiz, Sandra
11 Hernandez, and Nadia Angelica Hernandez have already filed petitions with the Court to act as
12 Plaintiffs' guardians ad litem.

13 29. Plaintiffs Allison Schauer and Rachel Schauer reside in Santa Clara County within the
14 boundaries of the Campbell Union Elementary School District and Castlemont Elementary School in
15 Campbell. Plaintiffs Allison Schauer and Rachel Schauer are children attending school at Castlemont
16 Elementary School and are legally required to attend school. The parent of Plaintiffs Allison Schauer
17 and Rachel Schauer has filed simultaneously with this First Amended Complaint a petition with the
18 Court to act as Plaintiffs' guardians ad litem.

19 30. Plaintiffs Drew Smith, Gino Buchignani, Jason Kehrli, and Jonathan Cambra reside in
20 Sonoma County within the boundaries of the Cloverdale Unified School District and Cloverdale High
21 School in Cloverdale. Plaintiffs Drew Smith, Gino Buchignani, Jason Kehrli, and Jonathan Cambra
22 are children attending school at Cloverdale High School and are legally required to attend school.
23 The parents of Plaintiffs Drew Smith, Gino Buchignani, Jason Kehrli, and Jonathan Cambra have
24 filed simultaneously with this First Amended Complaint a petition with the Court to act as Plaintiffs'
25 guardians ad litem.

26 31. Plaintiffs Christopher Barnard and Jacolyn Barnard reside in Butte County within the
27 boundaries of the Pioneer Union Elementary School District and Berry Creek Elementary School in
28 Berry Creek. Plaintiffs Christopher Barnard and Jacolyn Barnard are children attending school at

1 Berry Creek Elementary School and are legally required to attend school. The parent of Christopher
2 Barnard and Jacolyn Barnard has filed simultaneously with this First Amended Complaint a petition
3 with the Court to act as Plaintiffs' guardians ad litem.

4 32. Plaintiff Manuel V. Ortiz resides in Santa Cruz County within the boundaries of the Pajaro
5 Valley Joint Unified School District and Watsonville High School in Watsonville. Plaintiff Manuel
6 V. Ortiz attends school at Watsonville High School and is legally required to attend school. The legal
7 guardian of Plaintiff Manuel V. Ortiz has filed simultaneously with this First Amended Complaint a
8 petition with the Court to act as Plaintiff's guardian ad litem.

9 33. Plaintiffs Maria Imperatrice, Catherine Fipps, Jason Fipps, and Axel Fipps reside in
10 Fresno County within the boundaries of the Fresno Unified School District and Morris E. Dailey
11 Elementary School in Fresno. Plaintiffs Maria Imperatrice, Catherine Fipps, Jason Fipps, and Axel
12 Fipps are children attending school at Morris E. Dailey Elementary School and are legally required to
13 attend school. The parents of Plaintiffs Maria Imperatrice, Catherine Fipps, Jason Fipps, and Axel
14 Fipps have already filed petitions with the Court to act as Plaintiffs' guardians ad litem.

15 34. Plaintiff Heidi Karnes resides in Tulare County within the boundaries of the Visalia
16 Unified School District and Redwood High School in Visalia. Plaintiff Heidi Karnes is a child
17 attending school at Redwood High School and is legally required to attend school. The parent of
18 Plaintiff Heidi Karnes has filed simultaneously with this First Amended Complaint a petition with the
19 Court to act as Plaintiff's guardian ad litem.

20 35. Plaintiff Jeffrey D. Seals resides in Tulare County within the boundaries of the Visalia
21 Unified School District and Mount Whitney High School in Visalia. Plaintiff Jeffrey D. Seals is a
22 child attending school at Mount Whitney High School and is legally required to attend school. The
23 grandparent of Plaintiff Jeffrey D. Seals has filed simultaneously with this First Amended Complaint
24 a petition with the Court to act as Plaintiff's guardian ad litem.

25 36. Plaintiff Theresa Ensminger resides in Merced County within the boundaries of the
26 Merced City Elementary School District and Tenaya Middle School in Merced. Plaintiff Theresa
27 Ensminger is a child attending school at Tenaya Middle School and is legally required to attend
28

1 school. The parent of Plaintiff Theresa Ensminger has filed simultaneously with this First Amended
2 Complaint a petition with the Court to act as Plaintiff's guardian ad litem.

3 37. Plaintiffs Kelsey Gin and Alexander Nobori reside in Los Angeles County within the
4 boundaries of the Alhambra City Elementary School District and Brightwood Elementary School in
5 Monterey Park. Plaintiffs Kelsey Gin and Alexander Nobori are children attending school at
6 Brightwood Elementary School and are legally required to attend school. The parents of Plaintiffs
7 Kelsey Gin and Alexander Nobori have already filed petitions with the Court to act as Plaintiffs'
8 guardians ad litem.

9 38. Plaintiffs Kenny Yee, Tiffany Gin, John Nobori, and Nicholas Nobori reside in Los
10 Angeles County within the boundaries of the Alhambra City High School District and Mark Keppel
11 High School in Alhambra. Plaintiffs Kenny Yee, Tiffany Gin, John Nobori, and Nicholas Nobori
12 attend school at Mark Keppel High School and are legally required to attend school. The parents of
13 Plaintiffs Kenny Yee, Tiffany Gin, John Nobori, and Nicholas Nobori have already filed petitions
14 with the Court to act as Plaintiffs' guardians ad litem.

15 39. Plaintiffs Oscar Ruiz, Josue Herrera, Abraham Perez, Carlos Perez, Juan Salguero,
16 Graciela Solano, Rafael Solano, Jonathan Tellechea, and Samuel Tellechea reside in Los Angeles
17 County within the boundaries of Los Angeles Unified School District and Cahuenga Elementary
18 School in Los Angeles. Plaintiffs Oscar Ruiz, Josue Herrera, Abraham Perez, Carlos Perez, Juan
19 Salguero, Graciela Solano, Rafael Solano, and Samuel Tellechea attend school at Cahuenga
20 Elementary School and are legally required to attend school. Plaintiff Jonathan Tellechea is bussed
21 to Rosewood Elementary School in Los Angeles, where he attends school, because Cahuenga
22 Elementary School is too crowded for him to attend school there. The parents of Plaintiffs Oscar
23 Ruiz, Josue Herrera, Abraham Perez, Carlos Perez, Juan Salguero, Graciela Solano, Rafael Solano,
24 Jonathan Tellechea, and Samuel Tellechea have already filed petitions with the Court to act as
25 Plaintiffs' guardians ad litem.

26 40. Plaintiffs Jose Negrete, Jose Valencia, and Hanover Mares reside in Los Angeles County
27 within the boundaries of Los Angeles Unified School District and Berendo Middle School in Los
28 Angeles. Plaintiffs Jose Negrete, Jose Valencia, and Hanover Mares attend school at Berendo Middle

1 School and are legally required to attend school. The parents of Plaintiff Jose Negrete, Jose Valencia,
2 and Hanover Mares have already filed petitions with the Court to act as Plaintiffs' guardians ad litem.

3 41. Plaintiffs Daniel Pastor and Francisco Tenorio reside in Los Angeles County within the
4 boundaries of the Los Angeles Unified School District and George Washington Carver Middle
5 School in Los Angeles. Plaintiffs Daniel Pastor and Francisco Tenorio attend school at George
6 Washington Carver Middle School and are legally required to attend school. The parents of Plaintiffs
7 Daniel Pastor and Francisco Tenorio have already filed petitions with the Court to act as Plaintiffs'
8 guardians ad litem.

9 42. Plaintiff Patricia Figueroa resides in Los Angeles County within the boundaries of the Los
10 Angeles Unified School District and Marina del Rey Middle School in Los Angeles. Plaintiff
11 Patricia Figueroa attends school at Marina del Rey Middle School and is legally required to attend
12 school. The parent of Plaintiff Patricia Figueroa has filed simultaneously with this First Amended
13 Complaint a petition with the Court to act as Plaintiff's guardian ad litem.

14 43. Plaintiff Flor Osorio resides in Los Angeles County within the boundaries of the Los
15 Angeles Unified School District and Daniel Webster Middle School in Los Angeles. Plaintiff Flor
16 Osorio attends school at Daniel Webster Middle School and is legally required to attend school. The
17 parent of Plaintiff Flor Osorio has already filed a petition with the Court to act as Plaintiff's guardian
18 ad litem.

19 44. Plaintiff Maria Muñiz resides in Los Angeles County within the boundaries of the Los
20 Angeles Unified School District and Bret Harte Preparatory Intermediate School in Los Angeles.
21 The parent of Plaintiff Maria Muñiz has filed simultaneously with this First Amended Complaint a
22 petition with the Court to act as Plaintiff's guardian ad litem.

23 45. Plaintiff Hilda Oliva resides in Los Angeles County within the boundaries of the Los
24 Angeles Unified School District and Belmont Senior High School in Los Angeles. Plaintiff Hilda
25 Oliva attends school at Belmont Senior High School and is 18 years old now.

26 46. Plaintiffs Delwin Lampkin and D'Andre Lampkin reside in Los Angeles County within
27 the boundaries of the Los Angeles Unified School District and Crenshaw Senior High School in Los
28 Angeles. Plaintiffs Delwin Lampkin and D'Andre Lampkin attend school at Crenshaw Senior High

1 School and are legally required to attend school. The parent of Plaintiffs Delwin Lampkin and
2 D'Andre Lampkin has filed simultaneously with this First Amended Complaint a petition with the
3 Court to act as Plaintiffs' guardian ad litem.

4 47. Plaintiff Maria Valle resides in Los Angeles County within the boundaries of the Los
5 Angeles Unified School District and Susan Miller Dorsey High School in Los Angeles. Plaintiff
6 Maria Valle attends school at Susan Miller Dorsey High School and is legally required to attend
7 school. The parent of Plaintiff Maria Valle has filed simultaneously with this First Amended
8 Complaint a petition with the Court to act as Plaintiff's guardian ad litem.

9 48. Plaintiffs Cindy Diego and Glauz Diego reside in Los Angeles County within the
10 boundaries of the Los Angeles Unified School District and John C. Fremont Senior High School in
11 Los Angeles. Plaintiffs Cindy Diego and Glauz Diego attend school at John C. Fremont Senior High
12 School and are legally required to attend school. The parent of Plaintiffs Cindy Diego and Glauz
13 Diego has filed simultaneously with this First Amended Complaint petitions with the Court to act as
14 Plaintiffs' guardian ad litem.

15 49. Plaintiffs Sonia Felix, Abraham Osuna, Lisa Lopez, Lluliana Alonso, Altagracia Garcia,
16 Maria Perez, and Fabiola Tostado reside in Los Angeles County within the boundaries of Los
17 Angeles Unified School District and Thomas Jefferson Senior High School in Los Angeles. Plaintiffs
18 Sonia Felix, Abraham Osuna, Lisa Lopez, Lluliana Alonso, Altagracia Garcia, Maria Perez, and
19 Fabiola Tostado attend school at Thomas Jefferson Senior High School and Plaintiffs Abraham
20 Osuna, Lisa Lopez, Lluliana Alonso, Altagracia Garcia, Maria Perez, and Fabiola Tostado are legally
21 required to attend school. Plaintiff Sonia Felix is 18 years old now. The parents of Plaintiffs
22 Abraham Osuna, Lisa Lopez, Lluliana Alonso, Altagracia Garcia, Maria Perez, and Fabiola Tostado
23 have already filed petitions with the Court to act as Plaintiffs' guardians ad litem.

24 50. Plaintiffs Lizette Ruiz and Geyman Hernandez reside in Los Angeles County within the
25 boundaries of the Los Angeles Unified School District and Huntington Park Senior High School in
26 Huntington Park. Plaintiffs Lizette Ruiz and Geyman Hernandez attend school at Huntington Park
27 Senior High School and are legally required to attend school. The parents of Plaintiffs Lizette Ruiz
28

1 and Geyman Hernandez have filed simultaneously with this First Amended Complaint petitions with
2 the Court to act as Plaintiffs' guardians ad litem.

3 51. Plaintiffs Erika Hernandez, Ruth Mata, and Sonya Mata reside in Los Angeles County
4 within the boundaries of the Los Angeles Unified School District and Gulf Avenue Elementary
5 School in Wilmington. Plaintiffs Erika Hernandez, Ruth Mata, and Sonya Mata attend school at Gulf
6 Avenue Elementary School and are legally required to attend school. The parents of Plaintiffs Erika
7 Hernandez, Ruth Mata, and Sonya Mata have filed simultaneously with this First Amended
8 Complaint petitions with the Court to act as Plaintiffs' guardians ad litem.

9 52. Plaintiff Lissa Palacios resides in Los Angeles County within the boundaries of the
10 Montebello Unified School District and Joseph A. Gascon Elementary School in Los Angeles.
11 Plaintiff Lissa Palacios attends school at Joseph A. Gascon Elementary School and is legally required
12 to attend school. The parent of Plaintiff Lissa Palacios filed simultaneously with this First Amended
13 Complaint a petition with the Court to act as Plaintiff's guardian ad litem.

14 53. Plaintiffs Monique Treviño and Marlene Funes reside in Los Angeles County within the
15 boundaries of the Lynwood Unified School District and Lynwood Middle School in Lynwood.
16 Plaintiffs Monique Treviño and Marlene Funes attend school at Lynwood Middle School and are
17 legally required to attend school. The parents of Plaintiffs Monique Treviño and Marlene Funes have
18 already filed petitions with the Court to act as Plaintiffs' guardians ad litem.

19 54. Plaintiff Remington Castille resides in Los Angeles County within the boundaries of the
20 Inglewood Unified School District and Daniel Freeman Elementary School. Plaintiff Remington
21 Castille attends school at Daniel Freeman Elementary School and is legally required to attend school.
22 The parent of Plaintiff Remington Castille has already filed a petition with the Court to act as
23 Plaintiff's guardian ad litem.

24 55. Plaintiffs Sharifa McCauley, Justin Jones, and Taylor Jones reside in Los Angeles County
25 within the boundaries of the Inglewood Unified School District and Frank D. Parent Elementary
26 School in Inglewood. Plaintiffs Sharifa McCauley, Justin Jones, and Taylor Jones attend school at
27 Frank D. Parent Elementary School and are legally required to attend school. The parents of
28

1 Plaintiffs Sharifa McCauley, Justin Jones, and Taylor Jones have filed simultaneously with this First
2 Amended Complaint petitions with the Court to act as Plaintiffs’ guardians ad litem.

3 56. Plaintiff Ronisha Good resides in Los Angeles County within the boundaries of the Long
4 Beach Unified School District and Jackie Robinson Elementary School in Long Beach. Plaintiff
5 Ronisha Good attends school at Jackie Robinson Elementary School and is legally required to attend
6 school. The parent of Plaintiff Ronisha Good has filed simultaneously with this First Amended
7 Complaint a petition with the Court to act as Plaintiff’s guardian ad litem.

8 57. Plaintiff Joscelyn K. McCauley is a taxpayer citizen and homeowner residing in Los
9 Angeles County within the boundaries of the Inglewood Unified School District and Frank D. Parent
10 Elementary School. She brings this lawsuit in her individual capacity and as the duly-appointed
11 guardian ad litem for her child, Sharifa McCauley.

12 58. Plaintiff Bichngoc Cao is a taxpayer citizen residing in Rosemead, California, and a
13 former student in California public schools. She brings this lawsuit in her individual capacity.

14 **B. DEFENDANTS**

15 59. Defendant State of California is the legal and political entity with plenary responsibility
16 for educating all California public school children, including the responsibility to establish and
17 maintain the system of common schools and a free education, under the California Constitution,
18 article IX, section 5, and to assure that all California public school children receive their fundamental
19 right to an equal education, under the equal protection clauses of the California Constitution, article I,
20 sections 7(a) and 16(a).

21 60. Defendant Delaine Eastin, sued here in her official capacity, is the State Superintendent of
22 Public Instruction for the State of California, the Secretary and Executive Officer for the State Board
23 of Education, and the Chief Executive Officer of the California Department of Education. As such,
24 she is obligated to take all necessary steps to ensure that school districts comply with the California
25 Constitution and State laws. Pursuant to California Education Code Sections 33301-33303, she is the
26 Director of Education in whom all executive and administrative functions of the California
27 Department of Education are vested. She is responsible for ensuring that children within the State of
28 California receive a free and equal public education.

1 61. Defendant State Board of Education and its members are responsible for determining the
2 policies governing California’s schools and for adopting rules and regulations for the supervision and
3 administration of all local school districts. Pursuant to California Education Code Sections 33030-
4 33032, Defendant State Board of Education is required to supervise local school districts to ensure
5 that they comply with State and federal law requirements concerning educational services.

6 62. Defendant State Department of Education is the department of State government
7 responsible for administering and enforcing laws related to education.

8 63. All Defendants either are recipients of State and federal funds in support of the operation
9 of schools or are responsible for and capable of ensuring that State and federal funds are spent by
10 recipients in a nondiscriminatory manner in the State public school system

11 **III. CLASS ACTION ALLEGATIONS**

12 64. This action is maintainable as a class action pursuant to California Code of Civil
13 Procedure Section 382.

14 65. Plaintiffs represent a class of children consisting of all present or future students attending
15 public elementary or middle or secondary school in California who are attending or will attend
16 schools where they are deprived of one or more specified basic educational necessities. Students at
17 schools the class members attend suffer one or a combination of the following conditions:

- 18 ? such a lack of legible and current textbooks or other instructional materials that each
19 student does not have his or her own textbook or educational materials in core subjects
20 (1) to use in class without sharing with another student; and (2) to use at home each
21 evening for homework;
- 22 ? classes for which no permanent teacher is assigned;
- 23 ? more than 20 percent of teachers in a single school who do not have full,
24 nonemergency teaching credentials or who are not prepared to teach students the
25 content they need to satisfy State mandates for grade promotion or graduation or who
26 are assigned to teach the English language to students who are learning English and
27 are not certified or qualified to do so;
- 28 ? classrooms in which the temperature is so hot or so cold on a persistent basis as to

1 impede students' ability to concentrate and learn;

2 ? classrooms that (1) lack sufficient numbers of seats for enrolled students to sit down
3 during class; (2) are smaller than minimum size standards permit for class instruction;
4 or (3) are located in places where ambient or external noise levels are so high as to
5 prevent students from being able to concentrate and learn;

6 ? a complete lack of access at their schools to libraries, the Internet, or research
7 materials necessary to satisfy course instruction;

8 ? insufficient numbers of clean, stocked, and functioning toilets, causing students to
9 have to leave the school premises to go to the toilet or to have to wait in long lines to
10 use the toilet or not to use the toilet at all;

11 ? long-deferred or neglected facilities maintenance resulting in unsanitary and
12 unhealthful conditions—caused by, for example, the presence of vermin, mildew, or
13 rotting organic material—that interferes with students' ability to obtain an education;

14 ? academic course and extracurricular offerings in which students cannot participate
15 without paying a fee or obtaining a fee waiver;

16 ? such pervasive overcrowding that students' educational opportunities are impaired; or

17 ? the use of multitrack programs that result in students obtaining a substantially inferior
18 education to that received by students who attend single-track schools, or the bussing
19 of students to relieve overcrowding such long distances away from schools in their
20 neighborhood that the students lose substantial time in transit, interfering with their
21 time for instruction or homework.

22 66. Plaintiffs include a subclass of persons consisting of all present and future students
23 attending public school in California who, in addition to suffering one or a combination of the
24 conditions described above, attend schools where a multitrack schedule provides for fewer days of
25 annual instruction than schools on a traditional calendar provide and/or where students are bussed
26 excessive distances and travel times to less crowded schools.

27 67. There are questions of law or fact common to the entire class and subclass. Common
28 questions of fact include, without limitation, whether Defendants' actions and omissions have failed

1 to assure the delivery of specified basic educational necessities to the class and subclass. Common
2 questions of law, include, without limitation, the following:

3 a. Whether Defendants practices violate article IX, sections 1 and 5 of the California
4 Constitution, which guarantee Plaintiffs a fundamental right to attend a “system of common schools”
5 that are free and “kept up and supported” such that they may receive the “diffusion of knowledge and
6 intelligence essential the preservation of the[ir] rights and liberties”;

7 b. Whether Defendants’ practices violate article I, section 7(a) and article IV, section 16(a)
8 of the California Constitution, which guarantee Plaintiffs the equal protection of the law, by failing to
9 provide Plaintiffs basic educational opportunities equal to those that children in other schools receive;

10 c. Whether Defendants’ practices violate due process by requiring Plaintiffs’ attendance in
11 public schools but subjecting them to unsafe and unhealthful conditions, by arbitrarily denying
12 Plaintiffs the benefits of their schooling, and by restricting their property interest in an education and
13 a diploma without providing Plaintiffs the opportunity to satisfy the requirements for grade
14 promotion and graduation;

15 d. Whether Defendants’ practices violate Title VI of the Civil Rights Act of 1964, 42 U.S.C.
16 § 2000d, and 34 C.F.R. § 100.3(b)(2), by maintaining a federally funded system of public schools in a
17 manner that has an unlawful disparate impact on the basis of race, color, or national origin; and

18 e. Whether Defendants’ practices violate California Education Code Section 51004 by
19 maintaining a system of public schools that does not provide educational opportunity sufficient for
20 every student who graduates high school to be able to enter the workforce and become “suitably
21 employed in some remunerative field of employment” “without regard to race, creed, color, national
22 origin, sex, or economic status.”

23 68. The Plaintiff class is so numerous that joinder of all members is impracticable. The class
24 includes all the students at the hundreds of California schools in which one or a combination of the
25 conditions listed in paragraph 65 exist. The size of the class exceeds 75,192, which is the
26 approximate number of children currently attending Luther Burbank Middle School, Balboa High
27 School, Bryant Elementary School, Wendell Helms Middle School, John F. Kennedy High School,
28 Fremont High School, Garfield Elementary School, Webster Academy, Whittier Elementary School,

1 Stonehurst Elementary School, Burbank Elementary School, Edison-McNair Academy, Cesar
2 Chavez Academy, Castlemont Elementary School, Cloverdale High School, Berry Creek Elementary
3 School, Watsonville High School, Morris E. Dailey Elementary School, Redwood High School,
4 Mount Whitney High School, Tenaya Middle School, Brightwood Elementary School, Mark Keppel
5 High School, Cahuenga Elementary School, Berendo Middle School, George Washington Carver
6 Middle School, Marina del Rey Middle School, Daniel Webster Middle School, Bret Harte
7 Preparatory Intermediate School, Robert Louis Stevenson Middle School, Virgil Middle School,
8 Belmont Senior High School, Crenshaw Senior High School, Susan Miller Dorsey Senior High
9 School, John C. Fremont Senior High School, Thomas Jefferson Senior High School, Huntington
10 Park Senior High School, Gulf Avenue Elementary School, Joseph A. Gascon Elementary School,
11 Lynwood Middle School, Hosler Middle School, Daniel Freeman Elementary School, Frank D.
12 Parent Elementary School, George W. Crozier Junior High School, Jackie Robinson Elementary
13 School, and Lincoln Elementary School. In the 1999-2000 school year, approximately 5,951,612
14 students were enrolled in California public schools. Moreover, the inclusion in the class of future
15 members and the statewide dispersal of the class make joinder impracticable.

16 69. The Plaintiff subclass also is so numerous that joinder of all members is impracticable.
17 The size of the subclass exceeds 31,146, which is the approximate number of children currently
18 attending Bret Harte Preparatory Intermediate School, Virgil Middle School, Belmont Senior High
19 School, John C. Fremont Senior High School, Cahuenga Elementary School, Berendo Middle
20 School, George Washington Carver Middle School, Thomas Jefferson Senior High School,
21 Huntington Park Senior High School, Gulf Avenue Elementary School, Jackie Robinson Elementary
22 School, and Lincoln Elementary School. Furthermore, a total of 1,035 schools statewide have
23 multitrack schedules. And the Los Angeles Unified School District alone buses more than 15,000
24 students to schools outside their neighborhoods because their neighborhood schools cannot hold all
25 the students. The inclusion in the subclass of future members and the statewide dispersal of the
26 subclass also make joinder impracticable.

27 70. Each member of the class has claims that are typical of the claims of the class, and each
28 member of the subclass has claims that are typical of the claims of the subclass. All named student

1 Plaintiffs are members of the class and/or subclass they seek to represent and have suffered or will
2 suffer the denial of basic educational necessities.

3 71. The named Plaintiffs will fairly and adequately protect the interests of the class and of the
4 subclass. Plaintiffs are represented by experienced counsel who will adequately represent the
5 interests of the class and of the subclass.

6 72. Defendants have acted and refused to act on grounds generally applicable to the class and
7 to the subclass, thereby making appropriate final injunctive relief and/or corresponding declarative
8 relief with respect to the class as a whole and to the subclass as a whole.

9 **IV. INTERESTS OF PLAINTIFFS**

10 73. Plaintiffs and their parents are gravely concerned about the education they receive from
11 public schools in the state of California.

12 74. The conditions under which Plaintiffs must try to learn shock any reasonable conscience
13 and are unfit for education.

14 75. Plaintiffs' parents and guardians ad litem are actively involved in their children's
15 education. They have toured their children's schools and know firsthand the conditions their children
16 must confront on a daily basis.

17 76. Plaintiffs have no adequate remedy at law. Defendants have a clear, mandatory, and
18 ministerial legal duty to administer the public school system in a manner consistent with applicable
19 laws. Plaintiffs will suffer irreparable harm because of the failure of Defendants to comply with
20 applicable laws. As set forth herein, members of the Plaintiff class are being deprived of educational
21 opportunities.

22 **V. FACTS**

23 77. Defendants' systematic failure to fulfill their nondelegable duty to provide to Plaintiffs the
24 opportunity to obtain a basic education, Defendants' systematic failure to assure basic equality in the
25 operation of the common school system, and Defendants' other systematic violations of law as
26 alleged below, have resulted in Plaintiffs being consigned to schools that lack one or a combination
27 of the following bare essentials of an education that are routinely provided to other students:
28 sufficient numbers of legible and current textbooks or instructional materials for each student to have

1 his or her own textbook or materials in core subjects to use in class without sharing with another
2 student and to use at home each evening for homework; permanent teachers for every class, the vast
3 majority of whom have full, nonemergency teaching credentials, and are prepared to teach students
4 information covered in standardized State tests required for promotion or graduation; classrooms in
5 which the temperature is sufficiently comfortable to permit students to concentrate and learn and that
6 are stocked with sufficient numbers of seats for enrolled students to sit down during class, meet
7 minimum size standards for class instruction, and are located in places where ambient or external
8 noise levels do not prevent students from being able to concentrate and learn; sufficient numbers of
9 clean, stocked, and functioning toilets; facilities whose maintenance has been neither long-deferred
10 nor neglected; academic course and extracurricular offerings for which students need not pay a fee or
11 obtain a fee waiver; the absence of pervasive overcrowding; and single track programs, and, in
12 general, schools that are kept up or supported in a manner sufficient to provide safe and healthy
13 classroom space for all students.

14 **A. The Experiences of School Children in Many of the Plaintiffs' Schools**

15 78. The experiences of the named Plaintiffs demonstrate the consequences of Defendants'
16 systematic failure to perform their constitutional duties, as follows:

17 **(1) Luther Burbank Middle School in San Francisco**

18 79. Plaintiffs Eliezer Williams, Olivia Saunders, Silas Moultrie, and Monique Mabutas attend
19 Luther Burbank Middle School in San Francisco. At Luther Burbank, students cannot take textbooks
20 home for homework in any core subject because their teachers have enough textbooks for use in class
21 only. For example, a social studies teacher who teaches five separate social studies classes during
22 one day has only one class set of social studies textbooks, so all five classes must use the same set of
23 books. Some math, science, and other core classes do not have even enough textbooks for all the
24 students in a single class to use during the school day, so some students must share the same one
25 book during class time. In many classes in the school, textbooks are nine or more years out of date.
26 For homework, students must take home photocopied pages, with no accompanying text for guidance
27 or reference, when and if their teachers have enough paper to make homework copies. The school
28 limits the number of copies teachers can make in any given week, so teachers cannot photocopy

1 enough pages from textbooks for the students to have homework each school night. The social
2 studies textbook Luther Burbank students use is so old that it does not reflect the breakup of the
3 former Soviet Union. Textbooks are missing pages and covers after so many years of use in school.

4 80. Luther Burbank is infested with vermin and roaches and students routinely see mice in
5 their classrooms. One dead rodent remained, decomposing, in a corner in the gymnasium for most of
6 the 1999-2000 school year.

7 81. Two of the three bathrooms at Luther Burbank are locked all day, every day. The third
8 bathroom is locked during lunch and other periods during the school day, so there are times during
9 school when no bathroom at all is available for students to use. Students have urinated or defecated
10 on themselves at school because they could not get into an unlocked bathroom. Other students have
11 left school altogether to go home to use the restroom. When the bathrooms are not locked, they often
12 lack toilet paper, soap, and paper towels, and the toilets frequently are clogged and overflowing.

13 82. Paint peels off walls in many classrooms. Ceiling tiles are missing and cracked in the
14 school gym, and school children are afraid to play basketball and other games in the gym because
15 they worry that more ceiling tiles will fall on them during their games.

16 83. The school has no air conditioning. On hot days classroom temperatures climb into the
17 90s. The school heating system does not work well. In winter, children often wear coats, hats, and
18 gloves during class to keep warm.

19 84. Eleven of the 35 teachers at Luther Burbank have not yet obtained full, nonemergency
20 teaching credentials, and 17 of the 35 teachers only began teaching at Luther Burbank during the
21 1999-2000 school year.

22 **(2) Balboa High School in San Francisco**

23 85. Plaintiffs Alondra Sharae Jones and Lawrence Poon attend school at Balboa High School
24 in San Francisco. At Balboa, several classes, including Spanish and English classes, have no
25 permanent teacher but instead are taught by a series of substitute teachers. Students in these classes
26 often have different substitute teachers every day, and some of the substitute teachers are not familiar
27 with the subject matter they attempt to teach. In one Spanish class during the 1999-2000 school year,
28 a student who transferred to Balboa from another school attempted to instruct the class in Spanish on

1 some days because the limited Spanish she had learned at her previous school exceeded the Spanish
2 instruction the students otherwise received from untrained and short-term substitute teachers.

3 86. Only two of the nine math teachers at Balboa have completed their teaching credentials.
4 Approximately 40 percent of all the teachers at the school lack full, nonemergency teaching
5 credentials. The high percentage of uncredentialed teachers at Balboa is compounded by the school's
6 extreme rate of teacher turnover. The school only staffs approximately 61 total teachers each year,
7 but 75 teachers have left the school in the past three years.

8 87. The school does not have enough books for all of its students. Students have to share
9 books in class in some classes, including math and Spanish classes, because the classes do not even
10 have full class sets of the books. And in most of the classes, students cannot take books home for
11 homework because the school does not have enough books for them. Some students have never
12 taken a book home for homework in as many as three years of attending high school at Balboa.

13 88. Some classes have as many as 54 students, with as few as 30 seats, for weeks without
14 relief. Students in these classes have to stand or sit on counters because they have no seats.

15 89. Balboa High School is infested with mice. Students regularly see mice in the gym and in
16 their classrooms.

17 90. Students watch noneducational movies, such as Rush Hour, Entrapment, Liar Liar, and
18 Hallowe'en, in some classes instead of taking instruction.

19 91. Balboa students have to pay a \$5 fee to take art classes at the school.

20 92. Only one bathroom, with four stalls, is open for girls to use, and only two bathrooms are
21 open for boys to use, on a campus with approximately 1200 students. Students have to wait in long
22 lines to access the bathrooms, and when they get in, the bathrooms are not clean. A soiled feminine
23 napkin and a moldy ice cream bar remained in one of the stalls in the girls' bathroom for the entire
24 1999-2000 school year.

25 **(3) Bryant Elementary School in San Francisco**

26 93. Plaintiffs Bianca Arriola, Bibiana Arriola, Carlos Ramirez, Richard Ramirez, and Ivanna
27 Romero attend Bryant Elementary School in San Francisco. Bryant has no floor-to-ceiling walls
28 between classrooms. Instead, the school has thin, hollow, room dividers hanging from the ceiling,

1 which provide little or no sound barriers between classes. Students can hear noise from other classes
2 talking and learning during their own class instruction. Sometimes students in one class start to laugh
3 at a joke told in another class; students in the first class hear the joke as clearly as do the students in
4 the class in which the joke was told. The noise problem among classes also means that classes cannot
5 have music or audio instruction in class because music and audio instruction would increase the noise
6 level too greatly.

7 94. Teachers at Bryant are missing all or significant parts of their curriculum in many of the
8 classes at school. One teacher did not receive her math curriculum materials until two months into
9 the 1999-2000 school year. Another teacher did not receive her math textbooks until February, in a
10 school year that began in August. Another teacher still had not received half her district-mandated
11 first-grade curriculum even after two thirds of the school year had been completed. Two fifth-grade
12 teachers share 20 social studies textbooks among 37 students during the school day. Those teachers
13 cannot both give homework on the same night because they are short 17 books for their students.

14 95. Many teachers at Bryant purchase basic supplies for their classrooms themselves,
15 spending thousands of their own dollars, because the classes would otherwise go without the
16 supplies. Teachers buy pencils, erasers, crayons, scissors, calendars, and maps so their students will
17 have basic tools to use to learn. During the 1998-1999 school year, several teachers solicited
18 donations of paper and pencils for the school from San Francisco businesses.

19 96. The air conditioning and heat do not work in many classrooms. On hot days, students feel
20 faint or sleepy because their classroom temperatures reach well above 80 degrees. In the computer
21 lab at the school, temperatures have reached 92 degrees during the 1999-2000 year. Teachers have to
22 spray students with water to keep them cool during spring, summer, and fall. Some teachers take
23 their classes outside to learn because the temperature is cooler outside. On cool days, students wear
24 coats and mittens inside to keep warm. Some students keep jackets on inside but then take their
25 jackets off when they go outside to play because the outdoors is warmer than their classrooms.

26 97. Water at the school is unsafe for drinking. Many children bring bottled water to class, and
27 the principal has recommended that teachers flush the pipes every day by running water for a full
28 minute in the morning.

1 **(4) Wendell Helms Middle School in San Pablo**

2 98. Plaintiffs Moises Canel, Magaly de Loza, Yeimi Alba, Arturo Escutia, and Edgardo
3 Solano attend Wendell Helms Middle School in San Pablo. Helms does not have enough textbooks
4 for all the students in the school. One algebra class has no books at all—not even books for students
5 to use in class. The students must use class time to copy problems into their notebooks from the
6 blackboard. And students must rely on notes they took in class for instruction on how to do their
7 math problems because they have no books anywhere to which they can refer for clarification. In
8 science and history classes for which the school does have books, there are not enough books for
9 students to take home for homework, so students may use books only during class time in school.
10 Several students at Helms compare the school to the schools they used to attend when they lived in
11 Mexico, and the students are surprised that in the United States students do not have books to take
12 home and safe places to learn, as the students had when they lived in Mexico.

13 99. Ceiling tiles at Helms are cracked and falling off, and the school roof leaks in the rain.
14 Students worry that they will be hit with falling tiles when they enter the library and other areas of the
15 school. Students sometimes cannot use the gym on rainy days because the leaks cause dangerous
16 puddles on the gym floor.

17 100. Toilets often do not work in the school bathrooms. The bathrooms regularly are
18 strewn with used condoms, cigarette butts, and empty liquor bottles. Most of the stalls in the boys'
19 bathrooms are missing doors. The bathrooms only rarely have soap, toilet paper, or paper towels.

20 101. Eighteen of the 59 teachers at Helms lack full, nonemergency teaching credentials.
21 Nineteen of the 59 teachers at Helms only began teaching at the school during the 1999-2000 school
22 year. Of the 41 credentialed teachers, 15 have fewer than four years' teaching experience.

23 **(5) John F. Kennedy High School in Richmond**

24 102. Plaintiffs Laurel and Romana Clemons attend John F. Kennedy High School in
25 Richmond. Students in many classes at Kennedy—including advanced-placement physics,
26 advanced-placement English, geometry, and algebra—have not had a formal, long-term teacher for
27 the entire year. Instead, students in these classes have studied under a series of substitutes, some of
28 whom stayed for periods as short as one day. Students in these classes have had no consistency and

1 little instruction. Nevertheless, these students have faced and must face standardized testing, even
2 though they lack preparatory instruction. All the students in one advanced-placement English class
3 have declined to take the advanced placement test this year because they feel unprepared for the test
4 after having had no permanent English teacher for two consecutive years.

5 103. Thirty-seven of the 51 teachers at Kennedy are new to the teaching profession and
6 have had no prior classroom experience.

7 104. Kennedy does not have enough books for all students in the school. No student in any
8 World History class had a textbook for all of the 1999-2000 school year.

9 **(6) Fremont High School in Oakland**

10 105. Fremont High School regularly begins school years without having hired permanent
11 teachers for all course offerings, and students expect each year that some courses will not have
12 permanent teachers. During the 1999-2000 school year, eleven teacher vacancies in English, math,
13 and science classes remained unfilled for close to a full semester. Students in these classes without
14 permanent teachers took instruction from a series of substitute teachers instead of having regular
15 teachers of their own.

16 106. The school often fails to hire a substitute teacher when teachers are absent, so students
17 must sit in classes with no teacher at all.

18 107. Fremont students often stand in classes because there are not enough seats for all the
19 students. Some classes have as many as 65 students with only 30 seats for weeks at a time.

20 108. Many Fremont students cannot take books home for homework in such core subjects
21 as French, English, and math.

22 109. Fremont only has two open and unlocked bathrooms, with a total of six stalls, for all
23 the girls in a 2000-person school. These bathrooms are filthy and have broken toilets.

24 110. Some classrooms have no air conditioning, and classroom temperatures reach as high
25 as 95 degrees. These classrooms are uncomfortably hot for students during four months of the school
26 year.

1 **(7) Garfield Elementary School in Oakland**

2 111. Plaintiffs Kim Parks, Cesar Chavez, and Christina Chavez attend Garfield Elementary
3 School in Oakland. At Garfield, several classrooms and one of the girls' bathrooms have mold on the
4 ceiling tiles and/or walls that is so severe that it makes teachers and students sick.

5 112. The school has rats and mice, and also rodent feces, in the classrooms and on the
6 campus grounds.

7 113. Students cannot take books home for homework in many classes because the school
8 does not have enough textbooks for all the students.

9 114. Some classes at Garfield do not have permanent teachers, and some students have had
10 more than ten teachers in one class in one year.

11 115. Almost all of the classes at Garfield require teachers who have credentials or
12 proficiency to teach children who are learning the English language, but many of the teachers in these
13 classes lack even bilingual or multilingual proficiency and do not even have instructional assistants to
14 work with the English language learner children in their first languages.

15 116. Most classrooms do not have air conditioning, even though students attend school at
16 Garfield during hot months. Garfield operated on a year-round, multitrack schedule during the 1999-
17 2000 school year, and even when it will operate on a single-track schedule for the 2000-2001 school
18 year, the school year will not end until the end of June. Classrooms become extremely hot during
19 spring, summer, and fall, and students will remain in classrooms without air conditioning through
20 June during the 2000-2001 school year.

21 117. The school has too few open and unlocked bathrooms for the approximately 1000
22 children who attend Garfield. These bathrooms often lack toilet paper and often are filthy.

23 118. The ceilings leak when it rains in some classrooms at the school.

24 **(8) Webster Academy in Oakland**

25 119. At Webster, most of the classrooms do not have air conditioning, and classroom
26 temperatures become uncomfortably hot in the spring and the early fall.

27 120. Approximately one third of the teachers at Webster do not have full, nonemergency
28 teaching credentials. In addition, the school has extremely high teacher turnover. For example,

1 approximately 24 new teachers began teaching at the school during the 1998-1999 school year, in a
2 school that has only approximately 39 teachers total.

3 121. The school does not provide sufficient quantities of basic supplies, so teachers spend
4 hundreds of dollars of their own money each year purchasing such essential items as pencils, crayons,
5 notebooks, and glue sticks.

6 122. The school often fails to hire a substitute teacher when a teacher is absent. When the
7 school does not hire substitute teachers, the school splits students in the class without a teacher
8 among several other classes during their teacher's absence. When this happens, a few of the students
9 will spend the day in one class, and a few will spend the day in another class, and a few more will
10 spend the day in yet another class. The classes that house these divided classes of students may not
11 be the same grade level as the students' original class.

12 123. None of the portable classrooms is wired for Internet access in a school that is
13 approximately two thirds composed of portable classrooms. Most of the children at Webster do not,
14 therefore, have access to the Internet at school.

15 **(9) Whittier Elementary School in Oakland**

16 124. Approximately half the teachers at Whittier do not have full, nonemergency teaching
17 credentials.

18 125. Some classes meet in nonclassroom spaces while other activities take place
19 simultaneously in those spaces. During the 1999-2000 school year, two classes met in the auditorium
20 while other activities, such as lunch, took place at the same time. Students in these classes could not
21 concentrate on their lessons because the noise from the other activities in the auditorium distracted
22 them.

23 126. The school has no air conditioning, and classroom temperatures become extremely hot
24 during several weeks of every school year, when temperatures reach as high as 105 degrees in
25 Oakland.

26 **(10) Stonehurst Elementary School in Oakland**

27 127. Plaintiffs Justin Sessions, Joshua Sessions, Vincent Pulido, and Kiandra Pulido attend
28 Stonehurst Elementary School in Oakland. During the 1999-2000 school year at Stonehurst, one

1 class permanently took instruction on the auditorium stage, while music lessons—complete with
2 trumpets, clarinets, flutes, and violins—or school assemblies or other noisy activities took place
3 simultaneously in the same auditorium. Students in the class on the stage could not hear their teacher
4 or have quiet instruction at virtually any time they were in school. The students who try to learn on
5 the auditorium stage begin their school day at 8:30 AM and leave at 2:45 PM, but from 9:00 AM
6 until 1:30 PM every Tuesday and Thursday, music lessons run continuously in the same auditorium
7 space. When school assemblies take place in the auditorium, the assemblies must repeat three times
8 because the auditorium is too small to hold all the Stonehurst students at one time; the repeated
9 assemblies mean that the auditorium is distractingly noisy for most of the day for children who take
10 instruction in the auditorium at the same time. If the students on the stage go out for their recess
11 between assembly performances, they cannot return to their class space on the stage until after the
12 assembly performance has completed because the students would disrupt the performance if they
13 walked to their class space on the stage.

14 128. Another class at the school was rained out of its classroom in January 2000 and has
15 not since taken instruction in an adequate class space. The roof in the class's original classroom had
16 leaked for years without complete repair, and then one day in January the roof leaked so badly that
17 one third of the classroom was soaked in water, and the students had to move permanently out of the
18 room because the fungus and mold growing from the years of leaking precluded students' return to
19 the room. Since that time, students in the class moved four times and were never placed in a class
20 space adequate for learning. The students took instruction in an open library space where other
21 people walked in and out throughout the school day, making it difficult for the students to
22 concentrate, and where the students could not see their teacher because their space was so small that
23 the teacher had no place to locate her desk except out of the students' eyesight. The students next
24 took instruction in the same auditorium where another class occupied the stage and school music
25 lessons and assemblies occupied other portions of the auditorium, so the students could neither hear
26 nor concentrate. Finally the students displaced a special-education class to take instruction in a
27 portable classroom designed to hold eight special-education students, not 30 fourth- and fifth-grade
28 students. The portable classroom has only approximately 750 square feet, so the students were

1 sardined together in a class that has no room for many of the learning tools, such as a skeleton body,
2 the students once had in their classroom when they were located in a full-sized room. The special-
3 education class that used to meet in the portable then shared space with another special-education
4 class, which meant that 16 special-education students had to try to learn together in a space designed
5 to hold only eight of the students.

6 129. Approximately half of the teachers at Stonehurst lack full, nonemergency teaching
7 credentials. In addition, 23 of the 37 teachers at the school have taught at Stonehurst for fewer than
8 three years.

9 130. Some classes do not have enough books for all the students to use in class, much less
10 to be able to take home for homework. Students have to share books during class, which slows down
11 class instruction.

12 131. In some areas of the school, no full walls divide as many as six classrooms from each
13 other. Instead of walls, the school uses bookshelves that reach approximately five or six feet high
14 underneath a nine- or ten-foot ceiling, allowing sound to travel over the shelves into other
15 classrooms. Children in each class compete to be heard over the din of children learning and talking
16 in five other classes.

17 132. There are not enough toilets at the school to accommodate all the children. At least
18 one bathroom at the school remains locked each and every day, so students have even fewer toilets
19 they can use because they cannot access that bathroom.

20 **(11) Burbank Elementary School in Oakland**

21 133. Plaintiff Marcelis Gascie attends Burbank Elementary School in Oakland. At
22 Burbank, classrooms are uncomfortably hot because some classrooms have no air conditioning and
23 inside temperatures reach 80 degrees and above. Children have trouble breathing in school, and the
24 heat degrades their concentration and ability to learn.

25 134. Portable classrooms located on the playground have quiet instruction only for two to
26 three hours each day, during times when other children do not have recess, lunch, or physical
27 education instruction directly outside the portable classroom doors.

28 135. Some classes have no textbooks for children to take home.

1 **(12) Edison-McNair Academy in East Palo Alto**

2 136. Plaintiffs Candelaria Santos and Carlos Santos attend Edison-McNair Academy in
3 East Palo Alto. At Edison-McNair, 75 percent of the teachers lack full, nonemergency teaching
4 credentials. In addition, 70 percent of the students who attend Edison-McNair are still learning the
5 English language, so these students have special educational needs for which teachers require, but do
6 not have, additional training.

7 **(13) Cesar Chavez Academy in East Palo Alto**

8 137. Plaintiffs Jose Gomez, Kristal Monje Ruiz, Myra Monje Ruiz, Sandra Hernandez, and
9 Nadia Angelica Hernandez attend Cesar Chavez Academy in East Palo Alto. At Cesar Chavez, 57
10 percent of the teachers lack full, nonemergency teaching credentials, and 76 percent of the students
11 are still learning the English language. The teachers who have not obtained even minimal teaching
12 qualifications also have not obtained specialized qualifications to teach English language learners.

13 138. The school also does not provide enough textbooks for students to take home for
14 homework. Some classes do not have textbooks at all, and some classes have too few textbooks for
15 all students to use without sharing during class.

16 **(14) Castlemont Elementary School in Campbell**

17 139. Plaintiffs Allison Schauer and Rachel Schauer attend school at Castlemont Elementary
18 School in Campbell. At Castlemont, many classrooms have no air conditioning, even though
19 classroom temperatures reach as high as 99 degrees in the fall and in the spring. Children leave their
20 classrooms on hot days with red faces and they sweat in their sweltering classrooms. Children cannot
21 concentrate on their lessons in the extreme heat.

22 **(15) Cloverdale High School in Cloverdale**

23 140. Plaintiffs Drew Smith, Gino Buchignani, Jason Kehrli, and Jonathan Cambra attend
24 school at Cloverdale High School in Cloverdale. Very few of the classrooms at Cloverdale High
25 have air conditioning, even though temperatures inside the classrooms reach as high as 110 degrees
26 and are consistently extremely hot during the months of August, September, October, May, and June.
27 Students in the classrooms without air conditioning have difficulty concentrating and learning in the
28 extreme heat. The Cloverdale High school calendar begins at the end of August and ends in June,

1 and the absence of air conditioning severely undermines students' ability to concentrate during hot
2 days.

3 141. Students cannot take books home for homework in some classes, including science
4 and geography classes, because the school does not have enough books for all the students in the
5 school. In addition, students in some classes, including geography, do not have any books to use at
6 all.

7 **(16) Berry Creek Elementary School in Berry Creek**

8 142. Plaintiffs Christopher Barnard and Jacolyn Barnard attend school at Berry Creek
9 Elementary School in Berry Creek. Many students at Berry Creek Elementary School cannot take
10 books home for homework because the school does not have enough textbooks for all the students.
11 And students in the three middle school grades at Berry Creek must share books in class because the
12 school does not even have enough textbooks for the students to use alone during class time. Sharing
13 books during class slows students' learning.

14 143. The school requires students to purchase a binder of instructional materials from the
15 school each year.

16 **(17) Watsonville High School in Watsonville**

17 144. Plaintiff Manuel V. Ortiz attends school at Watsonville High School in Watsonville.
18 In some classes at Watsonville High, including U.S. history, students have no books to use at all.
19 Students have to share books in class in some courses, including world history. And students cannot
20 take books home for homework in some classes, including Spanish and world history. The
21 economics and government texts in use at the school were both published in the 1980s, so the books
22 reflect outdated and inaccurate theories and events.

23 145. The school is so overcrowded that students have to stand or sit on tables for weeks
24 without relief because their classes do not have enough seats for all the students. The school often
25 takes weeks to reorganize classes to even out the number of students in each class, so students have to
26 forgo seats in class while they wait for their school to reshuffle the student population.

27 146. During one full semester of the 1999-2000 school year, a geometry class met in the
28 library, while other students used the library at the same time. Students in this geometry class could

1 not concentrate on their lessons when other students were talking in and using the library at the same
2 time.

3 147. School construction takes place during school hours, and the noise from the
4 construction is so loud that students in nearby classrooms cannot hear their teachers or other students
5 during class time.

6 148. Bathrooms are often locked at Watsonville High so students cannot get into them. The
7 school does not have enough open and unlocked bathrooms for the students to use.

8 **(18) Morris E. Dailey Elementary School in Fresno**

9 149. Plaintiffs Maria Imperatrice, Catherine Fipps, Jason Fipps, and Axel Fipps attend
10 Morris E. Dailey Elementary School in Fresno. At Dailey, students do not have books they can take
11 home for homework. The teachers are supplied only 500 sheets of paper per month to use to make
12 copies, so teachers do not have enough paper to make copies for children to take home for homework
13 every night. In addition to missing books and copy paper, classes also are missing basic supplies
14 such as pencils and erasers. Parents buy such supplies, including paper, for the school so their
15 children will not lack basic learning tools.

16 150. One of the school bathrooms is locked all day, every day, so there are not enough open
17 bathrooms available for children's use. Children have urinated or defecated on themselves at school
18 because toilets were locked when they needed to use the restroom.

19 151. Classroom temperatures fluctuate between very cold and very hot, depending on
20 temperatures outside. Classrooms do not have functioning air conditioning and heating systems.

21 152. The school is so overcrowded that children must go to recess in shifts, and their recess
22 time must be shortened accordingly.

23 153. Some school classrooms are too small to accommodate all the students in them.
24 Students complain that they must squeeze by each other's desks, and their teachers cannot divide the
25 classes into separate learning groups because the rooms lack sufficient space for students to spread
26 out.

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1 **(19) Redwood High School in Visalia**

2 154. Plaintiff Heidi Karnes attends school at Redwood High School in Visalia. At
3 Redwood, many of the classrooms do not have heat or air conditioning. In winter, students have to
4 wear extra layers of clothing to keep warm in class. In the fall and spring, classroom temperatures
5 reach as high as 93 degrees and students are uncomfortably hot during their classes. Teachers have
6 told parents that students do not learn for weeks at a time because of the extreme heat in the
7 classrooms.

8 155. Light fixtures in some classrooms are so old that when it rains water flows through the
9 light fixtures. Some of the classrooms and hallways have such poor lighting that students have to
10 strain to see and to read.

11 **(20) Mount Whitney High School in Visalia**

12 156. Plaintiff Jeffrey D. Seals attends school at Mount Whitney High School in Visalia. At
13 Mount Whitney, students do not have textbooks to use in some English classes. Many textbooks in
14 use at the school are so old and outdated that they were published in the 1970s. Students cannot take
15 even these books home for homework in many of their classes because the school does not have
16 enough books for all the students.

17 157. The school is so overcrowded that it does not have enough classrooms for all the
18 courses offered at the school. Some math classes at Mount Whitney take instruction in the cafeteria.

19 158. The school only has three bathrooms for boys and three bathrooms for girls, with four
20 stalls in each bathroom, in a school with approximately 2000 students. Students have to wait in long
21 lines to use the bathrooms during break periods and during lunch because the school has only one
22 stall for approximately every 80 girls and for approximately every 80 boys.

23 159. Ceiling material is missing and falling in the band room, and the ceiling leaks on the
24 saxophone section on rainy days.

25 160. One of the portable classrooms at Mount Whitney has mushrooms and fungus growing
26 inside it.

1 **(21) Tenaya Middle School in Merced**

2 161. Plaintiff Theresa Ensminger attends Tenaya Middle School in Merced. At Tenaya,
3 students are required to pay fees to take band and cooking courses and to play on some athletic teams.

4 **(22) Brightwood Elementary School in Monterey Park**

5 162. Plaintiffs Kelsey Gin and Alexander Nobori attend Brightwood Elementary School in
6 Monterey Park. At Brightwood, many classrooms have no air conditioning. For one third of the
7 school year, classroom temperatures in the rooms without air conditioning become extremely hot,
8 reaching as high as 110 degrees.

9 163. The school does not have enough books for all the students. In one science class
10 during the 1999-2000 school year, the teacher had no science books at the beginning of the year and
11 ultimately obtained only approximately ten books for his class of more than 30 students. The history
12 books in use at the school still name George Bush as the current President of the United States.

13 164. Bathrooms at the school are filthy and students are reluctant to use them. Students
14 must choose: concentrate on their bladders instead of their studies or face health risks by using school
15 restrooms.

16 **(23) Mark Keppel High School in Alhambra**

17 165. Plaintiffs Kenny Yee, Tiffany Gin, John Nobori, and Nicholas Nobori attend Mark
18 Keppel High School in Alhambra. The economics textbook in use at Mark Keppel was last updated
19 in 1986. An advanced-placement literature text used at the school was last updated in the 1960s. The
20 school does not have enough novels and short-story collections for all English courses at the same
21 level to use the same books at the same time. Instead, students in one class must lose instructional
22 time waiting until students in another class finish a book before students in the first class may begin
23 reading the book.

24 166. Gym ceiling tiles are missing and fall when students are playing sports or attending
25 school dances in the gym. Approximately one third of the seats in the auditorium are missing, so
26 students have to stand during school assemblies.

27 167. Mark Keppel does not have enough bathrooms to accommodate all the students at
28 school. In the boys' bathroom in the main building, none of the stalls has a door. There are only

1 approximately 15 stalls for boys and 23 stalls for girls in the entire school. Overcrowding at Mark
2 Keppel is so severe that the school does not have enough space for all students to sit down during
3 lunch period and does not have an indoor space in which the whole school can gather for assemblies.

4 168. Temperatures have reached as high as 120 degrees in a class taught in a corrugated
5 metal shed. Temperatures in other classrooms regularly reach as high as 90 degrees.

6 **(24) Cahuenga Elementary School in Los Angeles**

7 169. Plaintiffs Oscar Ruiz, Josue Herrera, Abraham Perez, Carlos Perez, Juan Salguero,
8 Graciela Solano, Rafael Solano, and Samuel Tellechea attend Cahuenga Elementary School in Los
9 Angeles; Plaintiff Jonathan Tellechea resides in the Cahuenga Elementary School area but is bussed
10 to another school because Cahuenga has no room for him. At Cahuenga, overcrowding is so severe
11 that the school has resorted to a three-track schedule for student attendance, such that two tracks of
12 students attend school at any given time. The multitrack scheduling means that no school time exists
13 when the school is vacant, so it is difficult and sometimes impossible for the school to perform
14 maintenance and repair without impeding children's education. In addition, the school houses
15 approximately 1297 students, but another 1300 elementary school children are bussed to schools in
16 other neighborhoods every day because Cahuenga has no room for them.

17 170. Children at Cahuenga have no books to take home and are missing many school
18 supplies. Parents have purchased crayons, glue, scissors, and pencils to provide the school so their
19 children may have supplies to use to learn.

20 171. At Cahuenga, 83.7 percent of the students are still learning the English language, but
21 28 of the 65 teachers at the school lack full, nonemergency teaching credentials. That means that 43
22 percent of teachers at the school lack training to teach any children, much less specialized training to
23 teach children who need English language instruction.

24 172. The school does not have enough bathrooms available to the children. Two of the
25 school's three sets of bathrooms are almost always closed so the children cannot go inside. The
26 bathroom that is most often open to children is filthy and lacks toilet paper and soap.

27 173. The cafeteria area where children eat is filthy. Parents have seen custodial staff wipe
28 the tables with mops the custodians have used to clean the floors.

1 **(25) Berendo Middle School in Los Angeles**

2 174. Plaintiffs Jose Negrete, Jose Valencia, and Hanover Mares attend Berendo Middle
3 School in Los Angeles. At Berendo, students watch movies instead of receiving instruction in some
4 of their classes. Some students have seen 20 or more noneducational movies in school this year,
5 including The Blair Witch Project, Scream, and The Sixth Sense.

6 175. Students do not have textbooks for many of their classes. In some English and history
7 classes, students have no books at all, not even books to use in class. Some students take instruction
8 in only one class—math—for which they use a textbook.

9 **(26) George Washington Carver Middle School in Los Angeles**

10 176. Plaintiffs Daniel Pastor and Francisco Tenorio attend George Washington Carver
11 Middle School in Los Angeles. At Carver, students have to share books with each other in class
12 because teachers do not even have one full class set of books.

13 177. Students have seen rats in several classrooms during class sessions.

14 178. School computers cannot access the Internet. Students can only use the computers for
15 word processing, but they cannot do any computer-based research.

16 **(27) Marina del Rey Middle School in Los Angeles**

17 179. Plaintiff Patricia Figueroa attends Marina del Rey Middle School in Los Angeles.
18 Some classes at Marina del Rey do not have permanent teachers when the school year begins and for
19 months thereafter. Students in these classes receive instruction from a series of substitute teachers
20 until the school hires permanent teachers for the classes.

21 180. The school does not have enough books for all the students. In one science class,
22 students did not have textbooks during the entire second semester. Students in some English and
23 science classes cannot take their textbooks home for homework. Some textbooks in use at the school
24 are badly outdated and some pages are missing altogether.

25 181. The school does not have enough open and unlocked bathrooms for all the students.
26 Some of the bathrooms that are open are dirty and sometimes lack toilet paper.

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1 **(28) Daniel Webster Middle School in Los Angeles**

2 182. Plaintiff Flor Osorio attends Daniel Webster Middle School in Los Angeles. At
3 Daniel Webster many students do not have sufficient books to use in class or take home, particularly
4 in science classes. Some students have not had science homework in two years because of the
5 shortage of books.

6 183. The school does not have enough bathrooms for the students' use. Two of the
7 bathrooms at the school are locked every day all day, so students cannot use them. The girls'
8 bathrooms that are open are generally filthy and smell foul.

9 **(29) Bret Harte Preparatory Intermediate School in Los Angeles**

10 184. Plaintiff Maria Muñiz attends Bret Harte Preparatory Intermediate School in Los
11 Angeles. At Bret Harte, students see rats, mice, roaches, and ants in the classrooms.

12 185. Students cannot take books home for homework in many classes, including history
13 and English classes, because the school does not have enough books for all the students. In addition,
14 some students have to share books during class time because the school does not have enough books
15 even for students to use in class.

16 186. Students have to sit on tables or stand in some classes for weeks without relief because
17 Bret Harte does not have enough seats for all the students in all the classes.

18 187. The school does not have enough supplies for students to perform science experiments
19 themselves. Science teachers require students to bring money to buy worms or insects for dissection,
20 and if students do not purchase the worms and insects then the students cannot perform dissections.

21 188. The school keeps open only two of the eight bathrooms, so students do not have
22 enough bathrooms to use at school. The bathrooms that are open are filthy.

23 189. Ceiling tiles are missing from several classrooms. In addition, ceiling tiles have fallen
24 when students are in classrooms, making it dangerous for students to sit in their classes.

25 190. The school operates on a year-round, multitrack schedule, dividing its students into
26 three separate tracks, with two tracks at school at any given time. Students receive approximately 20
27 fewer days of instruction each year than do students who do not attend multitrack schools. Students
28 cover less material in their classes than they would cover if they attended school for more days

1 because teachers cannot make up the missed days with extra homework. In addition, the multitrack
2 scheduling means that no school time exists during which no students attend school, so it is difficult
3 and sometimes impossible for the school to perform maintenance and repair without impeding
4 children's education.

5 **(30) Robert Louis Stevenson Middle School in Los Angeles**

6 191. Robert Louis Stevenson Middle School is infested with mice and roaches. Teachers
7 and students see mice, mice droppings, and roaches in their classrooms during class times, and they
8 estimate that the school has at least 100 mice on campus.

9 192. Students cannot take books home for homework in many classes at Stevenson,
10 including science classes. In other classes, the books students use at home for homework are
11 between eight and 20 years old and also are not the same editions of books used in class. Students
12 find it difficult to use these old and outdated texts for homework because the texts do not parallel the
13 material students used in class.

14 193. The school does not fill teacher vacancies in a timely manner. During the 1999-2000
15 school year, the school had two teacher vacancies that remained unfilled for half to three-quarters of
16 the school year. Students in the classes without permanent teachers took instruction from a series of
17 substitute teachers.

18 194. If a teacher is absent or sick, the school often does not hire a substitute teacher to
19 replace the absent teacher.

20 195. Only five or six classrooms at Stevenson have Internet access, so most students at the
21 school have no Internet access at school.

22 196. Most of the school bathrooms are locked, so students cannot use them. Even when all
23 the bathrooms are open and available for student use, the school does not have enough bathrooms for
24 all the students at the school. The school bathrooms rarely have soap or paper towels in them.

25 197. Some classrooms are missing as many as 25 ceiling tiles, and the ceiling tiles continue
26 to fall during the school year. The ceilings are dangerous for students underneath them, and the
27 school does not appear to be in process of repairing the tiles.

28

1 **(31) Virgil Middle School in Los Angeles**

2 198. Virgil Middle School has approximately 23 unfilled teacher vacancies for the 2000-
3 2001 school year, which is currently in session. Thirteen of the teacher vacancies are on C track,
4 which began school for the 2000-2001 school year on July 5, 2000. Ten of the teacher vacancies are
5 on A track, which begins its school year in August 2000. Students in classes without permanent
6 teachers are taught by a series of substitute teachers.

7 199. Students use outdated and dilapidated textbooks even though the school has new
8 textbooks on campus now. The textbook room is so crowded that teachers cannot access the new
9 books in the room, which forces teachers to assign the outdated texts they can access to their classes.
10 For example, instead of using new textbooks, social studies teachers continue to use social studies
11 texts that were published in 1979.

12 200. The school is filled to capacity, so more than 1300 neighborhood children are bussed
13 to other schools outside of the neighborhood because Virgil cannot accommodate them.

14 201. Virgil divides its students into three separate tracks, with two tracks at school at any
15 given time. Students receive approximately 20 fewer days of instruction each year than do students
16 who do not attend multitrack schools. Students cover less material in their classes than they would
17 cover if they attended school for more days because teachers cannot make up the missed days with
18 extra homework. In addition, the multitrack scheduling means that no school time exists during
19 which no students attend school, so it is difficult and sometimes impossible for the school to perform
20 maintenance and repair without impeding children's education.

21 **(32) Belmont Senior High School in Los Angeles**

22 202. Plaintiff Hilda Oliva attends Belmont Senior High School in Los Angeles. The school
23 is badly overcrowded with more than 5300 students.

24 203. At Belmont, students do not have books to use in class or to take home for homework
25 in some classes. The school limits the number of photocopies teachers can make, and teachers often
26 reach their limit well before semesters end because these teachers have no textbooks to use for their
27 students and so they must copy large quantities of material.

28

1 204. Students often cannot perform lab experiments in science classes because the school
2 does not have enough material for the experiments.

3 205. Some classrooms are missing ceiling tiles, and the roof leaks in some classes.

4 206. Belmont is on a year-round, multitrack schedule. The school divides students into
5 three separate tracks, with two tracks on campus at any given time. Belmont students receive
6 approximately 20 fewer days of instruction each year than do students who do not attend multitrack
7 schools. Students cover less material in their classes than they would cover if they attended school
8 for more days because teachers cannot make up the missed days with extra homework. In addition,
9 the multitrack scheduling means that no school time exists during which no students attend school, so
10 it is difficult and sometimes impossible for the school to perform maintenance and repair without
11 impeding children’s education.

12 **(33) Crenshaw Senior High School in Los Angeles**

13 207. Plaintiffs Delwin Lampkin and D’Andre Lampkin attend school at Crenshaw Senior
14 High School in Los Angeles. At Crenshaw, students regularly see rats, mice, and roaches in their
15 classrooms and in the locker rooms.

16 208. In several classes at the school, as many as ten students have to stand in class or sit on
17 counters because they do not have enough seats for all the students in their classes. These students
18 use hard objects, such as stray boards, on which to write because they do not have desks.

19 209. Students cannot take books home for homework in many classes, and in some classes
20 students do not have any books at all because the school does not have enough books for all the
21 students. In the classes for which students do not have textbooks, they have to rely on photocopied
22 packets from their teachers.

23 **(34) Susan Miller Dorsey Senior High School in Los Angeles**

24 210. Plaintiff Maria Valle attends school at Susan Miller Dorsey High School in Los
25 Angeles. Students in some classes at Dorsey have to stand or sit on counters for entire semesters
26 because the school does not have enough seats for all the students in their classes.

27
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1 211. Students routinely see rats in their classes. Teachers set rat traps in some classes, and
2 janitors take dead rats away from the traps as frequently as every other day when the teachers set
3 these traps.

4 212. Some classes at Dorsey do not have permanent teachers when the school year begins.
5 These students take instruction from a series of substitute teachers for weeks until the school hires a
6 permanent teacher or a long-term substitute teacher to teach the class. The students cannot learn with
7 the series of substitutes because the lack of continuity prevents the substitute teachers from creating
8 lesson plans and teaching material that develops on past lessons.

9 213. The school does not have enough books for all the students. Students in some math
10 classes do not have any books at all. These students must copy down problems and notes from the
11 board, often without accompanying written instructions and examples. Students in some English
12 classes do not have full class sets of books, so students read different books at different times.
13 Students in these classes cannot engage in class discussions and lessons about the books they read
14 because the students read different books.

15 214. The school does not have enough open and unlocked bathrooms for all the students.
16 Those bathrooms that are open for student use are filthy and lack toilet paper, soap, and paper towels.
17 Many of the stalls lack doors.

18 215. The windows in some classrooms do not shut and the classrooms do not have heat, so
19 in the winter the classrooms become extremely cold. Students must wear coats, hats, and gloves in
20 class to keep warm because the temperature falls so low during class time. The students find it
21 difficult to learn because of the extreme chill.

22 216. Approximately half the classrooms at Dorsey do not have air conditioning and
23 temperatures in these classrooms become extremely hot during the spring and early summer.
24 Students sweat in class and are unable to concentrate on their lessons because of the heat.

25 217. Glass in two or three of the windows in the school gym have been broken and not
26 repaired for at least two full years.

27
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1 **(35) John C. Fremont Senior High School in Los Angeles**

2 218. Plaintiffs Cindy Diego and Glauz Diego attend John C. Fremont Senior High School
3 in Los Angeles. At Fremont, as many as three students must share a single book during class time in
4 some classes because the school does not have enough books for all the students. The students who
5 share books in class cannot take books home for homework. Students in many other classes also
6 cannot take books home for homework, even if they were able to use books without sharing during
7 class time. These students take home incomplete worksheets and photocopied lessons, but they
8 cannot refer to explanatory and background information at home because they do not have books.
9 Students in some classes do not have any books at all. The books the students do have to use in
10 school are often old and tattered, with pages missing and covers falling apart.

11 219. Students in many classes have to stand in class because the school does not have
12 enough seats for all the students in all the classes.

13 220. The school does not offer enough courses for all the students. During the 1999-2000
14 school year, the school offered no courses at all for the final period of the day because the school did
15 not have enough courses to support all the students. In addition, many Fremont students take
16 “service” classes because academic classes are not available to the students. In service classes,
17 students sit in the back of other classes that they are neither auditing nor taking for credit and run
18 errands for teachers.

19 221. Students often do not have permanent teachers for their courses when the school year
20 begins, and in some courses students never get permanent teachers for an entire semester. These
21 students take instruction from a series of substitutes while they wait for the school to obtain
22 permanent teachers for their classes. Often, the substitute teachers who teach these courses are not
23 trained in the subjects for which they substitute teach. For example, math and English teachers
24 substitute in U.S. history classes. Students in one advanced placement history course did not have a
25 permanent teacher during their second semester of the course until approximately three weeks before
26 the students were scheduled to take their advanced placement test. The students found it impossible
27 to catch up on the material they missed while they had a series of short-term substitute teachers, and
28

1 many students did not take the advanced placement test because they did not feel prepared after not
2 having had a teacher for their course.

3 222. Fremont operates on a year-round, multitrack schedule, with students at the school
4 divided into three separate tracks and two tracks on campus at any given time. Fremont students
5 receive approximately 20 fewer school days of instruction each year than do students who do not
6 attend multitrack schools. Students cover less material in their classes than they would cover if they
7 attended school for more days because teachers cannot make up the missed days with extra
8 homework. And students do not retain as much information as they would retain if they were not
9 “off track,” or out of school on breaks, for so many extended periods during their semesters. The
10 multitrack scheduling means that no school time exists during which no students attend school, so it
11 is difficult and sometimes impossible for the school to perform maintenance and repair without
12 impeding children’s education.

13 223. Many academic electives, such as geography, psychology, and science, are not offered
14 on all three tracks at the school. Students who wish to take those courses do not have access to the
15 courses if they are not offered on the tracks to which the school assigns the students.

16 224. Only one or two of the school’s bathrooms are open and unlocked for girls to use. Of
17 the five stalls in the one bathroom that is most frequently open, one of the stalls is missing a toilet and
18 a door, so all the girls in an approximately 4200-person school have only four bathroom stalls
19 available to them in that bathroom. Students have to wait in long lines to be able to use the toilets.

20 225. Many of the classrooms at Fremont do not have air conditioning, even though the
21 school operates on a year-round schedule. As a result, students take instruction during the extreme
22 heat of summer in Los Angeles in stifling classrooms. Students become red-faced and unable to
23 concentrate on their lessons because the heat in their classrooms is so intense.

24 226. Students frequently see rats and cockroaches at school.

25 **(36) Thomas Jefferson Senior High School in Los Angeles**

26 227. Plaintiffs Sonia Felix, Abraham Osuna, Lisa Lopez, Lluliana Alonso, Altagracia
27 Garcia, Maria Perez, and Fabiola Tostado attend Thomas Jefferson Senior High School in Los
28 Angeles. At Jefferson, students do not have desks at which to sit in some classes. Instead, students

1 sit on counters or stand in the back of the room, where they have difficulty seeing their teachers and
2 the blackboard.

3 228. Some classes at the school have no teacher at all. In one class, the teacher called in
4 sick for five or six consecutive weeks during the 1999-2000 school year, and students in the class
5 wandered around the school during that period because they had no formal class while the teacher
6 was absent. Many students take classes taught by a series of substitutes rather than by a permanent
7 teacher hired for the class.

8 229. The school does not offer enough courses for all the students, so many students spend
9 one or two periods each day in “service” classes because neither academic classes nor study halls are
10 available to the students. During “service” class periods, students try to find classrooms where
11 teachers will allow “service” class students to sit quietly in the back of the room and do nothing, or
12 students go to the main office and ask to run errands.

13 230. Students have no books to take home for homework in most of their classes, and in
14 many of their classes, students either lack books altogether or have to share books with other
15 students. In one math class, students waited a whole semester before they had books to use in class.
16 In one graphic arts class, three or four students share one book in class. Students in five different
17 classes must share one set of approximately 30 Spanish textbooks.

18 231. The copy machine at school is often broken, so teachers have to shift lesson plans or
19 forgo assigning homework because teachers cannot have text material copied for the students.

20 232. Even if the copy machine were not broken, teachers are allowed to make only a
21 limited number of copies, so the teachers cannot copy enough pages to assign homework every night
22 to all their students.

23 233. Students at the school must pay for their own educational materials. In one advanced-
24 placement English class, students had to buy their own test primer. In an advertising design class,
25 students paid for notebooks and special paint they were required to have in class.

26 234. The school divides students into three separate tracks, with two tracks at school at any
27 given time. Jefferson students receive approximately 20 fewer school days of instruction each year
28 than do students who do not attend multitrack schools. Students cover less material in their classes

1 than they would cover if they attended school for more days because teachers cannot make up the
2 missed days with extra homework. And the multitrack scheduling means that no school time exists
3 during which no students attend school, so it is difficult and sometimes impossible for the school to
4 perform maintenance and repair without impeding children's education.

5 235. Course offerings at the school are so limited that students either are foreclosed from
6 taking certain courses or must choose between academic rigor and extracurricular involvement.
7 Some students who took French during their ninth grade year were not able to continue with French
8 instruction during the following year because Jefferson did not offer second-year French. In addition,
9 students who take advanced-placement courses cannot become involved in extracurricular school
10 activities, such as student government or athletics. Some advanced-placement courses are offered
11 only during the end of the school day, at the same time that extracurricular activities are offered.

12 236. Jefferson does not have enough bathrooms for all the students at the school. It has
13 approximately four bathrooms for girls and three bathrooms for boys, but only two girls' and two
14 boys' bathrooms are regularly unlocked and open. Often bathrooms lack toilet paper, soap, and paper
15 towels. In the girls' bathrooms, many of the stall doors are broken, so students have to hold doors
16 closed for each other to ensure privacy.

17 237. The school only has one college counselor to serve the entire school of approximately
18 3500 students. Students do not have sufficient access to the counselor's time to plan their future
19 education and goals.

20 **(37) Huntington Park Senior High School in Huntington Park**

21 238. Plaintiffs Lizette Ruiz and Geyman Hernandez attend school at Huntington Park
22 Senior High School in Huntington Park. The school is so overcrowded that students cannot enroll in
23 some core subjects, such as math, because the school does not have enough room in the classes for
24 students to take them. Some students will go an entire year without taking core subjects because their
25 school cannot fit them into the classes.

26 239. Huntington Park High is a year-round, multitrack school. The school divides students
27 into three separate tracks, with two tracks at school at any given time. Students receive
28 approximately 20 fewer school days of instruction each year than do students who do not attend

1 multitrack schools. Students cover less material in their classes than they would cover if they
2 attended school for more days because teachers cannot make up the missed days with extra
3 homework. In addition, the multitrack scheduling means that no school time exists when the school
4 is vacant, so it is difficult and sometimes impossible for the school to perform maintenance and repair
5 without impeding children's education.

6 240. Many extracurricular activities and academic courses at the school are offered only on
7 one track, so students on the other tracks cannot take the courses or participate in the extracurricular
8 activities. For example, advanced placement chemistry, advanced placement calculus, psychology,
9 sewing, and band are only offered on A track, and drafting is only offered on C track. In addition,
10 sports teams must practice and play games during their seasons, so students who are off track during
11 particular athletic seasons have difficulty participating in the activities.

12 241. Students regularly see rats, mice, and roaches on campus and in the classrooms

13 **(38) Gulf Avenue Elementary School in Wilmington**

14 242. Plaintiffs Erika Hernandez, Ruth Mata, and Sonya Mata attend school at Gulf Avenue
15 Elementary School in Wilmington. Gulf has a severe shortage of textbooks. Students do not have
16 enough books to use in class and cannot take books home for homework in many classes. The books
17 the students have to use are so old and dilapidated that pages are missing from many of the books and
18 students cannot follow along with their lessons in class because they do not have the corresponding
19 pages in their textbooks.

20 243. The school is on a year-round, multitrack schedule, with students divided among three
21 tracks and with two tracks on campus at any given time. Students receive approximately 20 fewer
22 school days of instruction each year than do students who do not attend multitrack schools. Students
23 cover less material in their classes than they would cover if they attended school for more days
24 because teachers cannot make up the missed days with extra homework. In addition, the multitrack
25 scheduling means that no school time exists during which no students attend school, so it is difficult
26 and sometimes impossible for the school to perform maintenance and repair without impeding
27 children's education.

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1 244. Approximately eleven of the 23 teachers on B track at Gulf do not have full,
2 nonemergency teaching credentials. More than a third of the total number of teachers at Gulf do not
3 have full, nonemergency teaching credentials.

4 245. The school often has unfilled teacher vacancies when new school terms begin.
5 Students take instruction from a series of short-term substitute teachers while they wait for the school
6 to fill the teacher vacancies. Students sometimes must wait months before they have a permanent
7 teacher, and in the meantime students have as many as five different substitute teachers in a single
8 month.

9 246. Students see rats, rat droppings, roaches, and ants in their classrooms.

10 247. The school requires students to pick up trash around the school during their
11 instructional time. Classes rotate weeks when they must clean the school, and when it is a class' turn,
12 the class must spend five minutes of their reading time picking up such items as beer bottles, used
13 condoms, broken glass, cigarette butts, and bullets.

14 **(39) Joseph A. Gascon Elementary School in Los Angeles**

15 248. Plaintiff Lissa Palacios attends Joseph A. Gascon Elementary School in Los Angeles.
16 At Gascon, students do not have enough books to use in class or to take home. The school has so few
17 textbooks that students have to share books in class in some subjects, and students cannot take books
18 home for homework in most subjects. Some classes do not have any books at all for some subjects,
19 such as social studies and science.

20 249. The school does not have enough bathrooms for all the children at the school.
21 Students have to wait in long lines to get into the bathrooms during recess, and when they can access
22 the bathrooms the bathrooms are filthy. The toilets frequently do not flush and water and waste
23 overflow onto the bathroom floors. The bathrooms frequently lack toilet paper.

24 **(40) Lynwood Middle School in Lynwood**

25 250. Plaintiffs Monique Treviño and Marlene Funes attend Lynwood Middle School in
26 Lynwood. At Lynwood, students in most of the classes cannot take textbooks home for homework.
27 And the books the school has for in-class use are old, have graffiti on them, and are missing many
28

1 pages. Students complain that when their teachers tell them to turn to particular pages in the books,
2 the students cannot turn to the pages because the pages are missing from the books.

3 251. The school assigns teachers only one ream of paper each week. Teachers therefore
4 must select which days to give homework because they do not have enough paper to photocopy pages
5 from the textbooks for students to take home for homework every night.

6 252. The school does not have enough bathrooms for the students' use. Two of the three
7 bathrooms at the school are locked every day all day, so students cannot use them. In the only girls'
8 bathroom available for student use, one of the six toilets has been broken all year.

9 **(41) Hosler Middle School in Lynwood**

10 253. At Hosler Middle School in Lynwood, approximately 62 percent of the teachers lack
11 full, nonemergency teaching credentials.

12 254. Many classes have more students than desks for more than a month of the school year,
13 so students stand or sit on the floor during class.

14 255. The school often fails to hire a substitute teacher when a teacher is absent. When
15 students have neither a permanent teacher nor a substitute teacher, they often wander around campus
16 without supervision. When students do not wander around campus, the school splits the students into
17 groups of approximately five students and places them into other classes, which often are not same-
18 subject-matter classes, during the periods when they do not have teachers.

19 256. The school has not had a library for the past two years because the school uses the
20 library to share textbooks. Without a library, students have no access to research materials at school.
21 History teachers assign students fewer, and sometimes no, research assignments because the school
22 does not provide students a library from which to perform research tasks.

23 **(42) Daniel Freeman Elementary School in Inglewood**

24 257. Plaintiff Remington Castille attends Daniel Freeman Elementary School in Inglewood.
25 At Daniel Freeman, students in many classes do not have textbooks to take home or to use in class.
26 Students in one math class did not receive textbooks during the 1999-2000 school year.

27 258. Fully half the teachers in the school do not have full, nonemergency teaching
28 credentials.

1 **(43) Frank D. Parent Elementary School in Inglewood**

2 259. Plaintiffs Sharifa McCauley, Justin Jones, and Taylor Jones attend school at Frank D.
3 Parent Elementary School in Inglewood. At Parent, students cannot bring books home for homework
4 in many classes. These students take home incomplete photocopied papers instead; the papers often
5 lack instructions and background material. Without books or background material, students often
6 cannot understand their homework assignments and parents often cannot help students with their
7 homework. Seventh- and eighth-grade students do not have science textbooks to use in class or to
8 take home. Many texts in use at the school are long out of date. For example, a literature book in use
9 at the school was published in 1969.

10 260. Approximately 43 percent of the teachers at Parent lack full, nonemergency teaching
11 credentials.

12 261. School toilets often lack toilet paper and students have urinated or defecated on
13 themselves because they could not access bathrooms with toilet paper. Parents have spent hundreds
14 of dollars of their own money to purchase toilet paper for the bathrooms in efforts to rectify the lack
15 of essential supplies for their children.

16 262. A Kindergarten class met in the library at the same time that other students used the
17 library for other purposes during the 1999-2000 school year because the school did not have enough
18 classrooms for all the classes on campus.

19 **(44) George W. Crozier Junior High School in Inglewood**

20 263. George W. Crozier Junior High School does not have enough textbooks for all the
21 students to take home for homework, and some students must share books in class, including English
22 and science classes, because the school does not have even enough books for students' in-class use.

23 264. The Crozier bathrooms are filthy and lack basic supplies such as toilet paper, paper
24 towels, and seat covers. The bathroom floors are often wet and slippery and light bulbs are often
25 missing.

26 265. The Crozier buildings are in such severe disrepair that some classroom doors do not
27 have knobs and wires hang from the ceilings in some classrooms. Students have to reach into a hole
28

1 where the knob should be to open the doors that do not have knobs. In other classrooms, teachers
2 have to place heavy objects in front of the doors to hold them open or closed.

3 266. The school operates on a year-round, multitrack schedule, which means that students
4 receive approximately 20 fewer days of instruction each year than do students who do not attend
5 multitrack schools. Students cover less material in their classes than they would cover if they
6 attended school for more days because teachers cannot make up the missed days with extra
7 homework. In addition, the multitrack scheduling means that no school time exists during which no
8 students attend school, so it is difficult and sometimes impossible for the school to perform
9 maintenance and repair without impeding children’s education.

10 **(45) Jackie Robinson Elementary School in Long Beach**

11 267. Plaintiff Ronisha Good attends school at Jackie Robinson Elementary School in Long
12 Beach. Jackie Robinson maintains “overflow” classes to warehouse those neighborhood children
13 who cannot attend Jackie Robinson because the school is too crowded to accommodate more children
14 and who have not yet been placed in other schools. These overflow classes house children from
15 multiple grade levels—sometimes children from Kindergarten all the way through sixth grade—
16 together in a single classroom with a single teacher. Children can remain in these overflow classes
17 for as long as two or three months without being placed in regular classes or being bussed to other
18 schools. These children must try to learn together with students from various grades and with various
19 abilities and special needs. The teachers cannot prepare long-term lesson plans because they do not
20 know from day to day whether the same students will be assigned to their classes for the following
21 days; students in overflow classes can be reassigned to other schools at any time. As a result,
22 teachers must prepare their lessons as if they will have new students every day and as if the teachers
23 have no idea what grade or ability level their students will have attained before entering the
24 classroom.

25 268. Approximately half the teachers at Jackie Robinson do not have full, nonemergency
26 teaching credentials.

27 269. The school operates on a year-round, multitrack schedule, dividing students into four
28 separate tracks with two tracks at school at any given time. The multitrack scheduling means that no

1 school time exists during which no students attend school, so it is difficult and sometimes impossible
2 for the school to perform maintenance and repair without impeding children’s education.

3 270. Many neighborhood children are bussed to other schools farther from their homes
4 because Jackie Robinson cannot accommodate all the neighborhood children at the school.

5 **(46) Lincoln Elementary School in Long Beach**

6 271. Lincoln Elementary School maintains “overflow” classes to warehouse those
7 neighborhood children who cannot attend Lincoln because the school is too crowded to accommodate
8 more children and who have not yet been placed in other schools. These overflow classes house
9 children from multiple grade levels together in a single classroom with a single teacher. Because the
10 teachers for overflow classes are typically long-term substitutes rather than fully certificated
11 permanent teachers, these teachers do not receive as many support and training services from the
12 school as do full-time, permanent teachers. Children can remain in these overflow classes for weeks
13 or months without being placed in regular classes or being bussed to other schools. These children
14 must try to learn together with students from various grades and with various abilities and special
15 needs. The teachers cannot prepare long-term lesson plans because they do not know from day to
16 day whether the same students will be assigned to their classes for the following days; students in
17 overflow classes can be reassigned to other schools at any time. So teachers must prepare their
18 lessons as if they will have new students every day and as if the teachers have no idea what grade or
19 ability level their students will have attained before entering the classroom.

20 272. Approximately 600 neighborhood students are bussed away from the school because
21 the school has reached capacity and cannot house any more students. These children spend as much
22 as two hours every day on the bus going to and from school, and spend more time waiting for the bus
23 to pick them up. These students trade learning time for transportation time and are exhausted and
24 unable to concentrate fully on homework when they return home from school each day.

25 273. Teachers spend thousands of dollars of their own money each year purchasing such
26 basic supplies as dry erase markers, craft supplies, and books for classroom libraries because the
27 school does not provide sufficient quantities of these essentials.

28

1 274. The school operates on a year-round, multitrack schedule, dividing students into four
2 separate tracks. The multitrack scheduling means that no school time exists during which the school
3 is vacant, so it is difficult and sometimes impossible for the school to perform maintenance and repair
4 without impeding children’s education.

5 **B. The Experiences of School Children Statewide**

6 275. Almost 90 percent of California’s teachers have full, nonemergency teaching
7 credentials, yet the schools the student Plaintiffs and members of the Plaintiff class and subclass
8 attend have twice to five times as many uncredentialed teachers as this statewide norm. According to
9 the California Department of Education DataQuest website, in at least 100 California public schools,
10 fewer than half of the teachers have full, nonemergency teaching credentials. A table of the 100
11 schools that have such low percentages of teachers with regular, nonemergency teaching credentials,
12 listed by district, follows:

13 **Compton Unified School District:**

14	Frances Willard Elementary School	13% fully credentialed teachers
15	Lincoln Elementary School	17% fully credentialed teachers
16	Washington Elementary School	19% fully credentialed teachers
17	Longfellow Elementary School	23% fully credentialed teachers
18	Bursch Elementary School	24% fully credentialed teachers
19	Foster Elementary School	28% fully credentialed teachers
20	Laurel Street Elementary School	28% fully credentialed teachers
21	Mayo Elementary School	28% fully credentialed teachers
22	Anderson Elementary School	29% fully credentialed teachers
23	Vanguard Learning Center	33% fully credentialed teachers
24	Roosevelt Elementary School	33% fully credentialed teachers
25	Rosecrans Elementary School	34% fully credentialed teachers
26	Emerson Elementary School	36% fully credentialed teachers
27	Walton Middle School	38% fully credentialed teachers
28	McKinley Elementary School	38% fully credentialed teachers
	Martin Luther King, Jr., Elementary School	39% fully credentialed teachers
	Tibby Elementary School	39% fully credentialed teachers
	Roosevelt Middle School	40% fully credentialed teachers
	Dickison Elementary School	40% fully credentialed teachers
	Jefferson Elementary School	41% fully credentialed teachers
	Enterprise Middle School	44% fully credentialed teachers
	Carver Elementary School	45% fully credentialed teachers
	Kelly Elementary School	46% fully credentialed teachers
	Whaley Middle School	48% fully credentialed teachers

1 **San Diego City Unified School District:**

2 Nubia Leadership Academy 13% fully credentialed teachers
3 Harriet Tubman Village 30% fully credentialed teachers

4 **Oakland Unified School District:**

5 Cox Elementary School 18% fully credentialed teachers
6 Stonehurst Elementary School 50% fully credentialed teachers
7 Horace Mann Elementary School 50% fully credentialed teachers

8 **Los Angeles Unified School District:**

9 Vaughn Street Elementary School 19% fully credentialed teachers
10 Ann Street Elementary School 36% fully credentialed teachers
11 Fenton Avenue Elementary School 37% fully credentialed teachers
12 West Vernon Avenue Elementary School 39% fully credentialed teachers
13 Tarzana Elementary School 42% fully credentialed teachers
14 112th Street Elementary School 44% fully credentialed teachers
15 Arlington Heights Elementary School 45% fully credentialed teachers
16 Budlong Avenue Elementary School 46% fully credentialed teachers
17 Queen Anne Place Elementary School 46% fully credentialed teachers
18 Aldama Elementary School 46% fully credentialed teachers
19 South Gate New Elementary #4 47% fully credentialed teachers
20 Avalon Gardens Elementary School 47% fully credentialed teachers
21 Samuel Gompers Middle School 48% fully credentialed teachers
22 24th Street Elementary School 48% fully credentialed teachers
23 Garden Grove Elementary School 48% fully credentialed teachers
24 Parthenia Street Elementary 49% fully credentialed teachers
25 99th Street Elementary School 49% fully credentialed teachers
26 Manchester Avenue Elementary School 49% fully credentialed teachers
27 68th Street Elementary School 49% fully credentialed teachers
28 52nd Street Elementary School 49% fully credentialed teachers
29 Hollenbeck Middle School 50% fully credentialed teachers
30 Teresa Hughes Elementary School 50% fully credentialed teachers

31 **Ravenswood City Elementary School District:**

32 Edison-McNair Academy 25% fully credentialed teachers
33 Edison-Brentwood Academy 38% fully credentialed teachers
34 East Palo Alto Charter Elementary School 41% fully credentialed teachers
35 Cesar Chavez Academy 43% fully credentialed teachers

36 **Inglewood Unified School District:**

37 Highland Elementary School 33% fully credentialed teachers
38 Buelah Payne Elementary School 46% fully credentialed teachers
39 Warren Lane Elementary School 47% fully credentialed teachers
40 Claude Hudnall Elementary School 48% fully credentialed teachers

1	Clyde Woodworth Elementary School	49% fully credentialed teachers
2	Daniel Freeman Elementary School	50% fully credentialed teachers
3	<u>Fresno Unified School District:</u>	
4	School of Unlimited Learning	33% fully credentialed teachers
5	<u>Santa Ana Unified School District:</u>	
6	Martin Luther King Jr. Elementary School	33% fully credentialed teachers
7	<u>Hawthorne Elementary School District:</u>	
8	Zela Davis Elementary School	34% fully credentialed teachers
9	Yukon Intermediate School	37% fully credentialed teachers
10	<u>Long Beach Unified School District:</u>	
11	Barton Elementary School	35% fully credentialed teachers
12	Whittier Elementary School	38% fully credentialed teachers
13	Garfield Elementary School	42% fully credentialed teachers
14	Harte Elementary School	46% fully credentialed teachers
15	Jackie Robinson Elementary School	47% fully credentialed teachers
16	Edison Elementary School	47% fully credentialed teachers
17	<u>Pasadena Unified School District:</u>	
18	Loma Alta Elementary School	35% fully credentialed teachers
19	Franklin Elementary School	44% fully credentialed teachers
20	<u>Hacienda La Puente Unified School District:</u>	
21	Temple Academy	38% fully credentialed teachers
22	Baldwin Academy Elementary School	48% fully credentialed teachers
23	<u>Lynwood Unified School District:</u>	
24	Hosler Elementary School	38% fully credentialed teachers
25	<u>Paramount Unified School District:</u>	
26	Paramount Park Elementary School	42% fully credentialed teachers
27	Wesley Gaines Elementary School	42% fully credentialed teachers
28	<u>San Francisco Unified School District:</u>	
29	Golden Gate Elementary School	42% fully credentialed teachers
30	<u>West Covina Unified School District:</u>	
31	San Jose-Edison Charter (142)	42% fully credentialed teachers

1	<u>Stone Corral Elementary School District:</u>	
2	Stone Corral Elementary School	43% fully credentialed teachers
3	<u>Lost Hills Union Elementary School District:</u>	
4	Lost Hills Elementary School	45% fully credentialed teachers
5	<u>Montebello Unified School District:</u>	
6	Bandini Elementary School	46% fully credentialed teachers
7	<u>San Jose Unified School District:</u>	
8	Anne Darling Elementary School	46% fully credentialed teachers
9	<u>Silver Valley Unified School District:</u>	
10	Lewis Elementary School	46% fully credentialed teachers
11	<u>Alum Rock Union Elementary School District:</u>	
12	Grandin Miller Elementary School	46% fully credentialed teachers
13	<u>Valle Lindo Elementary School District:</u>	
14	Dean L. Shively Elementary School	46% fully credentialed teachers
15	<u>Mountain View Elementary School District:</u>	
16	La Primaria Elementary School	47% fully credentialed teachers
17	<u>El Rancho Unified School District:</u>	
18	Mary E. Meller Elementary School	48% fully credentialed teachers
19	North Ranchito Elementary School	49% fully credentialed teachers
20	Pio Pico Elementary School	50% fully credentialed teachers
21	<u>Little Lake City Elementary School District:</u>	
22	Studebaker Elementary School	48% fully credentialed teachers
23	<u>Delano Union Elementary School District:</u>	
24	Valle Vista Elementary School	48% fully credentialed teachers
25	<u>Norwalk-La Mirada Unified School District:</u>	
26	Dolores Huerta Elementary School	50% fully credentialed teachers
27	Earl E. Edmondson Elementary School	50% fully credentialed teachers
28		

1 **Whittier City Elementary School District:**

2 Abraham Lincoln Elementary School 50% fully credentialed teachers

3 **Twin Ridges Elementary School District:**

4 Yuba River Charter School 50% fully credentialed teachers

5 **Buena Vista Elementary School District:**

6 Buena Vista Elementary School 50% fully credentialed teachers

7 **Coachella Valley Unified School District:**

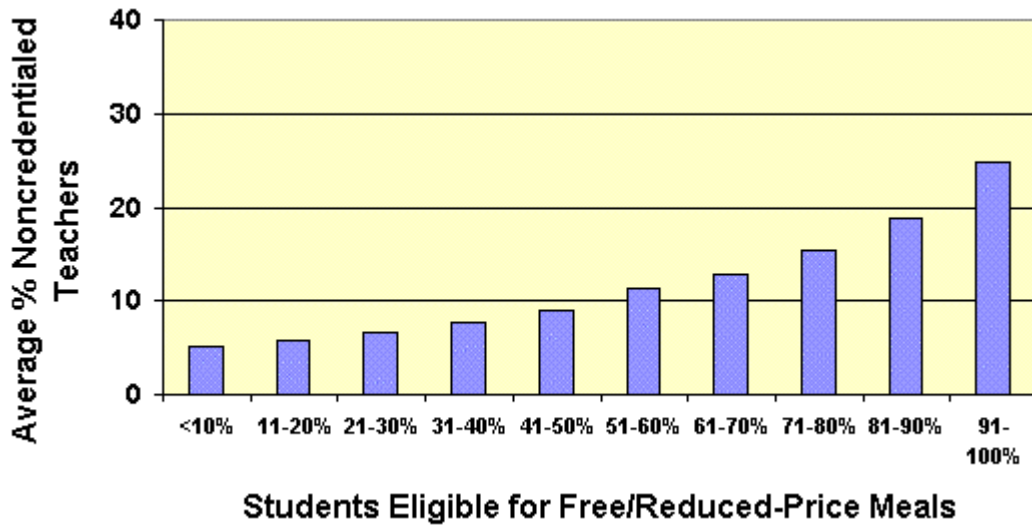
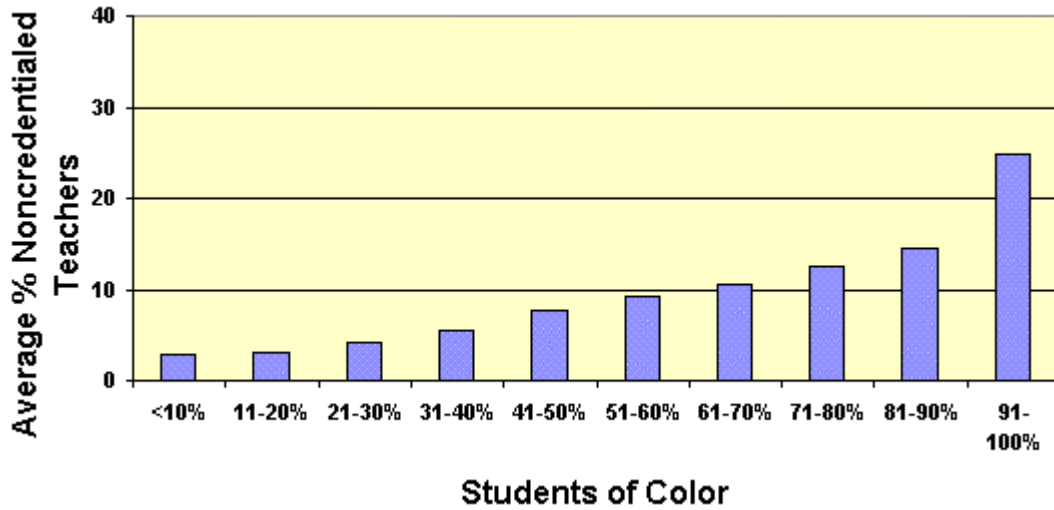
8 Sea View Elementary School 50% fully credentialed teachers

9 **Columbine Elementary School District:**

10 Columbine Elementary School 50% fully credentialed teachers

11 276. In his State of the State address on January 5, 2000, Governor Gray Davis
12 characterized “a first-rate teacher for every classroom, in every school, in every neighborhood” as
13 “the most vital ingredient” to “regain[ing] our former prominence” as a State. Unfortunately, many
14 California public school children, and particularly such children residing in neighborhoods populated
15 primarily by low-income families and persons of color, are consigned to schools that have few
16 trained teachers and that are located in neighborhoods with few schools staffed by trained teachers
17 and located in districts with few trained teachers anywhere in the district. Today in California, many
18 public school children can have little hope of experiencing “the most vital ingredient” to their
19 success.
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1 277. As the tables below demonstrate, students in poor neighborhoods populated primarily
 2 by nonwhite persons are most likely to study in classrooms with underqualified teachers:



22 278. California public schools are so overcrowded that at least 131 school districts have had
 23 to create at least 3,400 class spaces out of areas that schools previously used for other purposes, such
 24 as gymnasiums, libraries, and school auditoriums.

25 279. Approximately 17 percent of all California public school students attend school on
 26 year-round, multitrack schedules.

1 **C. The Consequences for California Public School Children of Substandard Learning**

2 **Conditions**

3 280. The State has recently imposed new high school graduation exit requirements and will
4 deny graduation and diplomas to students who cannot meet State standards. The State also has
5 recently imposed new grade-promotion requirements, authorizing local districts to deny grade
6 promotion to students who do not meet State standards on State achievement tests. But by providing
7 Plaintiffs and children in the Plaintiff class schools with substandard learning conditions and
8 substandard learning tools, the State denies these children an equal chance—indeed, in some cases,
9 denies them any viable chance—to obtain the knowledge and skills sufficient to pass those
10 requirements.

11 281. Students attending schools with the substandard learning conditions and learning tools
12 herein alleged are denied altogether even an opportunity to obtain an equal education. These students
13 are, in fact, denied their constitutional right to receive a common, basic education. Without basic
14 learning tools—such as textbooks that are reasonably current and that students do not have to share,
15 comfortable sound and temperature conditions such that students can concentrate on their instruction
16 while in school, trained teachers who are prepared to respond to a range of learning needs, sufficient
17 classroom space to allow students to move safely around their rooms, and reasonably maintained
18 buildings with sufficient numbers of functioning and clean toilets—children do not have the
19 opportunity to acquire the basic skills necessary for them to be able to perform competently civic
20 duties such as voting and serving on juries. What these children lack is not simply an equal education
21 but also an equal chance to obtain an education. Even where children excel academically at schools
22 that lack basic, essential learning tools and conditions, these students are denied the opportunity to
23 learn without State-created impediments and should not be compelled to try to learn in extremely
24 substandard conditions

25 282. Students who lack textbooks to take home for homework cannot be compensated fully
26 with piecemeal packets of photocopied pages from their texts. Students need to be able to look
27 through past instructions and past concepts to answer complex new questions, and curious students
28

1 need opportunities to work ahead; without books, students have no opportunity to work ahead and no
2 guide to answer questions they do not understand.

3 283. Students who share textbooks with other students in class lose more than the
4 opportunity to read on their own and at their own pace. In addition, these students lose instructional
5 time with their teachers because the teachers must slow class lessons to wait for multiple students to
6 read together.

7 284. Students who attend multitrack schools where they are denied educational days and
8 where the schools are not well-maintained do not only lose energy for learning because they attend
9 schools for longer hours in a day. These students also lose actual knowledge because their teachers
10 cannot give them as much homework as the teachers would give students who attended class for
11 fewer hours in a day and because they attend school for fewer days each year. Students in these
12 multitrack schools, then, must use time attending class that they could have used studying, and must
13 give up on learning whole units of instruction in each of their core classes. In addition, any
14 opportunity for education at these multitrack schools takes place when students and teachers are
15 exhausted from long school days, and when teachers are exhausted from no break between student
16 tracks, so students lose the opportunity to learn from fresh and engaged teachers and to learn when
17 students themselves are fresh and ready to learn. Instruction on multitrack schedules, moreover,
18 includes midyear interruptions that not only interrupt academic progress but also necessitate review
19 periods that further hamper progress.

20 285. Students who do not have access to science laboratory materials not only lose the
21 opportunity to experiment and to see the results of their experiments, but they also lose the
22 opportunity to gain enthusiasm for the scientific process. The students can read descriptions of what
23 experiments might yield, but they cannot experience for themselves the frustration of a failed
24 experiment or the pride in having tested and proved accurate a hypothesis.

25 286. Students who attend schools with high percentages of uncredentialed teachers lose
26 more than the opportunity to learn from teachers with training. They also lose the opportunity to
27 learn in settings where experienced teachers challenge each other with new and different ideas after
28

1 years of practice and testing of particular teaching methods. And they learn that the majority of
2 trained and experienced teachers consider it not worthwhile to teach them.

3 287. Students who attend decrepit schools must expend concentration trying to ignore the
4 presence of vermin or leaks in ceilings rather than taking in their lessons. Students unable to use
5 sanitary bathroom facilities are unable to concentrate on their studies. These students also must
6 expend energy fighting asthma and other ill-health effects of lack of ventilation, fungus and mold,
7 leaky roofs, and generally unsanitary and decrepit facilities.

8 288. Educational experts have recognized the importance to public elementary and
9 secondary education of such basic educational ingredients as those alleged to be missing here. These
10 experts have determined that high levels of noise are associated with deficiencies in mental
11 concentration, greater numbers of errors in tasks, and greater likelihood of giving up on tasks before
12 allotted time has expired. Experts have noted that significant reductions in reading speed and
13 comprehension and mathematical skills occur when students are exposed to temperatures above 74
14 degrees. Experts have found that student achievement falls as many as 11 percentile points in schools
15 with substandard building conditions as compared with achievement in schools with above-standard
16 buildings. Experts have identified such a significant correlation between high student achievement
17 and low percentages of underqualified teachers that the difference between an effective and an
18 ineffective teacher can be a full grade level of student achievement in a year. And experts have found
19 that large school size, independent of the size of particular classes within a school, negatively affects
20 students' exercise of leadership roles and participation in social organizations.

21 289. Experts also have emphasized that children do not become used to or acclimated to
22 substandard learning conditions. Instead, repeated deprivation of basic learning tools continues to
23 create learning deficits from which children can never recover. Consequently, students who are
24 denied basic educational necessities in primary grades will begin their middle schools underprepared
25 and under motivated for their opportunity to learn in the new setting, and the cycle will continue into
26 the students' high school years and beyond. The denial of educational necessities thereby contributes
27 to school dropout rates and to student disaffection for their educational system and for social
28 responsibility, in addition to inhibiting students' opportunity for high intellectual attainment.

1 290. A combination of substandard learning tools and learning conditions has significantly
2 more deleterious effects on children’s educational opportunities than do any of the substandard
3 learning tools or learning conditions alone. Together, they exact an enormous psychological toll.
4 Students who lack textbooks to take home as well as functioning toilets for their use at school and
5 who attend schools infested with vermin and lacking heat learn from their time in school that their
6 State is not concerned about their education and that their learning opportunities are less valuable
7 than those of more privileged children in better-equipped public schools. Students who attend
8 schools that lack more than one basic educational necessity therefore are disadvantaged not only by
9 the absence of each necessity but also by the cumulative effect of having multiple basic educational
10 tools absent from the students’ education.

11 **D. The State’s Organization of the System of Public Education**

12 291. The State retains ultimate, plenary power over public education in the State of
13 California. Local school districts are agents of the State for operation of the common school system.
14 The State may create, dissolve, combine, modify, and regulate local districts, as its agents, at its
15 pleasure. Notwithstanding any purported delegation of authority, the State remains responsible to see
16 that all children in California’s public schools receive a free and equal education, complete with basic
17 educational necessities required for learning.

18 292. Currently, the primary responsibility for carrying out the State’s duties and functions
19 with respect to its educational mandate resides with the State Superintendent of Public Instruction
20 and with the State Board of Education. Neither these offices, nor the State and the State Department
21 of Education have effectively superintended the statewide system of public instruction.

22 293. The State and responsible State officials have failed their constitutional obligation to
23 the children in California public schools in four ways. First, having delegated authority to local
24 school districts, the State and responsible State officials have failed to establish even minimal
25 standards for many aspects of the type of educational personnel, materials, and facilities encountered
26 by students in the public schools. Second, in those few instances in which the State or responsible
27 State officials have purportedly established minimal standards, the standards oftentimes are
28 insufficient to ensure minimal educational opportunity. Third, whether or not those few existing

1 State standards are adequate, the State and responsible State officials have done nothing effective to
2 determine whether conditions in California public schools violate those standards. Fourth, even when
3 violations of purported minimal standards have become known to the State, the State and responsible
4 State officials have taken no effective steps to remedy violations known by State officials to exist.

5 294. The State and responsible State officials cannot reasonably assure that California's
6 public school children receive basic educational opportunity in the system of delegated authority the
7 State has devised unless the State does each of the following: (1) establishes adequate minimal
8 standards regarding educational personnel, materials, and school facilities; (2) takes steps, by way of
9 inspection or otherwise, to determine whether conditions violating those standards exist in California
10 schools; and (3) takes steps to prevent violations from occurring and, when occurring, to ensure that
11 conditions violating those standards are corrected or remedied. The State has failed in each of these
12 bare essentials of a delegated system of public instruction, as follows:

13 295. The State has established no effective or specific minimal standards for all school
14 facilities with regard to conditions that directly affect the ability of students to obtain an education,
15 including but not limited to: the provision of heat or air conditioning to classrooms, the ventilation of
16 classrooms, the infestation of school buildings and classrooms with rats, mice, cockroaches and other
17 vermin, and the cleanliness or repair of school facilities. Indeed, the State and responsible State
18 officials do not take responsibility or authority for or even monitor these conditions.

19 296. The State and responsible State officials do not oversee standards that govern teachers
20 and indeed have no effective standards or mechanisms for monitoring and rectifying the extent to
21 which individual schools attempt to provide education through large numbers of under- or
22 noncredentialed teachers. Nor have the State and responsible State officials established any
23 mechanisms to ensure that all schools are staffed with minimally sufficient numbers of qualified
24 teachers who can deliver the instruction capable of enabling students to satisfy the State's new grade
25 promotion and high school exit exam requirements. The State and responsible State officials treat all
26 use of substitute teachers as a local district employment issue, rather than taking responsibility for
27 ensuring that California public school children have permanent, qualified, and credentialed teachers
28 in their classrooms.

1 297. The State has purportedly established minimal standards with regard to a few
2 conditions affecting students’ ability to obtain an education, including the availability of textbooks
3 and toilets in schools, classroom size, and classroom sound conditioning. But in these few instances
4 in which the State has purportedly established standards, the State has not sufficiently set the
5 standards to make them meaningful, or has done nothing to determine whether—as demonstrated
6 herein—those standards are routinely ignored, or both. For example, the State has defined toilet-to-
7 student ratios consistent with statutory requirements that sufficient numbers of toilets be available for
8 student use. But the State has instituted no routine system of determining which schools fail to meet
9 the State’s standard, the State and State officials have no knowledge of the number or location of all
10 schools that have bathrooms that fall below State standards, and State and State officials do not take
11 responsibility for the maintenance of restrooms in schools. Similarly, in spite of a constitutional
12 requirement that textbooks be furnished to students without cost and statutory requirements that
13 textbooks be sufficiently available to students, the State does not take charge of monitoring the
14 availability or physical quality of texts and has not ensured that each student receives free textbooks
15 in school. In addition, the State has instituted no routine system of determining which schools fail to
16 meet even the State’s inadequate standard of sufficient availability. In spite of regulatory
17 requirements that students learn in acoustically comfortable instructional spaces, the State has
18 instituted no routine system of determining which schools fail to meet this standard and so the State
19 and responsible State officials do not have knowledge of which schools fail to meet the standard.
20 Finally, in spite of regulatory requirements concerning square footage of classroom space, the State
21 has instituted no routine system of determining which schools fail to meet this standard, and the State
22 and responsible State officials do not have information concerning which schools fail to meet the
23 standard.

24 298. Many of the substandard conditions alleged herein are matters of wide public
25 knowledge and are known by the State to exist in violation of purported standards established by the
26 State. Still, the State has done nothing to remedy the violation of the State’s purported standards.

1 **FIRST CAUSE OF ACTION**

2 **(All Plaintiffs Against All Defendants for Violation of the Equal Protection Clauses of the**
3 **California Constitution, Article I, Section 7(a) & Article IV, Section 16(a))**

4 299. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
5 though fully set forth herein.

6 300. Defendants have violated and continue to violate Plaintiffs’ and members of the
7 Plaintiff class and subclass’ right to receive equal protection of the laws, pursuant to article I, section
8 7(a) and article IV, section 16(a) of the California Constitution, by failing to provide Plaintiffs and
9 members of the Plaintiff class and subclass with basic educational opportunities equal to those that
10 children in other schools receive.

11 **SECOND CAUSE OF ACTION**

12 **(All Plaintiffs Against All Defendants for Violation of Article IX, Sections 1 and 5 of the**
13 **California Constitution)**

14 301. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
15 though fully set forth herein.

16 302. Defendants have violated and continue to violate Plaintiffs’ and members of the
17 Plaintiff class and subclass’ right, pursuant to article IX, sections 1 and 5 of the California
18 Constitution, to learn in a “system of common schools” that are “kept up and supported” such that
19 children may learn and receive the “diffusion of knowledge and intelligence essential to the
20 preservation of the[ir] rights and liberties.” These constitutional provisions impose on the
21 Defendants, and each of them, the nondelegable duty to provide to each Plaintiff and each member of
22 the Plaintiff class and subclass the opportunity to obtain a basic education. Defendants have denied
23 to each Plaintiff and each member of the Plaintiff class and subclass the opportunity to obtain a basic
24 education in the schools to which the Plaintiffs and members of the Plaintiff class and subclass are
25 consigned in that the schools to which these children are consigned lack one or a combination of the
26 bare essentials of an education, as alleged in paragraph 65.

27 303. Defendants have also violated and continue to violate the Balboa, Berry Creek,
28 Tenaya, Mark Keppel, Bret Harte, and Jefferson Plaintiffs’, as well as other similarly situated class

1 and subclass members’, right, pursuant to article IX, section 5 of the California Constitution, to attend
2 “a free school.”

3 **THIRD CAUSE OF ACTION**

4 **(All Plaintiffs Against All Defendants for Violation of the Due Process Clauses of the California**
5 **Constitution, Article I, Sections 7(a) & 15)**

6 304. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
7 though fully set forth herein.

8 305. Defendants, through their compulsory education laws, require Plaintiffs and members
9 of the Plaintiff class and subclass to attend school full-time between the ages of six and 18 years and
10 have, thereby, imposed restraints on Plaintiffs’ and members of the Plaintiff class and subclass’
11 liberty.

12 306. Defendants have violated Plaintiffs’ and members of the Plaintiff class and subclass’
13 right to due process, pursuant to article I, sections 7(a) and 15 of the California Constitution, by
14 requiring Plaintiffs and members of the Plaintiff class and subclass to attend public schools that are
15 dangerous to Plaintiffs’ and members of the Plaintiff class and subclass’ health and safety and impede
16 basic educational success.

17 307. Plaintiffs and members of the Plaintiff class and subclass have a protected property
18 interest in obtaining a public education and in graduating from high school and receiving a California
19 high school diploma.

20 308. Fulfillment of the property interest in obtaining a California high school diploma is
21 now conditioned on Plaintiffs and members of the Plaintiff class and subclass passing a high school
22 exit examination beginning with the academic year 2003-04. See California Education Code
23 § 60851(a).

24 309. Defendants, through their acts and omissions, have subjected Plaintiffs and members
25 of the Plaintiff class and subclass to a protracted, substandard public school experience that will ill-
26 prepare Plaintiffs and members of the Plaintiff class and subclass to pass the State’s new high school
27 exit exam, to graduate from high school, and to receive a California public school diploma. This
28 deprivation of basic educational opportunities is ongoing and, in many instances, has been so

1 protracted that it cannot be remedied in time for and to the extent necessary for passage of the new
2 high school exit exam requirement.

3 310. Defendants have violated and continue to violate Plaintiffs’ and members of the
4 Plaintiff class and subclass’ right to due process by depriving Plaintiffs and members of the Plaintiff
5 class and subclass of basic educational opportunities sufficient to enable them to learn, to achieve to
6 State standards, and to complete all requirements for graduation, diploma conferral, and the ability to
7 pursue a common occupation and by arbitrarily denying Plaintiffs and members of the Plaintiff class
8 and subclass the benefits of their schooling.

9 **FOURTH CAUSE OF ACTION**

10 **(All Plaintiffs Against All Defendants for Maintaining Schools in a Manner that has a Racially**
11 **Discriminatory Impact in Violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C.**

12 **§ 2000d and 34 C.F.R. § 100.3(b)(2))**

13 311. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
14 though fully set forth herein.

15 312. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, provides that “[n]o
16 person in the United States shall, on the ground of race, color, or national origin, be excluded from
17 participation in, be denied the benefits of, or be subjected to discrimination under any program or
18 activity receiving Federal financial assistance.”

19 313. The federal regulations implementing Title VI prohibit a recipient of federal financial
20 assistance from

21 utiliz[ing] criteria or methods of administration which have the effect
22 of subjecting individuals to discrimination because of their race, color,
23 or national origin, or have the effect of defeating or substantially
impairing accomplishment of the objectives of the program as respect
individuals of a particular race, color, or national origin.

24 34 C.F.R. § 100.3(b)(2) (1999).

25 314. Defendants have maintained a public school system without establishing standards
26 sufficient to ensure the delivery of educational necessities, and without accountability mechanisms
27 that will allow State officials to determine whether California public schools deny to students those
28 educational necessities. Even when violations have become known to the State, Defendants have

1 taken no effective steps to remedy known violations. This conduct has an unlawful disparate impact
2 on the basis of race, color, or national origin in violation of Title VI and its implementing regulations.
3 Defendants' conduct has the effect of subjecting students of color to a lack of basic educational
4 necessities at disproportionately higher rates than white students without sufficient justification and
5 in the face of viable, less discriminatory alternatives.

6 **FIFTH CAUSE OF ACTION**

7 **(All Plaintiffs Against All Defendants for Violating Education Code Section 51004)**

8 315. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
9 though fully set forth herein.

10 316. California Education Code Section 51004 provides:

11 The Legislature hereby recognizes that it is the policy of the people of
12 the State of California to provide an educational opportunity to the end
13 that every student leaving school shall have the opportunity to be
14 prepared to enter the world of work; that every student who graduates
15 from any state-supported educational institution should have sufficient
16 marketable skills for legitimate remunerative employment; that every
17 qualified and eligible adult citizen shall be afforded an educational
18 opportunity to become suitably employed in some remunerative field of
19 employment; and that such opportunities are a right to be enjoyed
20 without regard to race, creed, color, national origin, sex, or economic
21 status.

22 317. Defendants have violated and continue to violate Plaintiffs' and members of the
23 Plaintiff class and subclass' right to receive educational opportunity regardless of race, color, national
24 origin, or economic status, pursuant to California Education Code Section 51004, by failing to
25 provide Plaintiffs and members of the Plaintiff class and subclass the basic educational necessities
26 described above.

27 **SIXTH CAUSE OF ACTION**

28 **(Plaintiffs Joscelyn K. McCauley and Bichngoc Cao Against All Defendants for Violating California Code of Civil Procedure Section 526a)**

318. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
though fully set forth herein.

319. In carrying out the practices and policies complained of herein, Defendants expend
public funds and therefore violate California Code of Civil Procedure Section 526a.

1 **SEVENTH CAUSE OF ACTION**

2 **(All Plaintiffs Against All Defendants for Declaratory Relief)**

3 320. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
4 though fully set forth herein.

5 321. An actual and existing controversy exists between the Plaintiffs and Defendants
6 because Plaintiffs contend, and Defendants dispute, that Defendants' actions and inactions as
7 described above have violated article I, sections 7(a) and 15; article IV, section 16(a); article IX,
8 sections 1 and 5 of the California Constitution; Title VI of the Civil Rights Act of 1964, 42 U.S.C.
9 § 2000d and 34 C.F.R. § 100.3(b)(2); and California Education Code Section 51004.

10 322. Plaintiffs seek a judicial declaration that Defendants have violated these constitutional,
11 statutory, and regulatory provisions.

12 **REQUEST FOR RELIEF**

13 Plaintiffs respectfully request the following relief:

14 323. A determination by this Court that this action may be maintained as a class action.

15 324. The issuance of a declaratory judgment that, pursuant to article IX, sections 1 and 5 of
16 the California Constitution, the Defendants have a nondelegable duty to provide to each student
17 Plaintiff and each member of the Plaintiff class and subclass the opportunity to obtain a free and basic
18 education.

19 325. The issuance of a declaratory judgment that Defendants' actions and inaction
20 complained of herein violate:

21 a. Article I, Section 7(a) and article IV, Section 16(a) of the California Constitution.

22 b. Article IX, Section 5 of the California Constitution.

23 c. Article I, Sections 7(a) and 15 of the California Constitution.

24 d. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and implementing regulation
25 34 C.F.R. § 100.3(b)(2).

26 e. California Education Code Section 51004.

27 326. The issuance of a temporary restraining order, preliminary injunction, and permanent
28 injunction ordering Defendants to:

1 a. establish baseline standards to constitute a floor of minimal constitutional conditions and
2 tools essential for education;

3 b. establish a system of statewide accountability whereby the state (1) regularly informs
4 itself of the absence of essential learning tools and conditions and (2) ensures the repair or
5 improvement of those conditions and supplies those tools in a timely manner;

6 c. provide basic educational necessities to all California public school children.

7 327. An award of costs, disbursements, and reasonable attorneys' fees and expenses
8 pursuant to California Code of Civil Procedure § 1021.5, 42 U.S.C. § 1988, and any other applicable
9 provision of law.

10 328. Such other relief as this Court may deem just and proper.

11 Dated: August 14, 2000

12 Respectfully submitted,

13 ACLU FOUNDATION OF SOUTHERN
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