

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-8

<p>TITLE: Request by one county office of education and four school districts for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.</p> <p>CDSIS: 06-01-2003 Bangor Union Elementary School District 19-12-2002 Butte County Office of Education 22-12-2002 Lake Tahoe Unified School District 18-12-2002 Rincon Valley Union School District 14-12-2002 San Carlos School District</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings.

Summary of Key Issue(s):

During audits for fiscal year 2001-2002, it was discovered that the above local educational agencies did not hold the public hearing notice of sufficiency of instructional materials as required by Education Code 60119 or post the required ten days notice of the public hearing.

Since then, the local educational agencies have held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district. CDE staff verified all other requirements of the Specific Waiver request and none of the local educational agencies have had a waiver of this education code before for the public hearing and ten day notice requirements in the 1997-98, 1998-99, 1999-00 or 2000-2001 years. Without the waiver, the local educational agencies will have to return **\$736,245** to CDE.

Therefore, since the local educational agencies have met the requirements for fiscal year 2002-2003, and agree to comply with E.C. 60119 and ensure that the public hearing is held within the fiscal year and that the notice of public hearing is posted for ten days, CDE recommends approval of this waiver request.

Authority for the waiver: EC Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): This waiver if approved will relieve districts of **\$736,245** in total penalties.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

Information on the two districts requesting the waiver at this time follow:

Failure to Hold the Public Hearing, and Complete a Local Board Resolution on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS-19-12-2002 – Butte County Office of Education

- Audit finding for the 2001-2002 fiscal year that would require the return of \$62,505 in Schiff-Bustamante and Instructional Materials funds.
- The Butte County Office of Education failed to hold a public hearing during the 2001-2002 fiscal year.
- The COE has since held a fully compliant hearing on December 9, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-18-12-2002 – Rincon Valley Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$197,490 in Schiff-Bustamante and Instructional Materials funds.
- The Rincon Valley Union School District failed to hold a public hearing during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on December 10, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS-22-12-2002 – Lake Tahoe Unified School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$399,918 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the notice for the public hearing for the required ten days during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on December 11, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-14-12-2002 – San Carlos School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$66,238 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the notice for the public hearing for the required ten days during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on October 8, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year) and Failure to Post the Notice of Public Hearing in Three Public Places on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS – 06-01-2003 – Bangor Union Elementary School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$10,094 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the public hearing notice for the required ten days and post the notice in three public places for the 2001-2002 fiscal year. The district has since held a fully compliant hearing on August 8, 2002 and has changed procedures to ensure that notices get the full ten days posting and the district found a third place to post public notices.
- CDE staff verified all other requirements of the Specific Waiver request.