

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JANUARY 2004 AGENDA**  
**Item No. W-10**

**TITLE:** Request by **Dixon Unified School District** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 because the public hearing was not noticed for ten days as required. This is the second year in a row for this district as they had an audit finding in fiscal year 2000-2001.

**CDSIS:** 7-8-2003

**ACTION**  
 **INFORMATION**  
 **PUBLIC HEARING**  
 **CONSENT**

**RECOMMENDATION:**

The Department recommends:  Approval  Denial

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**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. **This is the second year that the district has received an audit finding for EC Section 60119, so it cannot be considered for consent.**

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**Summary of Key Issue(s):**

Dixon Unified School District is requesting a second retroactive waiver of EC Section 60119. This second finding was for not noticing the public hearing for ten days before the hearing was scheduled. The district had a previous finding for omitting the public hearing in fiscal year 2000-2001.

When a district has a finding of EC Section 60119 two years in a row, we require additional information from the district on their textbooks and instructional materials. The district has submitted a listing of their current instructional materials from 1999 to the present as proof that they do indeed have the required materials for the district's pupils. The district had a fully compliant hearing on December 12, 2002 and is now fully aware of the requirement to post the public hearing notice for ten days and not their usual practice of posting notices for six days. CDE staff verified all other requirements of the Specific Waiver request. Without the waiver, the local educational agency will have to return **\$272,180** to CDE.

Since the district is now fully compliant with the requirements of EC Section 60119 and aware of the purpose and importance of passing a resolution after the public hearing, and the district has submitted evidence that they are using adopted textbooks and instructional materials, the department recommends approval of this waiver.

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Authority for the waiver: EC Section 41344.3

SW-3  
08/01

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

Local Board Approval Date: 12/12/02

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**Fiscal Analysis (as appropriate):** This waiver if approved will relieve the district of **\$272,180** in total penalties.

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**Background Information:**

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