

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-5

<p>TITLE: Request by Orcutt Union School District for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to hold the public hearing, and also had insufficient texts, and have developed a plan to remedy this situation.</p> <p>CDSIS: 13-3-2003</p>	<p><input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> 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. However, **when a district reveals that it does not have sufficient instructional materials** for each pupil in each school in the district, then the district must develop a plan to get enough materials within 24 months. These findings **must go to the action calendar** for the SBE's agenda.

Summary of Key Issue(s):

During an audit for fiscal year 2001-2002, it was discovered that Orcutt Union School District did not hold the public hearing notice of sufficiency of instructional materials as required by *EC* Section 60119. The district then held a public hearing within the guidelines of *EC* Section 60119 on February 19, 2003, and determined that it had insufficient instructional materials for seventh and eighth grade science classes. **The district developed a plan to rectify this insufficiency** (see attached) by June 30, 2003. Purchase of the necessary junior high science textbooks will ensure that the district will have sufficient instructional materials for each pupil in each school in the district by the end of the current school year.

Therefore, since the district has met the requirements for fiscal year 2002-2003, and agrees to comply with *EC* Section 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, and has developed a plan to CDE recommends approval of this waiver request.

Authority for the waiver: *Education Code* Section 41344.3

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

Fiscal Analysis (as appropriate): If approved this waiver will relieve district of **\$367,230** in total penalties.

Background Information: Forms are attached.