

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-6

TITLE: Request by Wilsona 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.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 11-2-2003	

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. **This is the second year of this same finding for this district, so it must go to action.**

Summary of Key Issue(s):

During an audit for fiscal year **2001-2002**, it was discovered that Wilsona School District did **not hold the public hearing** and resolution of sufficiency of instructional materials as required by *EC* Section 60119 or post the required ten days notice of the public hearing. This is a small district with only three administrative positions, the Superintendent, the school secretary and the Chief Business Officer (CBO). The required *EC* Section 60119 public hearing was missed this year because the school secretary was out on six weeks medical leave and the substitute did not check the tickler file for required meetings. (The district **also missed holding the hearing in 1999-2000 and set up a tickler file** for all the required meetings for the school year.)

The district has **now instituted an annual calendar and made it the responsibility of the school secretary and the CBO** in order to ensure compliance with the requirements of *EC* Section 60119. The district has since held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district on January 16, 2003.

Therefore, since the district has met the requirements for fiscal year 2002-2003, and agrees 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: 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 **\$142,425** in total penalties.

Background Information: Waiver forms and supporting documents are attached.