



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Whittier Union High School District requests a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 for failing to notice the public hearing for ten days (8 days notice was given). This is the second year in a row for this district as they had an audit finding in fiscal year 2001-2002 for not preparing a resolution on this issue.</p> <p>Waiver Number: 28-1-2004</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Consent</p>
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RECOMMENDATION

Approval Approval with conditions Denial

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 in a row for this district to get this finding so it does not meet the criteria to be a consent waiver the SBE policy.

SUMMARY OF KEY ISSUES

Whittier Union High School District’s annual audit for fiscal year 2002-2003 found that the school district did not properly notice the public hearing for ten days prior to the meeting in accordance with EC Section 60119. Instead they noticed the meeting for 8 days, and it was held on February 11, 2003. In order to be in compliance for this fiscal year (2003-2004), another meeting was held on October 23, 2003, that was properly noticed for ten days.

Since this is a High School District, there is no state “adopted list” of textbooks and the “adoption” is done by the local board. In order to accept the waiver, CDE asked the school district to submit a listing of all their textbooks to verify that they are meeting the requirement of EC Section 60119. Bonnie Panagos, Whittier Union’s Director of Curriculum, has confirmed that the school board had adopted the textbooks (see attached list) during the year they were purchased.

Since the district is now fully compliant with the requirements of EC Section 60119 and has changed their procedures to ensure that they will notice the required public hearing for ten days from now on, and are fully aware of the purpose and importance of passing a resolution after the public hearing, the department recommends approval of this waiver.

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CDE staff verified all other requirements of the specific waiver request. Without the waiver, the local educational agency will have to return \$496,347 to CDE.

Authority for the Waiver: *Education Code* (EC) Section 41344.3

Bargaining unit(s) consulted on date(s): Not needed for this type waiver

Position of bargaining unit(s) (choose only one): Not required for this waiver.

Neutral

Support

Oppose

Name of bargaining unit(s)/representative(s): Not required for this waiver.

Local board approval date(s): February 11, 2003

Period of request: July 1, 2002 to June 30, 2003

FISCAL ANALYSIS (AS APPROPRIATE)

This waiver is approved will relieve the district of \$496,347 in penalties.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.