

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**NOVEMBER 2003 AGENDA**  
**Item No. W-8**

<p><b>TITLE:</b> Request by <b>Elk Hills School District</b> for a <b>retroactive waiver of <i>Education Code</i> (EC) Section 60119</b> 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 <b>failed to hold the public hearing and make a resolution. A subsequent 2002-2003 resolution revealed an insufficiency of textbooks.</b></p> <p><b>CDSIS:</b> 34-2-2003</p>	<p><u>  X  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:** The Department recommends:

**Approval on the condition the district promises to use this years IMFRP money and IIUSP funds to purchase adopted texts for Science (grades K-3 and 7-8), and Social Studies (grades 7-8).**

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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 for Instructional Materials Sufficiency Waivers of prior year audit findings. **This district however, was found to have insufficient texts but has developed a plan to remedy the situation, so it must go to action.**

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

During an audit for fiscal year **2001-2002**, it was discovered that Elk Hills School District **did not hold the public hearing or do the resolution of sufficiency of instructional materials** as required by EC Section 60119.

On December 10, 2002, a properly noticed and legally compliant EC 60119 hearing was held, however the finding was that there were **insufficient textbooks and many books were from older adoptions**, a plan was made to devote moneys to the purchase of new textbooks in the highest priority of need. Attached to this waiver is a full listing of the materials currently available for students in all grade levels as of July 20, 2003. The district is now fully up to date in Reading Language Arts and Mathematics, the top two priorities under the new IMFRP funds under AB 1781.

However due to insufficient funds for replacements, a portion of the texts in Science and History Social studies are not up to date. For Science in Grades K-3 and 7-8, the textbook is a 1993 version and in History Social Studies the 7-8 texts “across the centuries and A More Perfect Union are a 1994 edition. **The next priority in spending of the 2003-2004 IMFRP moneys will be to replace these texts.**

This is a small district of only **51 students** in Kern County. Although it is a Decile 1 school, in **2000 the API was at 472, and it has grown to 512 in the 2002 base year**. They began to participate in the High Priority Schools Grant Program (HPSG), and this additional money allowed them to purchase the newest versions of state adopted texts on June 30, 2003 in English/Language Arts and Mathematics.

The district has met the requirements for the public hearing and resolution for fiscal year 2002-2003, and has a plan to replace the remainder of the old texts. In addition if they are forced to return the money already spent (\$142,425 on the NEW English Language Arts and Mathematics texts from last year) their attempt to be using up to date texts by the 2004-2005 school year for all students will be jeopardized. Therefore, CDE recommends approval of this waiver request.

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Authority for the waiver: Education Code (EC) Section 41344.3

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

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**Fiscal Analysis (as appropriate):** If approved this waiver will relieve district of **\$142,425** in total penalties for the 2001-2002 Year.

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**Background Information:** Waiver forms and supporting documents are attached.