



Monterey County Office of Education

Leadership, Support, and Service to Prepare All Students for Success

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County Superintendent of Schools

District Advisory and Financial Services
Finance and Business Services

Bulletin No. 13-006

TO: Chief Business Officials, Fiscal Directors, Business Managers

FROM: *KH* Karen Hennessy, Director
District Advisory and Financial Services

DATE: August 30, 2012

RE: Instructional Materials Public Hearing Requirements

This is a reminder for all Districts:

School districts have an obligation to hold an annual public hearing to determine whether the district has sufficient standards-aligned textbooks and instructional materials.

Failure to comply with this requirement can result in the loss of 2012-13 State Instructional Materials funding. A district's compliance with E.C. 60119 is subject to verification by the district's auditors, and an audit exception can impact a district's receipt of funding.

The Governing Board requirement to certify compliance with all regulations regarding Instructional Materials per Education Code Section (E.C.) 60422(a) and California Code of Regulations Title 5, Section 9531(a), is suspended for the 2008-09 to the 2014-15 fiscal years, inclusive. However, this suspension regarding the timelines for adoption and purchase of instructional materials does not relieve the districts of the obligation to hold a public hearing. E.C. 60119 requires that the Governing Board of a school district hold an annual instructional materials public hearing to determine whether the district has sufficient standards-aligned textbooks and instructional materials.

E.C. 60119 requires that each Governing Board:

1. Hold a public hearing on or before the end of the eighth week from the first day pupils attend classes. For multitrack year-round schools, the requirement refers to the end of the eighth week from the first day that pupils attend classes in a track that begins in August or September.

2. Determine at the hearing whether ". . . each pupil in each school in the district has sufficient textbooks or instructional materials or both . . ." This is defined as each pupil, including English Language Learners, having a "standards-aligned textbook or instructional materials, or both, to use in class and to take home." The language does not require two sets of textbooks or instructional materials for each pupil regardless of whether homework is assigned. The use of "class sets" of instructional materials is insufficient. The requirement for sufficient textbooks may not be satisfied by photocopied sheets from a portion of a textbook or by instructional materials photocopied in response to a shortage
3. Determine whether each pupil enrolled in a foreign language or health course has sufficient standards-aligned textbooks or instructional materials.
4. Determine whether laboratory science equipment is available to students in grades 9-12 enrolled in science laboratory courses.
5. Adopt a resolution stating whether textbooks and instructional materials are sufficient.
6. Disclose in the Board resolution the percentage of pupils in each school who lack sufficient standards-aligned materials to the public and to classroom teachers, if an insufficiency exists, and the reasons for the insufficiency.
7. Remedy any insufficiency identified at the hearing within two months of the beginning of the school year. The action cannot be one that would require reimbursement by the Commission on State Mandates. Previously, districts were allowed two years to correct any deficiency.
8. Post a notice of the hearing at least ten days in advance in at least three public places within the district. The notice must state the time, place, and purpose of the hearing. The hearing may not be held during or immediately following school hours.
9. Encourage participation in the hearing by parents, teachers, members of the community, and bargaining unit leaders.

It is important that all school districts hold their hearings early and not wait until the eighth week of school, because if insufficiencies exist, a school district will have very little time to remedy the insufficiencies identified at the hearing.

For sample resolutions of the public hearings on sufficiency of instructional materials, go to: <http://www.cde.ca.gov/ci/cr/cf/documents/reso60119lang.doc>.