



July 23, 2014

To: Directors/Managers of Business

From: Howard Marinier, Administrator  
Business Services

Subject: **Instructional Materials - Education Section 60119 Requirements**

**ORANGE COUNTY  
DEPARTMENT  
OF EDUCATION**

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**AL MIJARES, Ph.D.**  
County Superintendent  
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Assembly Bill X4 2 (Chapter 2, Statutes of 2009-10 Fourth Extraordinary Session) signed on July 28, 2009, suspended the process and procedures for adopting instructional materials, including framework revisions, until the 2013-14 school year. Senate Bill 70 (Chapter 7 of the Statutes of 2011) extended that suspension until the 2015-16 school year. Therefore, school districts will not be required to purchase materials under the adoption schedule for 2009-10 through 2014-15. However, if new adoption materials are purchased, they must be made available to all pupils for whom they are intended and must be approved standards-aligned materials. Please note that school districts are still required to continue to provide students with sufficient instructional materials and to hold an annual public hearing during which a resolution regarding instructional materials sufficiency is made per Education Code (E.C.) 60119 as in previous years. A copy of a sample resolution and sample certification are enclosed to assist districts with compliance of the regulations.

The following is a summary of E.C. 60119 which includes the timeframe for the public hearing and resolution along with other instructional materials requirements:

- A. The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 or 60605.8 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:
  - i. Mathematics.
  - ii. Science.
  - iii. History-social science.
  - iv. English/language arts, including the English language development component of an adopted program.

**ORANGE COUNTY  
BOARD OF EDUCATION**

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- B. The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September.
- C. As part of the required hearing, the governing board of a school district shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive.
- D. If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, in the resolution, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made.
- E. The governing board shall provide 10 days' notice of the public hearing or hearings. The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. **The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.**
- F. For the purposes of this Education Code Section, "Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil. **The materials may be in a digital format as long as each pupil, at a minimum, has and can access the same materials in the class and to take home, as all other pupils in the same class or course in the district and has the ability to use and access them at home.**
- G. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

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Please note it is also recommended that the resolution includes the sufficiency of visual and performing arts textbooks/instructional materials. Assembly Bill 1061, effective January 1, 2008 (see E.C. Section 33126), requires the governing board to make a finding regarding visual and performing arts textbooks/instructional materials sufficiency and include the results on the School Accountability Report Card (SARC).

Information including resolution and certification samples for Instructional Materials are available at the following web address: <http://www.cde.ca.gov/ci/cr/cf/>. Additionally, information regarding the suspension of the process and procedures for adopting instructional materials as a result of Assembly Bill X4 2 and Senate Bill 70 are available at the following web address: <http://www.cde.ca.gov/ci/cr/cf/imfrpfaq1.asp>.

If you have any questions or concerns regarding this information, please call Howard Marinier at (714) 966--4176.

cc: Assistant Superintendent, Business Services  
Instructional Materials Coordinators  
Ellin Chariton, Executive Director

Enclosures

RESOLUTION OF THE \_\_\_\_\_ SCHOOL DISTRICT GOVERNING  
BOARD DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS  
AND INSTRUCTIONAL MATERIALS FOR 2014-2015

WHEREAS, Education Code Section 60119 establishes steps and procedures to ensure the availability of textbooks and instructional materials in order to be eligible to receive funds for that purpose, and;

WHEREAS, the procedures require that school districts take appropriate action to ensure the availability of textbooks and instructional materials on a yearly basis, and;

WHEREAS, pursuant to Education Code Sections 60119, the Board is required to hold a public hearing to encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and;

WHEREAS, the Board is required to provide 10 days' notice of the public hearing or hearings, and;

WHEREAS, the notice shall contain the time, place, and purpose of the hearing and be posted in three public places within the school district, and;

WHEREAS, the hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours, and;

WHEREAS, the governing Board of a school district, as part of the required hearing, shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects, and;

WHEREAS, the governing Board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive, and;

WHEREAS, a public hearing was held on \_\_\_\_\_, at \_\_\_\_\_ o'clock, which is on or before the eighth week of school and;

WHEREAS, the Board is required to make a determination, through a resolution, as to whether each pupil in each school in the district has, sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Education Code Section 60605 and Education Code 33126 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the State Board:

- (i) Mathematics,
- (ii) Science,

