



August 21, 2012

To: Directors/Managers of Business

From: Laurie Weiss, Business Services Specialist
Business Services

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

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:

- 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 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:
 - Mathematics
 - Science
 - History-social science
 - English/language arts, including the English language development component of an adopted program
- 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.

**ORANGE COUNTY
DEPARTMENT
OF EDUCATION**

200 KALMUS DRIVE
P.O. BOX 9050
COSTA MESA, CA
92628-9050

(714) 966-4000

FAX (714) 432-1916

www.ocde.us

AL MIJARES, Ph.D.
County Superintendent
of Schools

LYNN APRIL HARTLINE
Deputy Superintendent

JOHN L. NELSON
Associate Superintendent

**ORANGE COUNTY
BOARD OF EDUCATION**

JOHN W. BEDELL, PH.D.

DAVID L. BOYD

ROBERT M. HAMMOND

ELIZABETH PARKER

KEN L. WILLIAMS, D.O.

- 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.
- 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, 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.
- 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.
- 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.**
- 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.

Additionally, E.C. Section 60422(b) states that once a governing board certifies compliance with E.C. Section 60422(a) with regard to standards-aligned instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social sciences, and if the governing board of a school district has met the eligibility requirements of Section 60119, the remaining funds may only be used consistent with subdivision (a) of Section 60242 and pursuant to Section 60242.5. The local governing board may schedule this certification in conjunction with the annual public hearing and resolution required under E.C. 60119. A copy of the suggested language for this certification is enclosed.

It is also important to note for instructional materials purchased that E.C. 42605(e) states that the following requirements shall continue to apply:

- Any instructional materials purchased by a local educational agency shall be the materials adopted by the state board for kindergarten and grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, the materials purchased shall be aligned with state

standards as defined by Section 60605, and shall also meet the reporting and sufficiency requirements contained in Section 60119.

- For purposes of this section, "sufficiency" means that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119 and that all pupils within the local educational agency who are enrolled in the same course shall have identical textbooks and instructional materials, as specified in Section 1240.3.

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 Laurie Weiss at (714) 966-4489.

cc: Assistant Superintendents, Business
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 2012-2013

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 and 60422(b), 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,

Education Code Section 60119
Suggested Resolution on Sufficiency of Instructional Materials

Note: The following suggested language may be used by governing boards to certify compliance with *Education Code* Section 60119 (as revised by Chapter 704, Statutes of 2006 and California Code of Regulations (CCR), Title 5, Section 9531). In order to be eligible to receive instructional materials funds, the governing board of each district and county office of education is required to hold an annual public hearing and adopt a resolution stating whether each pupil in the district has sufficient textbooks or instructional materials in specified subjects that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks adopted by the state board.

Governing boards that have met the requirements of *Education Code* Section 60119 and have also certified compliance with the Instructional Materials Funding Realignment Program (IMFRP) requirements regarding provision of adopted standards-aligned instructional materials for all students (*Education Code* Section 60422) may spend 100% of any remaining IMFRP funds from that year's allocation for other approved purposes.

RESOLUTION REGARDING SUFFICIENCY OR INSUFFICIENCY OF INSTRUCTIONAL MATERIALS:

Whereas, the governing board of _____ district/county office of education, in order to comply with the requirements of *Education Code* Section 60119 held a public hearing on _____, at _____ o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

Whereas, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders (if the district or county office has a bargaining unit) in the public hearing, and;

FOR A FINDING OF SUFFICIENT INSTRUCTIONAL MATERIALS:

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district/county office of education, and;

Whereas, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

NOTE: The definition of sufficient textbooks or instructional materials no longer includes the phrase “to complete required homework assignments.” Students must now be able to take their instructional materials home.

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

NOTE: To insure that complete and accurate information has been provided upon which to base the board’s findings, governing boards may wish to include in their resolution the names of the textbooks or instructional materials programs, or both, that have been adopted by the governing board and were provided to pupils in the district to determine the sufficiency.

- Mathematics – (list of adopted textbooks or instructional materials for this subject for each grade level or school)
- Science - (list of adopted textbooks or instructional materials for this subject for each grade level or school)
- History-social science - (list of adopted textbooks or instructional materials for this subject for each grade level or school)
- English/language arts, including the English language development component of an adopted program - (list of adopted textbooks or instructional materials for this subject for each grade level or school)

NOTE: The governing board must also include written determination for the following areas, though these determinations are not a condition of receipt of funds.

Whereas, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

NOTE: The governing board may provide a list of the science laboratory classes offered in grades 9-12 and details on the science laboratory equipment available for these classes.

Therefore, it is resolved that for the _____ school year, the _____ district/county office of education has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

FOR A FINDING OF INSUFFICIENT MATERIALS:

Whereas, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed that insufficient textbooks or instructional materials were provided to pupils in the following subjects and grade levels at district schools:

For each school list the percentage of students in each subject and grade levels for which insufficiencies exist in mathematics, science, history-social science, and English/language arts, foreign language, and health.

NOTE: The determinations in foreign language and health are not a condition of receipt of instructional materials funds.

Whereas, the insufficient textbooks or instructional materials listed above were not provided at each school due to the following reasons:

(For each school at which there is an insufficiency list the reasons why each pupil does not have sufficient instructional materials in each subject and grade level listed above.)

Therefore, it is resolved, that for the _____ school year, the _____ district/county office of education has not provided each pupil with sufficient textbooks and instructional materials consistent with the cycles and content of the curriculum framework, and;

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made.

(List actions to be taken – see *Education Code* Section 60119(a.2.B) for other funds that may be used to ensure sufficient instructional materials)

**California Department of Education
Reposted 10-21-2008**

Revised 10-2008