

**Instructional Materials Public Hearing, Fiscal Year 20XX-XX**  
(Deadline - Before the end of the eighth week of the new school year)

Senate Bill (SB) 550 (Williams Litigation Settlement legislation) and Assembly Bill (AB) 831 (Urgency Statute for E.C. Revisions) amended E.C. 60119 imposing several new requirements for the annual Instructional Materials Public Hearing. At this hearing, the governing board of each district determines whether the district's textbooks and instructional materials are sufficient. SB 550 established a specific timeline in which the district must provide for the public hearing and the specific elements that must be addressed. AB 831 provided for additional requirements of the public hearing.

**Sufficiency Requirements of SB 550 and AB 831:**

- Hold the public hearing in fiscal year 20XX-XX and beyond before the end of the eighth week after the first day of classes. For multi-track year-round schools, the requirement refers to the end of the eighth week after the first day that pupils attend classes in a track that begins in August or September.
- Determine at the hearing whether "sufficient instructional materials or textbooks" exist. The definition of sufficiency now provides that "each pupil, including English learners, must have a standards aligned textbook or instructional materials, or both, to use in class and to take home." The definition no longer refers to the completion of required homework. SB 550 specifies that this language does not require two sets of textbooks or instructional materials for each pupil. 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.
- Determine whether each pupil has sufficient textbooks and/or instructional materials that are aligned to content standards and are consistent with the cycles of curriculum frameworks adopted by the State Board of Education in reading/language arts, mathematics, science, and history-social science. The requirement of alignment to content standards is new.

**Additional requirements:**

- Determine whether each pupil enrolled in a foreign language or health course has sufficient standards-aligned textbooks or instructional materials.
- Determine whether laboratory equipment is available to students in grades 9-12 enrolled in science laboratory courses.
- Take action to remedy any insufficiency identified at the hearing within two months of the beginning of the school year.

**Public hearing requirements:**

- Board must annually hold a public hearing. Notice of the hearing must be posted 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.
- The governing board must encourage participation in the hearing by parents, teachers, members of the community and bargaining units leaders.
- At the hearing, the board must make its findings public in a resolution stating whether textbooks and instructional materials are sufficient for each school in each subject area.

If the resolution states that the district does not have sufficient instructional materials, the board is required to take the following actions:

- Provide information to the classroom teachers and the public as to why Instructional Materials are insufficient.
- Identify the percentage of pupils who lack sufficient standards aligned textbooks or instructional materials in each subject area.
- Take actions to ensure that each pupil has sufficient Instructional Materials within two months of the beginning of the current school year. Per E.C. Section 60119, this action cannot be one that would require reimbursement by the Commission of State Mandates.

**Certification of standards-aligned texts/instructional materials**

In addition to the annual public hearing of sufficiency, 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 Sections 60242 and pursuant to Section 60242.5. The local governing board may schedule this certification in conjunction with the annual public hearing and resolution of sufficiency required under E.C. Section 60119. The certification must be kept on file for auditing purposes and must be renewed each time there is a new primary state adoption of standards-aligned instructional materials.

**Annual Statement of Assurance**

To ensure ongoing funding is expended appropriately, the Department of Education requires an Annual Statement of Assurance of State Instructional Materials for the preceding fiscal year in order to release state instructional funds apportioned. AB 831 modified the expenditure requirements related to Williams instructional materials by stating that any expenditures made after July 25, 2005 must be for the purchase of standards-aligned instructional materials in reading/language arts, mathematics, science, and history/social science used exclusively by students enrolled in deciles one and two schools.

The California Department of Education (CDE) sent this form directly to districts on July 12, 2005 for the certification of 2004-05 materials. As per E.C. Section 60242.5 the district superintendent or designee is required to indicate that all purchases of instructional materials for fiscal year 2004-05 conform to law and the applicable rules and regulations adopted by the State Board of Education for the State Instructional Materials programs.

The CDE has posted sample resolutions at its Instructional Materials Funding Realignment Program (IMFRP) site that may be used to comply with these requirements. The web site address is:  
<http://www.cde.ca.gov/ci/cr/cf/imfrpintro.asp>

If you have any questions, please do not hesitate to contact Business Advisory Services.