



July 26, 2021

TO: Business Administrators  
Los Angeles County School Districts

FROM: Alyssa Martinez, Manager  
Business Advisory Services

SUBJECT: Instructional Materials Public Hearing Requirement, Fiscal Year 2021-22

Education Code (EC) Section 60119 requires local governing boards 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. The instructional materials must be aligned to the academic content standards under EC 60605 and 60605.8, and consistent with the content and cycles of the curriculum framework adopted by the State Board of Education. The local educational agency's (LEA) adopted resolution shall certify compliance with EC 61109. The California Department of Education (CDE) has provided suggested language in the attached document, *Suggested Resolution on Sufficiency of Instructional Materials*. The document can also be downloaded from the following website at:

<http://www.cde.ca.gov/ci/cr/cf/documents/reso60119lang.doc>

### **Compliance Considerations**

Textbook and instructional materials sufficiency must be determined in the following subjects:

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

The governing board must also determine if pupils enrolled in a foreign language or a health course have sufficient standards-aligned textbooks or instructional materials, and if laboratory science equipment is available to high school students enrolled in science laboratory courses. If an insufficiency exists, the LEA must disclose in the resolution the percentage of pupils in each school who lack sufficient standards-aligned materials in each subject area to the public and classroom teachers, and the reasons for the insufficiency. **Any insufficiency identified at the hearing must be remedied within two months of the beginning of the school year.** The action must not require reimbursement by the Commission on State Mandates.

## **Hearing Requirements**

The public hearing must be held within eight weeks from the first day pupils attend class. For multi-track year-round LEAs, the clock starts with the first day pupils attend school in any track that begins in August or September. The hearing notice must be posted in three public places within the LEA, at least ten calendar days in advance, and state the time, place, and purpose of the hearing. The public hearing may not take place during or immediately following school hours (EC Section 60119(b)). Governing Boards should encourage participation by parents, teachers, members of the community, and bargaining unit leaders at the hearing. The public hearing and resolution are required annually, and should be kept on file for the LEA's annual audit. More information can be found on the CDE's Instructional Materials Frequently Asked Questions webpage at:

<https://www.cde.ca.gov/ci/cr/cf/imfrpfaq1.asp>

This bulletin and its attachment are posted on the Los Angeles County Office of Education website at:

<https://www.lacoe.edu/Bulletins.aspx>

Use the "Search" box in the Bulletins section to locate a specific bulletin by number or keyword.

Please contact me at (562) 922-6137, or by email at [Martinez\\_Alyssa@lacoe.edu](mailto:Martinez_Alyssa@lacoe.edu).

Approved:  
Octavio Castelo, Director  
Business Advisory Services

AM:lm  
Attachment

***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)