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H 446 GENERAL BILL/CS/1ST ENG by Education; Tobiasen and others (Compare H 1205, CS/S 268, CS/S 433, S 445, CS/CS/2ND ENG/S 1388)

Education/Materials, Plans, Programs; reduces membership of district instructional materials councils; provides requirements for lay member appointments to regional coordinating councils established within each vocational education planning region; requires D.O.E. to develop & maintain Fla. Education & Training Placement Information Program; repeals provision re student follow-up surveys re vocational students, etc. Amends Chs. 233, 228, 229, 230, 240, 443. Effective Date: 07/01/89.

02/28/89	HOUSE	Prefiled
03/01/89	HOUSE	Referred to Education; Appropriations
04/04/89	HOUSE	Introduced, referred to Education; Appropriations -HJ 49; On Committee agenda—Education, 04/06/89, 8:40 am, 413-C—For referral to subcommittee
04/06/89	HOUSE	Subreferred to Subcommittee on Programs
04/21/89	HOUSE	On subcommittee agenda—Education, 04/25/89, 9:35 am, 217-HOB
04/25/89	HOUSE	Subcommittee Recommendation: Favorable as a proposed CS; On Committee agenda—Education, 04/27/89, 1:30 pm, 413-C
04/27/89	HOUSE	Preliminary Committee Action by Education: Favorable as a CS
05/02/89	HOUSE	Comm. Report: CS by Education -HJ 338; CS read first time -HJ 333; Now in Appropriations -HJ 338
05/17/89	HOUSE	Withdrawn from Appropriations -HJ 514; Placed on Calendar
05/26/89	HOUSE	Placed on Consent Calendar; Read second time; Read third time; CS passed; YEAS 107 NAYS 0 -HJ 664
05/26/89	SENATE	In Messages
05/30/89	SENATE	Received, referred to Education; Appropriations -SJ 561
06/02/89	SENATE	Withdrawn from Education; Appropriations; Substituted for CS/SB 268 -SJ 907; CS passed as amended; YEAS 32 NAYS 0 -SJ 913
06/02/89	HOUSE	In Messages
06/03/89	HOUSE	Was taken up -HJ 1686; Concurred; CS passed as amended; YEAS 91 NAYS 16 -HJ 1692
06/03/89		Ordered engrossed, then enrolled
06/13/89		Signed by Officers and presented to Governor
06/28/89		Approved by Governor; Chapter No. <u>89-189</u> ; See also: CS/CS/SB 1388 (Ch. 89-381)

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: sa\csh0446f.edk

DATE: July 25, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 446

RELATING TO: Instructional Materials & Vocational Education

SPONSOR(S): Representative Tobiasen

EFFECTIVE DATE: Upon becoming a law

COMPANION BILL(S): SB 268 Identical by Senator Johnson, CS/SB 443, CS/SB 445

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

House Bill 446 amends several different sections of the Florida Statutes relating to instructional materials. Areas affected are (1) the evaluation of instructional materials, (2) contracts with publishers and manufacturers of instructional materials and (3) recycling of obsolete and unusable materials. Two Senate bills, CS/SB 443 and SB 445 were amended on to CS/HB 446. The Committee Substitute for SB 443 relates to Regional Coordinating Councils for vocational and adult general education. Senate Bill 445 relates to the Florida Education and Training Placement Information Program, the Vocational Education Management Information System and Placement Evaluation and Completion Rates.

A. PRESENT SITUATION:

1. Instructional Materials

According to s. 233.09, F.S. each state instructional materials council must have at least six members; at least two must be lay people and three must be teachers, with stated legislative intent that at least one-third should be lay people. The teachers have to be certified in an area directly related to the area or level being considered for state adoption.

The district instructional materials councils submit evaluations on materials in each subject area. The evaluations are weighted before being submitted to the councils for review, so that the evaluations of large districts have more influence than those of small districts.

Section 233.14, F.S., sets standards for state adopted instructional materials primarily designed for students in grades K-12.

Section 233.16, F.S., establishes the powers and duties of the department in selecting and adopting instructional materials.

The law requires bids to be opened two weeks before the meeting of the state instructional materials council, held in September. After the bids are opened, the department distributes the bid prices to the instructional materials councils.

This same statute also allows the Department of Education to extend a contract with a publisher up to two years, provided the state instructional materials council recommends the extension. No provision is made to shorten contracts.

The term of adoption of any instructional material is six years, as required by s. 233.17, F.S. The cycle is not always equal--in some years more books have to be adopted and purchased than in others, causing funds to be carried over or overspent.

Section 233.18, F.S., requires the department and each district superintendent to keep copies of each bid, contract, and book on the state-adoption list.

In s. 233.25, F.S., publishers and manufacturers are required to show that the instructional materials they present for adoption have used a "learner verification" process to establish that the text teaches what children need to know to meet state standards.

Section 233.37, F.S., requires districts to dispose of old or unusable materials in a way that will yield their fair salvage value.

2. Regional Coordinating Councils

Florida has a dual delivery system for vocational and adult general education. Because both community colleges and school districts may offer these types of programs, the 1983 Legislature adapted the 28 regional coordinating councils to control unwarranted duplication and assure that the regions' needs for these programs are met with efficiency and cooperation. The Postsecondary Educational Planning Commission evaluates seven of the councils each year. The first full cycle of evaluations are complete, and all 28 councils have been evaluated at least once. Each evaluation report recommended that the councils continue their work as long as this dual delivery system is possible.

3. Placement Information Program

a. Florida Education and Training Placement Information Program

The Florida Education and Training Placement Information Program began in 1984 as the Occupational Identifier Project, a pilot project to test the feasibility of electronically finding the occupations of former vocational education students. It was supposed to help school districts and community colleges report placements to comply with the placement standard required in s. 229.551, F.S. That law requires that for a given three year period, each vocational program must place at least 70 percent of all people who complete the program. If this placement standard

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is not met, the program will not be funded again. People are "placed" if they are in an occupation related to their training, continuing their education, or in the military.

b. Vocational Education Management Information System

The vocational education management information system is required by s. 229.557, F.S., to provide placement and follow-up information on completers of job preparatory vocational education programs, employment and unemployment rates including the extent to which placements are related to training, comparisons with the rates of nonvocational high school graduates, earning differentials of completers before and after vocational training, enrollment and completion data, employer satisfaction, and performance on basic skills tests. Also required are standard codes and definitions and the data from the Florida Occupational Information System or other statistically valid data sources. The DOE is encouraged to use the Florida Information Resource Network, FIRN, a statewide system of computer hardware, to deliver data. The law does not state how data in the Florida Occupational Information System should be used, just that it is to be used.

c. Placement Evaluation and Completion Rates

In 1987 the Senate Committee on Education reported that school districts and colleges have inadequately used the free information used by the placement information program because of their concern about meeting reporting deadlines. Local methods of collecting and analyzing placement information were so varied that the information was not comparable for statewide analysis and program evaluation.

In particular, the study found so few students reported as completers that some people who completed programs were probably not being reported. It recommended that the DOE study the completion rates of programs and recommend ways to improve either the accuracy of the reports or the efficiency of the programs. The DOE has not conducted this study or made any recommendations, and the latest accountability report indicated a statewide completion rate of only 14 percent.

B. EFFECT OF PROPOSED CHANGES:

See below.

C. SECTION-BY-SECTION ANALYSIS:

(1) Evaluation of Instructional Materials

SECTION 1 would reduce required membership on instructional materials councils from six to three. Only one individual would have to be a lay person, even on a council of more than three members.

The councils would still review aggregate evaluations from all the other councils in weighted form, but they would also see the evaluations unweighted, with each district's evaluations shown equally.

SECTION 2 allows the DOE to make exceptions for college level materials which do not meet specifications for instructional materials quality (paper, binding, cover boards), provided the publisher guaranteed replacement or renovation during the time of the contract.

SECTION 6 would amend s. 233.25, (3)(b) to eliminate the required learner verification process and add a requirement that publishers write a report on how their texts correlate with curriculum frameworks, student performance standards and standards of excellence.

(2) Contracts with Publishers and Manufacturers

SECTION 3 provides that bids from publishers wanting contracts would have to be opened three weeks after the deadline for receiving them instead of two weeks before a meeting of the state council.

The department could shorten, as well as extend, a contract with a publisher by as much as two years. To change contract lengths, the department would not have to get the agreement of the state instructional materials council, but would have to have the publisher's consent and comments from the districts.

SECTION 4 would add a paragraph to s. 233.17, F.S., to require the DOE to annually publish the schedule of subject areas due for evaluation, and to promote balance among the subject areas so expenditures would be approximately the same every year.

SECTION 5 would amend Section 233.18, F.S., to allow each superintendent to keep a copy of only the books adopted for use in his or her district, rather than all the books on the state-adoption list.

(3) Recycling of Obsolete and Unusable Materials

SECTION 7 would amend section 233.37, F.S., on disposal of old materials, to require the DOE to contract with recycling firms to pick up and dispose of old materials for salvage.

(4) Regional Coordinating Councils

The Committee Substitute for SB 433 would substitute the term "adult general education" as appropriate when several categories of adult general education are listed, or when the term "general" is omitted.

SECTION 8 would amend s. 228.072, F.S. to remove all references to Community Instructional Services from the councils'

responsibilities and from their name and from the law.

SECTION 9 would amend s. 228.073, F.S. to remove all references to Community Instructional Services from the councils' responsibilities and from their name and from the law.

SECTION 10 would amend s. 228.074, F.S. to do the following: (1) In order to improve the lay membership on the councils, agencies that nominate people for the Governor's consideration would give priority to representatives from business and industry, (2) Each council would no longer be required to review the budget of each local education agency (LEA) in the region, (3) The correct term "Job Services of Florida" would replace the obsolete "State Employment Service", (4) The procedure would be corrected for notification of effective resignation by the private sector nonvoting member, who is appointed by the Commissioner of Education and whose absences should be reported to that office rather than to the Governor, (5) The title "Florida Labor Market Information Committee" would replace "Florida Occupational Information Coordinating Committee" because the responsibilities of the latter have been assumed by the former, (6) Require a representative or "a" university that serves the region to serve on the council, rather than a representative of "each" of the region's universities, (7) Limit the terms of office of lay members to two consecutive 4-year terms, (8) Prohibit lay members from receiving a majority of their income from employment related to education or from serving on school boards or community college boards of trustees, (9) Remove the requirement that the Postsecondary Education Planning Commission must evaluate seven of the councils each year, and (10) Remove all references to Community Instructional Services from the councils' responsibilities and from their name and from the law.

SECTION 11 would amend s. 228.075, F.S., to do the following: (1) Clarify the goals of the councils by stating as a goal the overall purpose of the councils to assure that the regions' needs are met with efficiency, cost-effectiveness, and minimum unwarranted duplication, (2) Add equal access and equal opportunity to the list of criteria the councils may use in reviewing and making recommendations about programs and courses, (3) Clarify the councils' responsibilities for planning by stating their role in the development of a state plan for vocational education, (4) Add the term "postsecondary adult level" to the list of types of vocational education in the councils' area of responsibility, (5) Require the councils to submit recommendations for the creation, modification, or termination of vocational programs to the DOE's Bureau of Auditing Services as well as to the affected institution, and (6) Remove all references to Community Instructional Services from the councils' responsibilities and from their name and from the law.

SECTIONS 12-16 would amend ss. 228.076, 229.132, 230.645, 240.301, and 240.359, F.S. to remove all references to Community

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Instructional Services from the councils' responsibilities and from their name and from the law.

SECTION 17 would name the Occupational Identifier Project the Florida Education and Training Placement Information Program. This program would be charged in law with the responsibility to compile, maintain, and disseminate information concerning the educational history and the placement and employment records of former participants in the state's education and training programs.

SECTION 18 would amend s. 229.557, F.S., the Vocational Education Management Information System Law to enable the system to make maximum use of the information provided by the Florida Education and Training Placement Information Program. Specific changes include: (1) Data on student enrollment and placement would have to be reported by program with a goal of enabling program trends to be analyzed over five years or more, (2) Student reports would be individual and consist of name, social security number, and date of birth, and confidentiality would be maintained, (3) Access to the unemployment insurance wage report by the placement information program would be assured in ss. 229.557 and 443.171, F.S. (4) Paperwork would be reduced by encouraging maximum use of automated technology such as the placement information program and the FIRN, (5) Reports of enrollment, completion, and placement by program would be made available quarterly rather than annually, (6) Status by program of students enrolling, completing, and leaving would be maintained, (7) The follow-up information currently provided by the placement information program would continue as required, with the change that former students who were both working and attending postsecondary school would have to be reported in a separate category, and (8) Reports of employer satisfaction would be by indicators, so that not all employers would have to be contacted.

SECTION 19 would amend s. 443.171, F.S., to authorize the Bureau of Unemployment Compensation to share information with the staff of the program.

SECTION 20 would amend s. 229.551, F.S. to require school districts and community colleges to use information from the placement information program to comply with the placement standard. This would be done in the following ways: (1) A vocational program would not have to place 70 percent of all students who completed it, but 70 percent of those located by the placement information program, (2) Districts and Colleges could independently follow up on completers whom the program did not locate, (3) Analysis of placement information would remain at the local level, (4) The State Board of Education would have to make rules to accommodate districts in which a substantial number of students would not give their social security numbers and so could not be electronically followed up on, and (5) A program that had fewer than five completers would not be required to place 70 percent of so few completers. The program would be directed to follow standard rules for protecting the privacy of

individual students or their employers. Beginning with the 1989-1990 school year, districts and colleges would have to report the number of students enrolled in each vocational program and the number who completed it one or two years later (depending on the length of the program). With three exceptions, districts and colleges would have to have a completion rate of 20 percent at least once every three years or their funding would not be renewed. These exceptions would be (1) If a program had 25 percent of the same students still enrolled when they should have completed it, (2) If a program improved its completion rate by 25 percent in a three-year period, and (3) Programs for inmates of correctional institutions would be exempt. A new definition of enrollment would be adopted to keep exploratory students from skewing the enrollment data. The State Board for Vocational Education would have to adopt rules to synchronize due dates so the electronic placement information would be most accurate and timely, guidelines for determining placement or non-placement, and methods for calculating placement rates if students did not provide social security numbers for follow-up.

SECTION 21 repeals s. 229.5585, F.S. which provides for a survey questionnaire to be printed on a postcard in order to provide for vocational follow up.

SECTION 22 provides that the bill shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

In 1988-89, the state appropriated \$57,443,418 for instructional materials expenditures. The Florida Association of District Instructional Materials Administrators estimated that the 1989-90 minimum needed to provide core instructional materials (a textbook and required consumable materials to each child for each class) would be \$69,861,789. If materials such as filmstrips, computer discs, transparencies, and other ancillary support materials are included, the amount required would rise to \$107,418,122. The Commissioner has requested \$79,308,777.

The management information system required in the proposed legislation would be less expensive to maintain than the one required in s. 229.557, F.S., as it currently exists. But the department might incur some expense in making changes in report formats and programming to allow reporting as a separate category students who are both working and attending postsecondary school. The reports of completers and

comparisons with enrollments would also be a new report for the Division of Vocational Education.

This expense would be more than offset at the local level, however, because school districts and colleges would use the free placement information program as their primary method of follow-up. Currently local follow-up efforts are expensive and time-consuming far out of proportion to their usefulness in program planning and evaluation.

The placement information program itself is included in the budget of the Deputy Commissioner for Educational Management, and amounts to about \$257,000 a year. If the program were to be expanded to include analysis or state-level reporting to decision makers, its budget would need to be increased by an estimated \$35,000.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

Proposed Committee Substitute for House Bill 446 is consistent with 187.201 F.S., the State Comprehensive Plan (1)(b) 16. k. "Provide adequate instructional materials, and facilities to meet the needs of all students."

IV. COMMENTS:

Most large districts have more than six members on their instructional materials council and report trouble keeping the required one-third lay members, while some small districts do not have enough teachers certified in one area to participate in the process of state adoption of instructional materials. School districts have to hire substitute teachers or make other arrangements for the teachers when they are absent from school to participate in an instructional materials council.

If the size of the council is reduced, then more small districts might be able to participate in evaluations of instructional materials, and large districts with many teachers on their councils would not have to find lay people to make up half of each council.

Some textbooks and other materials used at the college level do not meet the same requirements as instructional materials designed primarily for K-12. School districts with public school students in dual enrollment or Advanced Placement programs need to use college level textbooks.

The six year adoption cycle makes it difficult to make each years expenditure the same. However, the DOE has been working to even this out. To ease the problem, DOE would need more leeway to extend or shorten the six year contracts.

Early bid opening would enable the staff of the DOE to include the bid prices the first time they distributed a list of submissions, rather than adding prices to the list later.

If recycling firms kept contracts and picked up materials from the districts on a regular basis, the districts would have more storage space for usable materials.

The 1987 evaluation report of the Postsecondary Education Planning Commission recommended that the councils clarify their goals and responsibilities; assure that lay voting members represent the region's employers and cannot be affiliated with education agencies; and reduce the number of reports they have to review, specifically the annual review of the budgets of each local education agency (LEA, meaning community college or school district) in the region. Their goals are stated in s. 228.075, F.S., and the budget review is required by s. 228.076, F.S., so legislative action is needed to

implement the planning commission's recommendations.

The 1989 evaluation recommended several other changes requiring legislation: that no lay members be employed by either of the LEAs in the region or serve on their boards; that in regions served by more than one state university, only one be required to participate in council activities; and that the planning commission no longer be required to evaluate all 28 councils every four years, but to develop an evaluation plan that will address the councils most in need of assistance.

The councils' three goals are to maximize student articulation among the delivery systems for vocational education and adult general education, improve linkages with business and industry, and lead regional efforts in cooperation. The overall effect of successfully achieving these goals is to assure that each region's needs for these programs are met efficiently and cost-effectively, but that effect is not listed as a goal.

The only state plan for vocational education in Florida is produced every two years to comply with federal requirements for receipt of federal funds. In 1985, the Florida Senate adopted a resolution that criticized this state plan for vocational education, saying the plan was inadequate for guiding the state's expenditures for vocational education, since federal funds account for only about 5 percent of the public expenditure for vocational education in Florida. The 1988 Senate response to the plan reiterated the need for a state plan that was based on statewide goals and objectives and quantifiable ways of telling how well the goals and objectives were being achieved ("measures of success"). That response said that the state plan should reflect local vocational education plans, along with statements of what resources the LEAs in each planning region would contribute to achieve the statewide goals and objectives.

Current law does not address a council responsibility to participate in a planning process, but the DOE has traditionally requested and received council participation. Each of the 95 LEAs in the state produces a plan for vocational education, and each council reviews the plans for the LEAs in its region and participates in several other ways. The DOE reviews and approves each of the 95 plans but does not aggregate data from them to produce a state plan. Staff at the local level say they seldom if ever use their plans. Neither the local plans nor the regional coordinating councils are used to develop a state plan for vocational education.

From 1975 through the 1986-87 school year, Community Instructional Services (CIS) were offered to meet community needs in seven areas identified in State Board of Education rule 6A-10.027, F.A.C. The funding level ranged from a low of \$2.3 million to a high of \$6.7 million, and funds were allocated by population to the 28 regional coordinating councils, which distributed them in the community. The funds were not distributed by the number of full time equivalent students in the programs, so they went for a number of services that were not necessarily instructional. In 1987 and 1988 the Legislature provided no funding for CIS. The term is not defined anywhere in

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law, but several statutes refer to the services. For instance, CIS is part of the name of the "Regional Coordinating Councils for Vocational Education, Adult General Education, and Community Instructional Services," and CIS-type activities are described as the last of six priorities for adult general education authorized in s. 228.072, F.S.

The DOE would assess the state's needs and develop statewide vocational education policies, goals, objectives, and measures of success. Each regional coordinating council would indicate the contribution of the vocational education programs in its region to the objectives and measures of success. Then the DOE would summarize the regional plans and add how state and federal resources would contribute to each objective and measures of success. The resulting state plan for vocational education should be capable of fulfilling requirements for vocational planning to enable the state to receive federal funds under the Carl D. Perkins Act of 1984, and no additional plan would be required. This planning process is similar to a region-to-state vocational planning process outlined in a report accepted by the State Board for Vocational Education in 1985.

"Postsecondary vocational" and "postsecondary adult vocational" are technical titles for two different levels of vocational education that have limitations in delivery and require frequent attention by the councils.

Adult general education is defined and regulated in s. 228.072, F.S., and includes adult basic and secondary education, preparation for the General Education Development test, vocational preparatory and college preparatory education, lifelong learning, and community instructional services. The term "adult education" could be construed to include community education programs for adults, which are self-supporting and do not need council participation.

While the placement information program was being developed, districts and colleges independently located former students and decided whether their occupations were related to their training. They reported great trouble and expense in collecting this placement information, but all of them have done so for four years, and no programs have lost their funding because of low placement. Information from the placement information program is now available statewide, but districts and colleges continue to collect their own information because they are concerned about meeting the DOE's deadlines.

The placement information program electronically matches student social security numbers with those in the unemployment insurance wage report maintained by the Department of Labor and Employment Security, and thus locates everyone who is employed by a firm in Florida that reports its employees for unemployment insurance. Their occupations are not identified by this procedure, but the project's computer program automatically sends a request for the occupational information to the employer. Over 70 percent of the former students had their occupations identified by the project. Those who were in the military or continuing postsecondary education at a public

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college or university in Florida also were identified by electronic matching of records in the computer files of community colleges, the State University System, and the United States Department of Defense. The program now locates people in federal employment and is negotiating with the states of Alabama and Georgia to be able to access their computer files. Unemployed people may also be identified within the year.

In 1988-89, the program was implemented statewide. All school districts and colleges that elected to participate did so, totalling 64 districts and 24 colleges. In addition, the program has followed up on samples of community college academic graduates, people who completed adult migrant education, regular high school seniors, participants in the Job Training Partnership Act, high school dropouts, and former inmates of correctional institutions. A longitudinal sample is in its third year of follow-up. A total of 194,555 students are now being followed up on. Over 22,000 employers were contacted and 87 percent responded to the request to identify the occupations of the former vocational students they employed.

A 1987 Senate Committee on Education interim project provided a prototype report using data from the project's files. The report demonstrated the usefulness of the information to decision-makers and program planners as well as to local education agencies reporting the placement status of former of former vocational students. It analyzed employment stability, average quarterly earnings, training-related employment rates, and race and gender variables among completers of various types of vocational education programs.

The program has been authorized and funded annually since 1984 in the appropriations acts, but no statute refers to it. Cooperation among the various agencies that contribute to the project has been voluntary.

The DOE has not yet provided all of the information needed for the vocational education management information system. It is impossible to report unemployment rates using the Unemployment Insurance Wage Report, though the current law requires it. No comparative study of vocational and nonvocational high school graduates was attempted until 1987-88 when the Education and Training Placement Information Program procured a sample of academic high school graduates' social security numbers. No attempt has been made to identify earning differentials before and after training, and the use of such differentials is uncertain even if they were available.

Some of the required information has been reported; but according to a 1987 Senate Committee on Education interim report, some of the methods of collection are unnecessarily expensive and time-consuming and produce questionable results. Many districts and colleges believe they are required to contact the employer of every vocational completer for the employer satisfaction survey, even though a State Board of Education study revealed the defects in such an approach and recommended a controlled study using only a sample of employers.

House Bill 446 was reported favorably by the House Committee for

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Education as a Committee Substitute on May 2, 1989 and sent to the Committee for Appropriations. The bill was withdrawn from Appropriations on May 17 and placed on the Calendar. On May 26, Committee Substitute for House Bill 446 was placed on the Consent Calendar and passed 107-0. The bill passed the Senate as amended on June 2, 32-0. On June 3, shortly before adjourning Sine Die at 2:00 AM, the House concurred 91-16.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

George D. Phillippy
George D. Phillippy

SECOND COMMITTEE OF REFERENCE:

Prepared by:

APPROPRIATIONS:

Prepared by:

Staff Director:

Neal H. Berger
Neal H. Berger, Ph.D.

Staff Director:

Staff Director:

REVISED: _____

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>White</u> <i>[Signature]</i>	<u>O'Farrell</u> <i>[Signature]</i>	1. <u>ED</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Instructional Materials

BILL NO. AND SPONSOR: SB 268 by Education Committee & Senator Johnson

I. SUMMARY:

A. Present Situation:

The Department of Education has received occasional complaints about schools that do not have enough textbooks for every student to have one for each class. No information is available on how extensive this problem is. Some courses are intentionally without textbooks, using handouts or a number of different books children can check out.

According to s. 233.09, F.S., each state instructional materials council must have at least six members; at least two must be lay people and three must be teachers, with stated legislative intent that at least one-third should be lay people. The teachers have to be certified in an area directly related to the area or level being considered for state adoption. Most large districts have more than six members and report trouble keeping the required one-third lay members, while some small districts do not have enough teachers certified in one area to participate in the process of state adoption of instructional materials. School districts have to hire substitute teachers or make other arrangements for the teachers when they are absent from school to participate in an instructional materials council.

The state instructional materials councils submit evaluations on materials in each subject area. The evaluations are weighted before being submitted to the councils for review, so that the evaluations of large districts have more influence than those of small districts.

Section 233.14, F.S., sets standards for state-adopted instructional materials primarily designed for students in grades K-12. Some textbooks and other materials used at the college level do not meet the same requirements, and school districts with public school students in dual enrollment or Advanced Placement programs need to use college-level textbooks.

Section 233.16, F.S., establishes the powers and duties of the department in selecting and adopting instructional materials. The law requires bids to be opened two weeks before the meeting of the state instructional materials council, annually held in September. After the bids are opened, the department has to distribute the bid prices to the instructional materials councils.

This same law also allows the Department of Education to extend a contract with a publisher up to two years, provided the state instructional materials council recommends the extension. No provision is made to shorten contracts.

The term of adoption of any instructional material is six years, as required by s. 233.17, F.S. The cycle is not always equal--in some years more books have to be adopted and purchased than in others, causing funds to be carried over or overspent. The department has been working to even out the expenditures, but the six-year cycle makes it difficult to make each year's expenditures the same. To ease the problem, the department would need more leeway to extend or shorten the six-year contracts.

Section 233.18, F.S., requires the department and each district superintendent to keep copies of each bid, contract, and book on the state-adoption list. Superintendents have to keep copies of books whether or not their districts have adopted them.

In s. 233.25, F.S., publishers and manufacturers are required to show that the instructional materials they present for adoption have used a "learner verification" process to establish that the text teaches what children need to know to progress enough to meet state standards.

Section 233.37, F.S., requires districts to dispose of old or unusable materials in a way that will yield their fair salvage value.

B. Effect of Proposed Changes:

The proposed legislation would require the Legislature to appropriate enough to provide each student in the public schools with one textbook plus ancillary materials for each subject he or she takes. The department would estimate the amount needed annually, using methods similar to those developed by the Florida Association of District Instructional Materials Councils. Future Legislatures would be requested to delay implementing any new course requirements for at least a year.

Required membership on instructional materials councils would be reduced from six to three, and only one individual would have to be a lay person, even if a council had more than three members. More small districts might be able to participate in evaluations of instructional materials, and large districts with many teachers on their councils would not have to find enough lay people to make up half of each council.

The councils would still review aggregate evaluations from all the other councils in weighted form, but they would also see the evaluations unweighted, with each district's evaluations shown equally.

Specifications for instructional materials' quality (paper, binding, cover boards) could include an exception for college-level materials, provided the publisher guaranteed replacement or renovation during the time of the contract.

Bids from publishers wanting contracts would have to be opened three weeks after the deadline for receiving them instead of two weeks before the state council met. This early bid opening would enable staff of the department to include the bid prices the first time they distributed a list of submissions, rather than adding prices to the list later.

The department could shorten as well as extend a contract with a publisher by as much as two years. To change contract lengths, the department would not have to get the agreement of the state instructional materials council, but would have to have the publisher's consent and comments from the districts. This measure would be useful primarily for evening out the expenditures for each year of the six-year cycle.

The legislation would add a paragraph to s. 233.17, F.S., to require the department annually to publish the schedule of subject areas due for evaluation, and to promote balance among the subject areas so expenditures would be approximately the same every year.

Section 233.28, F.S., would be amended to allow each superintendent to keep a copy of only the books adopted for use in his or her district, rather than all the books on the state-adoption list.

The bill would amend s. 233.34, F.S., so that funds allocated for instructional materials could not be spent for library books or reference books.

Section 233.37, F.S., on disposal of old materials, would be amended to require the department to contract with recycling firms to pick up and dispose of old materials for salvage. If the firms kept the contracts and picked up materials often enough, districts would have more storage space for usable materials.

Instead of learner verification, publishers would have to provide a statement of how the materials are correlated to standards of excellence, student performance standards (SSAT), and curriculum frameworks.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

In 1988-89, the state expenditure for instructional materials is projected to be \$57,443,418. The Florida Association of District Instructional Materials Administrators estimated that the 1989-90 minimum needed to provide core instructional materials (a textbook and required consumable materials to each child for each class) would be \$69,861,789. If materials such as filmstrips, computer discs, transparencies, and other ancillary support materials are included, the amount required would rise to \$107,418,122. The Commissioner has requested \$79,308,777.

III. COMMENTS:

None.

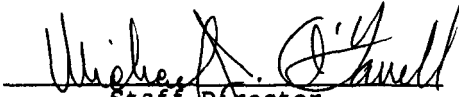
IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 268

1. Would not require the DOE to pay teachers and lay members a stipend while they were working on state instructional materials councils.
2. Would encourage future Legislatures not to mandate additional courses that required instructional materials unless they delayed implementation at least a year.
3. Would require state instructional materials councils to review an aggregate of their evaluations in which each district's evaluations were displayed equally, in addition to an aggregate that gave more weight to the evaluations of larger districts.
4. Would no longer allow state allocations for instructional materials to be used for library books and reference books, only for instructional materials and repairs.
5. Would not change the requirement that districts have to spend at least half their allocation on state-adopted materials.
6. Would not state that principals could apply legal sanctions against parents who refused to pay for their children's lost or damaged books.
7. Would eliminate the required learner verification process and add a requirement that publishers write a report on how their texts correlate with curriculum frameworks and certain other standards.

Committee on Education


Staff Director

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