

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1006

SPONSOR: Senate Education Committee

SUBJECT: Instructional Materials

DATE: March 24, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates new requirements in law for instructional materials in the following subject areas for kindergarten through grade 12: mathematics, language arts, science, social studies, reading, and literature. The bill requires school districts to make purchases in core courses of specific subject areas within a specified time period, with some exceptions. The bill allows school districts to use certain funds to purchase laptop computers as readers when authorized to do so in the General Appropriations Act.

The bill revises the current provisions for the disposal of instructional materials and requires certain funds to be deposited into the district school fund as an addition to the district's appropriation for instructional materials. The bill repeals s. 233.38, F.S., relating to the exchange of textbooks. The bill revises the current requirements for school superintendents to requisition instructional materials. The bill requires district school board policy to include collecting funds from parents for lost, damaged, or destroyed materials, as well as the superintendent's responsibility for keeping adequate records for funds collected from the sale, exchange, loss, or damage of instructional materials.

The bill requires the renegotiation of certain contracts. The bill also revises the current requirements for publishers and manufacturers to retain a sufficient inventory of instructional materials in a depository to receive and fill orders. The bill requires reports to the Legislature from the Department of Education related to contracts for the core subject areas and the collection of funds under s. 233.46(4), F.S. The bill defines the term "adequate instructional materials" in s. 230.23, F.S. The references to the Department of Education are replaced with references to the Commissioner of Education in certain provisions of s. 233.16, F.S. The bill revises current provisions related to weighting of district recommendations in the selection process and requires each district recommendation to be given equal consideration.

The bill removes the provision in s. 233.17, F.S., that requires contracts placing instructional materials on adoption for 4 or more years to have an adjusted price increase. The Commissioner of Education is authorized in s. 233.25, F.S., to accept submissions of bids or proposals that reflect a

charge for ancillary materials provided free of charge in other states' contracts if the publisher can reduce the total program cost to Florida school districts.

This bill substantially amends s. 230.23, F.S.; s. 233.09, F.S.; s. 233.16, F.S.; s. 233.17, F.S.; s. 233.22, F.S.; s. 233.25, F.S.; s. 233.34, F.S.; s. 233.37, F.S.; s. 233.43, F.S.; and s. 233.46, F.S. The bill creates new language in currently unspecified sections of the statutes and repeals s. 233.38, F.S.

II. Present Situation:

Senate Interim Project on Public School Instructional Materials, Including Technology

The Senate Education Committee conducted an interim study (Report # 98-17) to examine why, despite dramatic increases in funding, public school children in Florida do not always have access to the textbooks and other instructional materials essential for a quality education. The interim report noted that many districts cited the need for additional funding or greater latitude for the expenditure of existing funds to purchase software and hardware.

Allocation of funds

For purposes of state adoption, the law (s. 233.07(4), F.S.) defines "instructional materials" as items having intellectual content that, by design, serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form, and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if it is bundled with software or other electronic media.

The law (s. 236.122, F.S.) authorizes the Department of Education to allocate and distribute to each district funds to be used for instructional materials for public school students enrolled in basic and special programs in grades K-12. The department distributes to each district an amount, calculated by formula, which provides for growth of student membership in basic and special programs in the district and for instructional material maintenance needs. Instructional materials are funded as a categorical item in the General Appropriations Act.

Use of the instructional materials allocation

Statutory guidelines for the use of the instructional materials allocation are established in s. 233.34, F.S., and s. 236.081(5), F.S. The instructional materials allocation is to be used for the purchase of instructional materials on the state-adopted list and certain materials not included on the state-adopted list. Districts must spend at least fifty percent of their annual instructional materials allocation on state adopted materials to purchase items which will be used to provide instruction at the level or levels for which they were designed. The 1998-1999 Florida Catalog of State-Adopted Instructional Materials contains the following examples of instructional materials: software packages and site license packages; outline, wall, and desk maps; writing folders and process posters; transparencies; videos; CD-ROM student, classroom, and lab packages; and cassettes.

The law specifies the thresholds for spending on materials not on the state adopted list. Up to fifty percent of the annual allocation may be used to purchase instructional materials (including library and reference books and nonprint materials) not on the state adopted list and for the repair and renovation of textbooks and library books. For kindergarten, all of the allocation may be spent on materials not

on the state-adopted list. For grade one, up to 75 percent of the allocation may be spent on materials not on the state-adopted list. The law provides further guidance for funds that may be spent on materials not on the state adopted list. These funds may be used to purchase instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by school board policy.

The law prohibits the use of available funds to purchase items not on the state adopted list for hardware, even if the hardware is bundled with software or other electronic media. Further, these funds may not be used to purchase equipment or supplies. There is an exception. When authorized to do so in the General Appropriations Act, a school or school district may use a portion of the funds available to it for the purchase of materials not on the state adopted list to purchase science laboratory materials and supplies.

When a school district's total allocation has not been expended or obligated prior to June 30 in any year, the law (s. 233.34(6), F.S.) requires the school district to carry forward the unobligated amount and add it to the next year's allocation.

Florida's instructional materials selection and adoption process

All instructional materials submitted for consideration must be evaluated based on their ability to best implement the selection criteria developed by the Commissioner of Education and those curricular objectives included within applicable performance standards in s. 229.565, F.S. State instructional materials committees, which are annually appointed by the Commissioner, are responsible for studying and evaluating the instructional materials submitted for adoption and for recommending to the Commissioner, in the form of a report, recommendations for each grade and subject field in the curriculum of public elementary and secondary schools in which adoptions are to be made. Each school year the Commissioner of Education determines the areas in which instructional materials shall be submitted for adoption and appoints state instructional materials committees. School districts have the opportunity to evaluate materials submitted for adoption and to submit their recommendations to the state instructional materials committees. The Commissioner determines the number of titles to be adopted in each area.

Terms of adoption for instructional materials

The term of adoption of any instructional material must be for an 8-year period, except for the core subject areas. The term of adoption for core subject areas (including math, science, social studies, reading, and literature) is limited to a 6-year period. The Commissioner may approve terms of adoption for less than 8 years for materials in content areas that require more frequent revision.

The department must annually publish an official schedule of subject areas to be adopted for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5, and 6. The law allows the Commissioner to order the department to add subject areas to the official schedule based on extenuating circumstances. The purpose of the schedule is to promote balance among the subject areas in order for expenditures for new instructional materials to be approximately the same each year for the maintenance of curricular consistency.

Contracts

The Department of Legal Affairs must prepare a contract with each successful bidder. The contract is executed by the Governor and the Secretary of State. After considering the districts' comments and with the publisher's agreement, the department may extend or shorten the contract period for no more than two years. The terms of the amended contract, however, remain the same as in the original contract.

Contracts placing instructional materials on adoption for 4 or more years must contain an escalator clause that provides a publisher or manufacturer with the discretion to increase the contract price within a specified threshold. The publisher can increase the contract price to the publisher's or manufacturer's then-current lowest wholesale price at which the materials are then being offered to any state or school district in the U.S. However, the adjustment cannot exceed the percentage by which the consumer price index (as determined by the U.S. Department of Labor) has increased during the time the contract has been force. The price increase remains in effect for the remaining term of the contract, unless the contract price is increased as allowed.

Depository

The law provides for bids and contracts and delineates the duties and responsibilities for publishers and manufacturers. Proposals or bids for state-adopted instructional materials must (s. 233.14(2), F.S.) state the lowest wholesale price at which the materials will be furnished at the time of the adoption period provided in the contract begins, delivered f.o.b. (free on board) to the Florida depository of the publisher, manufacturer, or bidder. The duties and responsibilities for publishers and manufacturers include providing materials at a price, inclusive of transportation costs to their depositories, that does not exceed the lowest price offered for adoption or sale to any state or school district in the U.S.

Publishers and manufacturers must maintain or contract with a depository in the state. They must also maintain in the depository an inventory that is sufficient to receive and fill orders. The law provides for liability and treble damages for publishers or manufacturers who wilfully fail to comply with the provisions of s. 233.25, F.S. The law (s. 233.22, F.S.) requires school district superintendents to requisition adopted instructional materials from the depository under contract with the publisher.

Exchange of textbooks and the disposal of instructional materials

The law (s. 233.38, F.S.) provides for the exchange of textbooks among several districts of the state for use in the public schools. The stated purpose of this provision is to achieve the economical and expeditious distribution of textbooks. The Department of Education is directed to arrange for the exchange in accordance with district needs. The superintendents in these districts must, at the department's direction, crate and ship designated books to certain districts. The department determines the districts that receive shipments. The department is also authorized to direct the shipment of surplus books in any district to some central point for holding or distribution as the need arises.

Another provision of law (s. 233.37, F.S.) allows the district school board to dispose of instructional materials of an old adoption when they become unserviceable, based on terms and conditions that result in a fair salvage value. The disposal is permitted by rules of either the Commissioner or rules of a district school board. The school board rules must be approved by the Commissioner. The

department must contract with recycling firms for the pickup of obsolete or unusable materials for salvage.

Rule 6A-7.074, F.A.C., implements the provisions of s. 233.37, F.S. Useable and obsolete instructional materials that are no longer on contract to the state must be carried on inventory for at least one year to permit full use of state adopted instructional materials. The rule allows the disposal of surplus materials. However, the disposal is conditioned upon notifying the Deputy Commissioner for Educational Programs, in order to make every effort to provide the available surplus materials to other districts. The Deputy Commissioner must make each district's listing of surpluses available to all the other districts for a period of 30 days. The rule provides for the disposal of material which cannot be used in inter-district exchange programs. All monies received by sale, exchange or other disposition of instructional materials must be deposited in the district school fund and added to the district appropriation for instructional materials.

Lost or stolen textbooks

The powers and duties of school boards are set forth in s. 230.23, F.S., and include providing adequate instructional aids for all children in accordance with the provisions of subsection (7) and chapter 233, F.S. School boards are responsible for the proper requisition, distribution, accounting, storage, care and use of all textbooks and other books furnished by the state.

Current law (s. 233.47, F.S.) provides that all instructional materials purchased under chapter 233, F.S., are the property of the school district. The materials, when distributed to students, are on loan during the course of study and must be returned at the direction of the principal or teacher in charge. Instructional materials for dually enrolled students are the property of the board against which the purchase is charged. The law (s. 233.46(3), F.S.) provides for the principal to sell to parents, upon request, any instructional materials used in the school.

A parent, guardian, or other person in charge of the student to whom materials have been issued are liable for any loss, destruction, or unnecessary damage to these materials. The parent, guardian, or other person in charge is also responsible for the student's failure to return materials when directed to do so and is required to pay for the loss, destruction, or damage.

Principals are responsible for collecting the purchase price from the student or parents for lost, destroyed, or damaged materials. An amount within a specified range (between 50% and 75% of the purchase price of the book) must be collected for materials in school use for more than one year. The amount is based on the physical condition of the book. Funds must be sent to the superintendent for deposit in the district school board fund and added to the district's appropriation for instructional materials.

Failure to collect the amount due, after reasonable effort by the principal, may result in the student's suspension from participation in extracurricular activities or in the student's satisfaction of the debt through community service at the school, as determined by the principal.

The superintendent's duties and responsibilities for proper accountability of instructional materials must be established by district school board policy. Principals are required to ensure the accountability of all textbooks, as prescribed by local district school board rule. Rule 6A-1.001,

F.A.C., requires district school superintendents to keep adequate records and accounts of all financial transactions.

Waivers

While chapter 233, F.S., species the adoption process and provides statutory guidelines for the use of the instructional materials allocation, another provision of law (s. 229.592(6), F.S.) provides exceptions. To facilitate innovative practices and to allow local selection of educational methods, the Commissioner may waive, upon a school board's request, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, with the exception of those pertaining to civil rights, and student health, safety, and welfare. In addition, waivers may not be granted for the following:

- allocation and appropriation of state and local funds for public education;
- election, compensation, and organization of school board members and superintendents;
- graduation and state accountability standards;
- financial reporting requirements;
- public meetings;
- public records; or
- due process hearings governed by chapter 120, F.S.

Waivers approved by the Commissioner are effective for a 5-year period. The law also authorizes the Commissioner to waive State Board of Education rules if the school board has submitted a written request to the Commissioner. The law specifies the contents for written waiver requests. The Commissioner must ensure the protection of students' health, safety, welfare, and civil rights, as well as the protection of the public's interest when considering any waiver. The Commissioner is required to state with particularity the grounds or basis for a denial of a waiver request. The law provides for the Commissioner to report on waivers to the Florida Commission on Education Reform and Accountability.

Fourteen districts applied for and received waivers from the instructional materials requirements in s. 233.34(2), F.S.: Okaloosa (4 elementary schools), Orange, Charlotte, Indian River, Baker, Leon, Palm Beach, Hendry, Hillsborough, Polk, Osceola, Hardee, Suwannee, and P.K. Yonge (University of Florida demonstration research school). These waivers expire on June 30, 2001. As of February 8, 1999, no further waivers had been granted for this purpose.

School Improvement Plans and School Advisory Councils

The law (s. 229.58, F.S.) requires the school board to establish a school advisory council for each school in the district, but gives smaller school districts (those with 10,000 or fewer students) the option of establishing a district advisory council. Each school advisory council must be composed of the school's principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community members who are representative of the ethnic, racial, and economic community served by the school.

Each school advisory council assists in preparing and evaluating the school's improvement plan and assists in preparing the school's annual budget. Also, each school advisory council must perform those functions prescribed by school board regulation. Section 229.58(2), F.S.) specifies that no school advisory council shall have any of the powers and duties now reserved by law to the school board.

The Legislature annually appropriates funds for school advisory councils to use for school improvement. From the school district's lump sum allocation of lottery funds, SB 2500 requires school boards to allocate \$10 per unweighted FTE student for purposes determined by each school's advisory council or by the school's staff and parents, if there is no school advisory council.

Chapter 98-271, L.O.F., requires school improvement plans (beginning in 1999-2000) to address specific issues, including instructional materials. School boards must adopt policies that encourage maximum decision making appropriate to the school site. The policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology. School boards are to adopt waiver process policies to enable all schools to exercise flexibility and notify school advisory councils about the waiver process for school district and state policies.

III. Effect of Proposed Changes:

The bill creates new provisions in law for instructional materials in the core courses for the following subject areas for kindergarten through grade 12: mathematics, language arts, science, social studies, reading, and literature. The bill amends s. 233.22, F.S., to require a school superintendent to obtain current instructional materials to provide each student with a textbook or other materials as a major tool of instruction in the core courses of designated subject areas. The materials must be obtained within the first 2 years of the adoption cycle, except for materials related to growth and maintenance. The superintendent may requisition instructional materials in the core subject areas that are related to growth of student membership or maintenance needs during the last four years of the original contract period (years 3 through 6).

The bill amends s. 233.25, F.S., to revise the current requirements for publishers and manufacturers (or their representatives), and a depository. Publishers and manufacturers must maintain or contract with a depository in the state. The bill specifies the obligations that publishers and manufacturers must meet for maintaining instructional materials in the core subject areas specified in s. 234.34(2), F.S. During the first two years of the contract period, an inventory must be maintained in an amount that is sufficient to receive and fill orders. During the last four years of the contract, the publishers and manufacturers must ensure the availability of a sufficient inventory of materials in the core subject areas to receive and fill orders for growth (including the opening of a new school) and maintenance. For all other subject areas, sufficient materials must be maintained in the depository to receive and fill orders.

The bill amends a requirement in s. 233.25, F.S., for a publisher or manufacturer to provide any instructional materials free of charge in Florida to the same extent as is done in any other state or school district in the U.S. The Commissioner of Education is authorized to accept submissions of bids or proposals that reflect a charge for ancillary materials provided free of charge in other states' contracts. The Commissioner may accept these bids or proposals if the publisher can reduce the total program cost to Florida school districts.

The bill creates new requirements in s. 233.34, F.S., for instructional materials in the core courses of specific subject areas for kindergarten through grade 12. Each school district must purchase instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in the core courses for the subject areas of mathematics, language arts, science, social studies, reading, and literature. The purchase must be made within the first two years

of the effective date of the adoption cycle. The provisions in current law (s. 233.34 (2) and (3), F.S.) for the flexible use of the instructional materials allocation do not apply to instructional materials in the core courses of these subject areas.

The bill requires the Governor and the Secretary of State to renegotiate any contract in existence as of the effective date of the act which provides for instructional materials in specific core subject areas (e.g., mathematics and social studies for grades 9 through 12, and language arts for grades 6 through 12). The bill requires the Department of Education to review the contracts used for the core subject areas and prepare a report, including any recommendations, to the Legislature by January 1, 2000.

The new requirements for instructional materials in the core courses of the designated subject areas do not apply to contracts in existence prior to April 1, 1999. The requirement to purchase materials within the first two years of the adoption cycle does not apply to purchases for growth or maintenance needs.

When authorized to do so in the General Appropriations Act, any school district that meets the requirement to purchase materials during the first two years of the effective date of the original contract period may use five percent of specific funds to purchase laptop computers for use as readers. Instructional materials funds or public school technology funds may be used.

The bill defines “adequate instructional materials” in s. 230.23, F.S., to mean providing each student with a textbook or set of materials serving as the basis for instruction in core courses in certain subject areas, unless the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The bill removes requirements for weighting district recommendations in the selection process for instructional materials. Each district recommendation must be given equal consideration. The references to the Department of Education are replaced with references to the Commissioner of Education in certain provisions of s. 233.16, F.S., that relate to the selection and adoption of instructional materials. The bill also removes a condition for rejecting bids. The bill removes the provision in s. 233.17, F.S., that requires contracts placing instructional materials on adoption for 4 or more years to have an adjusted price increase.

The bill amends s. 233.37, F.S., relating to the disposal of instructional materials, to incorporate many of the provisions in current rule (Rule 6A-7.074, F.A.C.). The bill allows for the school board to prescribe by policy for the disposal of unserviceable instructional materials and those that are no longer on state contract. The materials may be given to specific entities, including other public education programs within the district or state, teachers, or students. The materials may also be sold to persons, firms, or corporations, on terms that are most economically advantageous to the district school board. If the materials cannot be disposed of in these ways, the bill allows the school board to prescribe by policy the method for destruction. All monies received from the sale, exchange, or other disposition of instructional materials must be deposited in the district school fund and added to the district appropriation for instructional materials. The bill repeals s. 233.38, F.S., related to the exchange of textbooks.

The bill revises the school superintendent’s duties and responsibilities to specifically include keeping adequate accounts and records for all financial transactions for funds collected under s. 233.46(4), F.S. (e.g., funds from the sale, exchange, loss, or damage of instructional materials). Each superintendent is required to annually report on the collection of these funds. The report must be sent

to the Department of Education. The department must review the reports and provide recommendations to the Legislature on any needed changes.

The bill amends s. 233.46, F.S., to require district school board policy to include the current provisions in law for the collection of money from a student's parent for lost, destroyed, or damaged instructional materials. The policy must also include the current penalties for the student if the money is not collected.

The bill provides an effective date (upon becoming a law).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

State and federal constitutional impairment of contract clauses (Article 1, section 10 of the U.S. Constitution and Article 1, section 10 of the Florida Constitution) prohibit the passage of laws that impair contractual obligations.

The bill states that it does not apply to contracts in effect prior to April 1, 1999. The bill does not retroactively apply the new requirements to preexisting contracts. However, the bill requires the renegotiation of contracts that are effective on April 1, 1999, for instructional materials adopted in the areas of mathematics and social studies (grades 9-12) and language arts (grades 6-12). It is assumed that the purpose of the renegotiation is to incorporate the new requirements into new contracts and to provide an opportunity for districts to become eligible for technology purchases as soon as possible. It is not clear whether the required renegotiation of the contract would be considered an impairment of an established contract.

According to the Department of Education, all contracts for public school instructional materials contain a provision that subordinates the contract to the right of the Legislature to alter or repeal any of the statutes related to instructional materials for the public schools. The provision further states that when the terms of the contract conflict with subsequent legislation on the subject of instructional materials, the terms of the contract are abrogated and of no effect. The contract further notes that if any material change is made to the law which is to either party's disadvantage to continue under the current contract, either party may rescind the contract, upon written notice within 90 days after the statute takes effect.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The inventory requirements in the bill affect future contracts for instructional materials in core subject areas. The contracts involve the state and publishers or manufacturers. The bill also affects future contracts between publishers and the depository. The Florida School Book Depository, Inc., is currently the only depository.

Publishers and manufacturers must continue to maintain or contract with a depository and maintain in the depository a sufficient inventory for all subject areas other than the core areas. For materials in the core subject areas, they must maintain an inventory of materials in the depository for the first two years of the contract. For the remaining contract period, they must ensure the availability of an inventory to accommodate orders related to growth and replacement. Future contracts involving instructional materials will need to take into account these new inventory requirements.

The fiscal impact of renegotiated contracts between the state and publishers or manufacturers (e.g., contracts in the areas of mathematics, social studies, and language arts) is unknown.

C. Government Sector Impact:

The bill requires school districts to purchase instructional materials for core courses in specified subject areas. To the extent that this requirement conflicts with current purchasing practices at the district or school level, there will be a fiscal impact on the districts and schools.

There may be a fiscal impact associated with the requirements that superintendents obtain certain instructional materials from the depository. Superintendents must obtain materials in the core courses of specific subject areas from the depository within the first two years of the adoption cycle, unless the materials relate to growth or maintenance needs.

The bill allows the use of instructional materials funds for the purchase of what may be considered computer hardware (laptop computers used as readers). The bill also allows the use of public school technology funds for the purchase of these laptop computers. The fiscal impact associated with these purchases is unknown. Current law (s. 233.07(4), F.S., relating to the definition of instructional materials for state adoption purposes, and s. 233.34(3), F.S., providing for the purchase of materials not on the state-adopted list) does not include electronic or computer hardware, even if bundled with software or other electronic media.

For Fiscal Year 1999-2000, SB 2500 provides \$194,691,807 for instructional materials and includes \$73,400,000 for public school technology. Funds for public school technology must be allocated by prorating the total on each district's share of the state total K-12 FTE. Hardware

and software purchases from these funds must be cycled by school districts to provide new equipment to students and programs with the highest need and oldest equipment. SB 2500 does not specifically contain a provision for the purchase of laptop computers as readers in the allocation for instructional materials or public school technology.

The bill removes the provision in s. 233.17(2), F.S., that requires contracts placing instructional materials on adoption for 4 or more years to contain an escalator clause. Some publishers contend that this will result in increases in bid prices to incorporate the adjustment to the contract price once guaranteed by the escalator clause. They further contend that the cost to the state for instructional materials will increase. However, the law (s. 233.25(6)&(7), F.S.) imposes certain requirements on publishers and manufacturers. They must furnish materials offered by them at a price in Florida which (including all cost of transportation to their depositories) does not exceed the lowest price at which they offer these materials for adoption or sale in any state or school district in the U.S. Additionally, they are obligated to automatically reduce the price of instructional materials to the extent that reductions are made elsewhere in the U.S.

The impact of the Commissioner of Education's acceptance of bids or proposals that reflect a charge for ancillary materials provided free of charge in other states' contracts is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Waivers

In 1996, the Legislature (chapter 96-369, L.O.F.) limited the terms of the waivers in s. 229.592(6), F.S., to five years. Prior to this change, more limited waivers were authorized in law and subsequently granted. All current waivers (limited to a five-year period) were granted to allow districts to spend 100% of their state instructional materials allocation for instructional materials not on the state-adopted list for grades 1 through 12. Under one waiver, for example, software and other media-related supplemental materials were purchased. The purchases included site licenses, services delivered via satellite broadcast, CD-ROM based materials, and software for ESOL and bilingual programs.

It is unlikely that districts without an existing waiver under s. 229.592(6), F.S., will seek a waiver from the requirements of the bill for the designated subject areas. The bill requires school districts to purchase instructional materials for the core courses in designated subject areas. The flexibility in the use of the allocation does not apply to these purchases.

Contracts

The contracts that are addressed in the bill are based on the Department of Education's projected seven-year instructional materials adoption schedule (dated March 1998) for the adoption years 1998-99 through 2004-05. The following reflects the schedule for the core subject areas identified in the bill:

FLORIDA ADOPTION CYCLE FOR ADOPTION YEARS 1998-1999 THROUGH 2004-2005

FOR CORE SUBJECT AREAS (6-YEAR CONTRACTS)

ADOPTION YEAR	EFFECTIVE DATE OF CONTRACT FOR ADOPTED MATERIALS	MATH	SOCIAL STUDIES	SCIENCE	READING	LITERATURE	LANGUAGE ARTS
1998-1999	APRIL 1, 1999	9-12	9-12				6-12
1999-2000	APRIL 1, 2000			K-12			
2000-2001	APRIL 1, 2001		K-12				K-12
2001-2002	APRIL 1, 2002				K-12		
2002-2003	APRIL 1, 2003	9-12				6-12	
2003-2004	APRIL 1, 2004	K-8	6-12	6-12			
2004-2005	APRIL 1, 2005	9-12	9-12				6-12

SOURCE: Department of Education, Projected Seven-Year Schedule, March 1998

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
