

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 819 Instructional Materials for K-12 Public Education
SPONSOR(S): Representative Vana
TIED BILLS: **IDEN./SIM. BILLS:** SB 1838

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) General Education (Sub)	6 Y, 0 N	Rogers	Bohannon
2) Education K-20		Rogers	Bohannon
3) Education Appropriations (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 819 requires publishers to provide and price state-adopted core subject textbooks or instructional materials on an individual basis so that school districts may purchase these state-adopted instructional materials on an individual basis and at a reduced rate.

This bill also authorizes district school boards to issue purchase orders of up to 90 percent of the current year's allocation after February 1. Current law ¹allows district school boards to issue purchase orders of up to 20 percent of the current year's allocation after February 1 and up to 90 percent of the current year's allocation after April 1.

Allowing district school boards to obligate, in February, 90 percent of an allocation that is not established may lead school districts to over obligate the appropriation.²

For the 2002-2003 fiscal year, the Legislature appropriated approximately \$228 million for instructional materials.³

The Subcommittee on General Education adopted amendments to the bill; refer to the Amendments/Committee Substitute Changes section of this analysis for a description of the changes.

¹ s. 1006.40, F.S.

² Florida Department of Education

³ General Appropriations Act, Fiscal Year 2002-2003, Specific Appropriation 106.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0819b.edk.doc
DATE: April 2, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 819 requires publishers to provide and price state-adopted core subject area textbooks or other core subject area materials on an individual basis so that school districts may purchase these materials at a reduced price rather than as part of an adopted package or bundle. Currently, most textbooks are bought in “bundles”. The “bundles” of a set number of student books usually come with a set of “free” materials, including such items as a teacher’s manual, CDs, and lesson plans. The materials or textbooks can usually be bought individually; however, there is not a discounted price.

Part of the reason the price is not discounted is to allow the publisher to recoup the up-front research and development cost of aligning Florida’s instructional materials to the Sunshine State Standards. Additionally, the “favored nation clause,” which guarantees that the price Florida pays is the lowest price the publisher sells to any other purchaser, prevents the publisher from being able to reduce the price further for individual materials. In other words, the bundled price would no longer be the lowest price for other purchasers or Florida.

This bill allows the district school boards to issue purchase orders after February 1 in an aggregate amount not to exceed 90 percent of the current year’s allocation. Current law (s. 1006.40(6), F.S.) allows district school boards to issue purchase orders after February 1 not to exceed 20 percent of the current year’s allocation, and after April 1 to issue purchase orders not to exceed 90 percent of the current year’s allocation.

Current Timeline for State-Adopted Instructional Materials

April 15: No later than April 15 each school year, the Commissioner of Education must appoint state instructional materials committees (s. 1006.29, F.S.).

May 15: Beginning on or before May 15 of any year of an adoption year, the Department of Education (DOE) must advertise in the Florida Administrative Weekly four weeks before the date bids must be received, at a time designated by the DOE, but not later than June 15.

June 15: Sealed bids or proposals are due to the DOE at a time designated by the DOE, but not later than June 15.

April 1: The term for the adoption of any instructional materials must be for a six-year period beginning on April 1 following the adoption.

If the ordering date is moved from April 1 to February 1, the entire timeline needs to be revised for the chain of events to continue working in sequence.

Additionally, obligating 90 percent of the amount received in the past fiscal year assumes that the district will receive at least that amount for the upcoming fiscal year. If less were appropriated by the Legislature, districts could over-obligate funds.

C. SECTION DIRECTORY:

Section 1: Amends s. 1006.37, F.S., to require publishers to provide and price adopted instructional materials on an individual basis for purchase by school districts.

Section 2: Amends s. 1006.40, F.S., to revise provisions related to the issuance of purchase orders.

Section 3: Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Allowing district school boards to obligate, in February, 90 percent of an allocation that is not established may lead school districts to over-obligate the appropriation for the upcoming fiscal year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

2. Other:

None

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2003, the Subcommittee on General Education heard HB 819 and adopted a strike-all amendment and an amendment to the strike-all. The engrossed strike-all provides that, although school districts may purchase core textbooks and instructional materials individually in lieu of a package, the materials do not have to be provided at a reduced price by the publisher. In addition, the engrossed amendment revises the bill to include changes to dates in the instructional materials adoption cycle as follows:

- Revises the date for the commissioner appoint state instructional materials committee members from April 15 in current law to March 15 each year.
- Revises the date the DOE must advertise bids or proposals in Florida Administrative Weekly from May 15 in current law to April 15.
- Revises the date that sealed bids or proposals must be received by the DOE from not later than June 15 in current law to not later than May 15.
- Changes the date for furnishing of instructional materials proposed to be adopted as listed in the advertisement from April 1 to February 1.
- Changes the beginning adoption date from April 1 to February 1.

In addition to the changes in dates for the adoption cycle, the engrossed amendment provides that the authority to issue purchase orders of 90 percent after February 1 must not be construed to set any future year's allocation, and any amount committed in purchase orders in excess of the ensuing year's allocation is the responsibility of the school district.

The Subcommittee on General Education reported HB 819 favorably by a vote of 6-0. The bill is traveling with an engrossed strike-all amendment.