

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law provides that it is the duty of the district school board to provide adequate instructional materials for all students.¹ The district school superintendent has the duty to recommend plans for improving, providing, distributing, accounting for, and caring for textbooks and other instructional materials in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials.²

Instructional material means 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 such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.³

The school principal is responsible for the management and care of instructional materials and has several duties related to this responsibility, including collecting money for certain lost or damaged books. If a student loses, destroys, damages any instructional materials, then the school principal must collect from the student or the student's parent the purchase price of the instructional material. However, the law further provides that "if the *instructional materials* lost, destroyed, or damaged have been in school use for more than one year, a sum ranging between 50% and 75% of the purchase price of the *book* [will] be collected, determined by the physical condition of the *book*." This provision uses inconsistent terminology – "instructional materials" is more inclusive than just "books." However, because of the repeated use of the word "book," it appears that only the loss, destruction, or damage of a book enjoys a reduction in replacement cost if in use for more than one year.⁴

¹ s. 1006.28(1), F.S.

² s. 1006.28(2), F.S.

³ s. 1006.29(4), F.S.

⁴ s. 1006.28(3)(b), F.S.

Any money collected must be transmitted to the district school superintendent.⁵ A student may be suspended from participating in extracurricular activities if the debt is not paid or required to participate in community service activities to satisfy the debt.⁶

In 2007, the Legislature directed the Department of Education (DOE), with the cooperation of the Florida Association of District School Superintendents, the Florida School Boards Association, and the school districts, to prepare and submit to the chair of the Senate Fiscal Policy and Calendar Committee and the chair of the House Policy and Budget Council, a report which addresses school district policies regarding lost text books, the number of books lost annually, the cost to replace lost books, and recommendations to reduce this cost.⁷

With the input from the Florida Association of District School Superintendents and the Florida School Boards Association, the DOE requested school districts to provide the following information:⁸

- Policies regarding lost textbooks.
- Number of textbooks lost annually.
- Cost for textbook replacement annually.
- Recommendations to reduce the cost of textbook replacement.
- Innovative ways to recover lost or damaged textbooks.

The DOE surveyed each school district and reported:⁹

Current School District Policies

- At least 54 of Florida's 67 school districts reported policies based on current law and sometimes quoted statute verbatim.
- Three districts also added that charges for lost or damaged textbooks are added to the student's senior-year debt which must be paid before the student is permitted to participate in graduation ceremonies.
- One district stated that it withholds the student's diploma until outstanding debts are paid.

Cost for Annual Replacement of Textbooks

- The number of textbooks lost annually varies from year to year and from district to district; therefore, the total cost to the state for replacement also varies annually.
- Some districts were only able to provide the amount of funds collected for lost textbooks instead of the cost for replacement.
- Some districts were able to show the difference between the amount collected from students and the actual textbook replacement cost.

DOE Recommendations

- The Legislature should amend current law to allow districts to collect from each student or the student's parent or guardian the full purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged.
- Districts should share practices that result in the reduction of lost or damaged textbooks and the DOE will sponsor a presentation at the next Florida Association of District Instructional Materials

⁵ s. 1006.28(3), F.S.

⁶ *Id.*

⁷ Chapter 2007-72, L.O.F., section 2 – Education (All Other Funds).

⁸ Florida Department of Education, 2007-2008 Legislative Report on Lost Textbooks.

⁹ *Id.*

Administrators (FADIMA) Conference where the DOE will present this report and allow districts to share information.

Effect of Proposed Changes

Currently, if a student loses, destroys, or damages any instructional materials, then the school principal must collect from the student or the student's parent the purchase price of the instructional material. However, if the instructional materials lost, destroyed, or damaged have been in school use for more than one year, a sum ranging from 50% -75% of the purchase price must be collected. The amount to be collected is determined by the physical condition of the book.

The bill deletes the language restricting the amount a school principal can collect for lost, destroyed, or damaged instructional material, thereby requiring the collection from a student or the student's parent the full purchase price of any instructional material lost, destroyed, or damaged by a student regardless of the age or condition of the instructional material. In deleting the restrictive language, the bill also removes the inconsistency in use of the terms "instructional materials" and "books."

The school principal maintains the authority to suspend a student from participating in extracurricular activities if the debt is not paid or require the student to participate in community service activities to satisfy the debt. Allowing the school principal to seek the full purchase price to replace instructional materials may result in increased student responsibility and care for the school's instructional materials and reduce school district costs.

B. SECTION DIRECTORY:

Section 1: Amends s. 1006.28, F.S., relating to duties of district school board; district superintendent; and school principal regarding K-12 instructional materials.

Section 2: Provides an effective date of July 1, 2009.

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 government revenues.

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Parents and students will be required to pay the full purchase price of instructional materials lost, destroyed, or damaged unless the student is required to participate in community service activities to repay the debt or suspended from participating in extracurricular activities.

D. FISCAL COMMENTS:

The provisions in this bill may reduce the number of instructional materials lost, destroyed, or damaged, thus reducing costs to school districts, the amount of which is indeterminate at this time.

DOE Comment:

Districts would be authorized to collect an additional 25-50 percent beyond the current 75-50 percent of purchase price of instructional materials. After conducting a survey of school districts, the Department of Education's *2007-08 Legislative Report on Lost Textbooks* showed the number of textbooks lost annually varied from year to year and from district to district. Due to this variance and differences in district policies, the increase in collection is indeterminate.¹⁰

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

¹⁰ Department of Education, Analysis of SB 1248 (Identical), March 5, 2009.