



# legislative bulletin

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## SCHOOL REFORM: "THE CHILDREN FIRST" ACT

The Governor has distinguished HB 1747, his proposal to assure quality in the classroom, as the most important bill of this session because: "If we lift our children, we lift our state." Its purpose is first to raise teachers' salaries to the southern and then to the national average, evaluate teachers, get rid of unsatisfactory teachers, and reward the high achievers with higher salaries.

HB 1747 (amended and passed House) has six basic components to:

- authorize across-the-board increases in teachers' salaries paid by the state;
- establish a statewide, uniform procedure to observe and evaluate performance of all teachers and remediate those who need it;
- provide renewable teacher certificates for those entering the profession, and replace lifetime teacher certificates with five-year renewable certificates for those who wish to enter career options;
- pay higher salaries to outstanding teachers who choose career options;
- establish a statewide data base to assess performance of students and faculty at each school, school district and the state, and
- award incentive cash bonuses to schools that excel.

### Across-the-Board Salary Increases

The state provides minimum salaries to teachers, principals, assistant principals and instructional

supervisors. The salary schedule is based on two factors—number of years of experience and academic degrees. The number of teachers for which the state will pay minimum salaries is established through the Minimum Foundation Program (MFP) and is based on pupil/teacher ratios. The salaries are based on a 180-day (nine-month) school session; the state pays minimum salaries for principals and supervisors on the basis of a 12-month year.

By far the largest portion of teachers' salaries is paid through the state minimum salary schedule; the last increase was in 1984.

The state also pays supplementary salaries averaging more than \$2,000 a year to participants in the Professional Improvement Program (PIPs). Those who successfully completed a five-year plan receive the PIPs supplement so long as they continue to teach. No new participants were permitted after July 1, 1985 to phase out the program.

All of the 66 local school systems except Morehouse Parish provide local salary supplements. The amount varies among systems; St. Tammany Parish pays the highest. Thirty-one local systems pay for experience beyond the maximum years in the state minimum salary schedule.

### Legislative Proposal

HB 1747 would authorize increases in the state minimum salary schedule over a three-year period,

NOTE: Status of Bills is Reported as of May 25, 1988

beginning in fiscal 1988-89. Adult education teachers, teachers employed in the state's special schools for the deaf, blind, spastic and cerebral palsied, and teachers employed in State School District No. 1 also would be included in the salary raises.

As amended, HB 1747 would increase the present salary schedule in two ways: provide percentage salary increases and extend the pay steps for additional years of experience. At present, the salary schedule tops off at 10 years of experience for teachers with a bachelor's degree; 11 years for those with a master's; and 12 years for those with a master's degree plus 30 graduate hours, a specialist in education degree, or a doctorate degree.

The three-year plan proposed by HB 1747 is:

<u>Year of Implementation</u>	<u>Salary Increase</u>	<u>Increase Maximum Experience Steps For All Teachers</u>
1988-89	5%	15 years
1989-90	7%	20 years
1990-91	7%	25 years

As shown in Table 1, teachers with many years of experience would receive increases beyond the 5% and 7% raise.

Present law requires that local funds used for supplemental teachers' salaries continue to be paid for that purpose. HB 1747 would retain this provision and also prohibit redirection of local funds for teacher supplemental salaries to other purposes.

### Comment

Paying the same teachers more money will not improve performance. However, better salaries should attract and retain better teachers and the proposed changes discussed below should assure knowledgeable and competent teachers.

According to the National Education Association (NEA) preliminary figures for 1987-88, the average salary of Louisiana's classroom teachers is \$20,885 (\$21,209 including the PIPs supplement) compared to the national average of \$28,031. Louisiana ranks 48th among the 50 states, whereas it ranked as high as 27th in 1971-72.

**TABLE 1. Proposed Increases in State Minimum Teachers' Salaries (180-Day School Session)**

<u>Examples</u>	<u>Present</u>	<u>Proposed</u>		
	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90</u>	<u>1990-91</u>
	<u>School Year</u>	<u>School Year<sup>a</sup></u>	<u>School Year</u>	<u>School Year</u>
<b>Bachelor's Degree<sup>b</sup></b>				
0 Experience	\$12,171	\$12,780	\$13,674	\$14,631
10 Years	15,452	16,225	17,360	18,576
15 Years	15,452	17,729	18,970	20,298
20 Years	15,452	17,729	20,125	21,534
25 Years	15,452	17,729	20,125	22,846
<b>Master's Degree<sup>c</sup></b>				
0 Experience	\$12,464	\$13,087	\$14,003	\$14,984
10 Years	16,378	17,197	18,401	19,689
15 Years	16,378	18,760	20,074	21,479
20 Years	16,378	18,760	21,296	22,787
25 Years	16,378	18,760	21,296	24,174
<b>Master's + 30 Graduate Hours<sup>d</sup></b>				
0 Experience	\$12,464	\$13,087	\$14,003	\$14,984
10 Years	16,841	17,683	18,921	20,245
15 Years	17,924	19,385	20,742	22,194
20 Years	17,924	19,385	22,005	23,545
25 Years	17,924	19,385	22,005	24,979
<b>Doctorate Degree<sup>d</sup></b>				
0 Experience	\$13,495	\$14,170	\$15,162	\$16,223
10 Years	17,769	18,657	19,963	21,361
15 Years	18,671	20,193	21,606	23,118
20 Years	18,671	20,193	22,922	24,526
25 Years	18,671	20,193	22,922	26,020

a Amounts shown are those proposed by HB 1747. However, HB 1626, the general appropriation bill, would fund only 5/6ths of the increases which are to begin September 1.

b Present maximum 10 years' experience.

c Present maximum 11 years' experience.

d Present maximum 12 years' experience.

Cost of the proposed increased salaries and related retirement costs for a full year is estimated to be \$79.8 million in 1988-89; \$167.1 million in 1989-90 and \$249.4 million in 1990-91. However, HB 1626, the general appropriation bill, provides that increases would not begin until September 1 and would be funded at 5/6ths of the amounts proposed in HB 1747. This would reduce the fiscal 1988-89 cost to \$65.9 million.

The salary increases are to be based on the state's current minimum salary schedule. This schedule has distortions among pay steps because of past practices of providing percentage increases with minimum or maximum amounts, or granting the same dollar increase to all teachers. HB 1747 as introduced would have replaced the present schedule with one based on an index to eliminate inequities; this indexed schedule was deleted by House committee amendment because of cost.

HB 1747 seeks to further obligate local school boards to continue to pay the same local supplemental teacher salaries from local funds and not divert them to make up for state cuts in non-instructional costs. It is questionable that the state has authority to dictate how local school boards spend their local money. Despite the present prohibition, some local school boards have reduced their teachers' supplemental salaries.

### Teacher Evaluation

An increasing number of states and local school systems use teacher evaluation as part of their career ladder or incentive pay plan.

Louisiana's accountability law requires that teachers and other school personnel be evaluated periodically, but it is left up to local systems to determine the evaluation method. The SDE compiles data on the results of teacher evaluations currently being used by local school systems.

### Proposed Legislation

HB 1747 proposes a statewide system to evaluate all teachers. The development and testing of a uniform evaluation instrument and procedure,

along with training evaluators, is to occur during the next two years. The evaluation instruments would have to be "reasonable, non-discriminatory and based upon objective criteria."

The proposal also calls for coordination with public colleges and universities, the Administrative Leadership Academy to upgrade skills of principals and supervisors, Regional Service Centers (discussed below) and the implementation of the internship program in 1988-89.

The State Board of Elementary and Secondary Education (BESE) would have to approve the evaluation system and adopt rules and policies for implementation. These include establishing a grievance procedure to allow teachers to file written responses on their evaluations; provide postevaluation conferences prior to remediation; give teachers a chance to respond and delete any inaccurate or invalid information, and assure due process to teachers.

Implementation of teacher evaluations is to begin in 1990-91 with a third of the teachers to be evaluated that year. Teachers in the early elementary grades would be evaluated first. Evaluation of the remaining two thirds of the teachers is to "proceed as quickly and efficiently as possible" consistent with research findings and preparation.

The evaluators would be the teacher's principal (or an equivalent level supervisor if no principal) and an evaluator employed by the SDE. A third evaluator—a peer teacher—could be added if research indicated this to be practical and beneficial. Teachers would be given a copy of their evaluation.

Interns (new teachers) would be evaluated under 1984 legislation which requires that each new teacher be assigned a support team for multiple evaluations and observations. The internship would terminate at the end of one year for those judged satisfactory. It would be extended for another year for those judged unsatisfactory.

Teachers other than interns would be evaluated every fifth year under HB 1747, but those who held a certificate valid for less than three years would be evaluated no later than the end of their second year of teaching.

### Teacher evaluation data results for 1986-87 reveal that

27,607 classroom teachers* were evaluated	
27,144 were rated satisfactory	98.3%
346 were judged in need of improvement.	1.3%
<b>ONLY 117 were rated unsatisfactory</b>	<b>0.4%</b>

\* 42,019 teachers were employed statewide during the 1986-87 school year. However, only a portion of tenured teachers are evaluated each year. Teachers with fewer than three years' experience are required by law to be evaluated every year.

Those judged to be unsatisfactory would have to undertake a program of remediation of identified deficiencies and re-evaluation, with activities directed by the principal and "self-directed" activities. The unsatisfactory teachers would be assessed for competency in subject matter which might include a written test, and would be re-evaluated during the first year following the evaluation. The teacher would be referred to a "subject matter specialist" for subject matter remediation. If the teacher then was judged to be satisfactory, the remediation and re-evaluation would stop and the teacher would not be evaluated again for five years. However, if the teacher did not receive a satisfactory evaluation by the end of the second year of remediation, he or she no longer would be certified to teach. Those without a valid certificate would be reported to their local school board.

HB 1747 would protect the right of principals and local school boards to continue to observe and evaluate teachers according to their locally devised procedures. Results of state evaluations would be made available to local systems, but evaluations of a teacher would be kept confidential unless the teacher gave written permission that they be made available to the public.

Before full implementation, all teachers are to be given an orientation program, and all parts of the program are to be monitored and evaluated regularly.

### Comment

Although the proposed statewide uniform teacher evaluation system is to be researched and tested prior to implementation, changes in some aspects should be considered.

1. Interns judged satisfactory after their first year of teaching would not be evaluated again for five years. More frequent observation and support may be needed for new teachers.

2. Teachers judged unsatisfactory could be judged satisfactory after one or two years of remediation and not be evaluated again for five years. More frequent re-evaluations for those judged unsatisfactory initially seems in order.

3. Two of three evaluators could be from a teacher's school—the principal and a peer teacher—resulting in inflated scores. A better arrangement would be to have the principal and two outsiders.

4. There is no requirement that the team of evaluators include a person knowledgeable in the teacher's subject matter field, although a subject matter specialist would be required for those judged unsatisfactory and in need of remediation in their subject matter.

5. Evaluations every five years may not be frequent enough, although local evaluations could fill the gap if coordinated with state evaluations.

### Certification

Teacher certification is a licensing process in which qualified professionals become legally authorized to teach or perform other designated duties in the schools. It should guarantee that certified teachers meet certain minimum criteria, promote high standards and provide for growth. Teacher certification should protect children and teachers from the unqualified and safeguard public funds.

Certification is a state responsibility while tenure is granted locally. State law provides that teachers who acquire tenure must have a teacher's certificate and their employment must require certification. Certification and tenure now are tied together in that a beginning teacher, after a satisfactory three-year probationary period, acquires tenure in the local school system and also a lifetime certificate from the state.

The state now has three types of teaching certificates:

1. Type C requires a baccalaureate and completion of a teacher education program. It authorizes employment for not more than three years.

2. Type B is awarded for life after three years of satisfactory teaching under a Type C certificate.

3. Type A requires a graduate degree and five years of successful teaching. It also is awarded for life.

The state also issues temporary certificates for one year to those with a college degree but who lack certification for the position in which they are teaching—even though they may be certified in other areas or levels.

Emergency permits allow those who score within 10% of the required score on the NTE to teach.

According to a survey reported in the October 1984 *Phi Delta Kappan* periodical, Louisiana was one of 10 states that did not require periodic teacher recertification. Since then, additional states have instituted recertification. Requirements for recertification in other states usually are to assure that teachers continue their education through college courses or planned activities.

### Proposed Legislation

Teachers with lifetime certificates could keep them, but they would be subject to periodic evaluation which would have to be satisfactory.

Three new types of teacher certificates are proposed, based on results of teacher evaluation:

1. Provisional certificate, issued to those seeking certification in the state for the first time, and not renewable. Those with a certificate for less than three years would be issued a provisional certificate.

2. Renewable professional certificate, issued to those who satisfactorily complete an internship program within one or two years, and to teachers who now have a lifetime certificate and who wish to pursue a career options program. This certificate would be valid for five years and be reissued upon satisfactory evaluation.

3. Provisional/in remediation certificate, issued to teachers who receive an unsatisfactory evaluation. If teachers were evaluated to be satisfactory after one or two years of remediation, this certificate would be replaced with a renewable professional certificate. If a teacher still were unsatisfactory, this certificate would terminate and not be replaced with another. No state funds could be provided for salaries, other compensation or benefits for a decertified teacher, but presumably local boards could continue to employ teachers without a certificate or other credential. A decertified teacher would have to wait two years to re-enter the teaching profession, then seek a provisional certificate which would entail passage of the NTE, close supervision by a mentor teacher, and support and evaluation by a team.

HB 1747 would authorize BESE to issue other types of certificates to indicate education achievement and other relevant data, but these would be within the three proposed classes. BESE could continue to issue temporary and emergency certificates.

### **Comment**

There is good reason to periodically evaluate and recertify teachers. Persons in most other professions must be certified and may have to undergo continuing education to remain certified. They are evaluated by their success in attracting clients. Teachers, however, do not have to compete for their clients who are students. Parents usually have little choice in the public school their children attend or in the teacher assigned.

At present, Louisiana's initial teacher certificate requires a college degree, completion of a teacher education program and passage of the NTE. Lifetime certificates are awarded after a three-year probationary period and teachers acquire tenure locally. These requirements do not assure teachers are qualified to teach initially, much less throughout their entire teaching career. A supervised internship and recertification based on objective evaluations would give better assurance.

There is a question whether a certificate is a privilege granted teachers by the state or a contract involving property rights. If a lifetime certificate is a contract, there is a legal question whether the state can revoke it without consent of the holder.

There also is an important question whether revoking a certificate affects tenure. School boards could continue to employ persons who lost their certification but it is unlikely, particularly since state funds for decertified teachers would cease. If loss of a certificate meant loss of a job, there might be a constitutional question. The constitution prohibits BESE from having control over the business affairs of local school boards and selection or removal of their officers and employees. Under HB 1747, BESE would be the board that revoked the certificate.

### **Model Career Options and Differentiated Pay**

Teaching involves a variety of professional and nonprofessional tasks but little opportunity for career advancement. The only way a teacher can advance is to leave the classroom and become a principal, assistant principal or supervisor. The present salary scale does not differentiate among teachers as to their ability, performance and responsibilities.

A growing number of states and local school systems have plans which differentiate duties and pay of teachers; these are called career ladder, incentive or differentiated pay plans. Teachers are paid more than others for assuming more duties and responsibilities. This differs from merit pay plans which reward those who demonstrate better performance of regular tasks.

### **Legislative Proposal**

HB 1747 would institute a career option plan to give teachers an opportunity to expand their professional responsibilities, advance as a teacher and receive higher salaries. To be eligible, a teacher would need a superior evaluation, a renewable professional certificate, at least seven years of teaching experience and a master's degree.

The SDE would develop and implement the program subject to BESE approval. Career options would include serving as an evaluator or as a mentor-teacher, providing in-service training to other teachers, or creating curricula materials. Participants would have to spend at least 60% of their regular classroom hours on their regular teaching assignment, but teachers' normal work-week or work year could be extended.

Participants would receive at least 10% and not more than 20% above their state minimum salary, *but only as long as they continued in the program*. Participation would be voluntary for those eligible and there would be no cap on the number of participants. This program is to begin with the 1991-92 school year.

### Comment

If Louisiana is to attract and retain the best and the brightest in the teaching profession, it must recognize them, assign them more responsibilities and reward them.

Louisiana created a career ladder commission in 1984 to design a plan, but there was no consensus among members and the authority was repealed in 1985.

### School Excellence: Profiles and Incentives

The U. S. Office of Education, many states and local systems issue "report cards" indicating how well students are achieving. Louisiana lacks a standardized data collection system, much less a system to analyze how well or poorly schools are meeting their responsibility to educate students.

### Legislative Proposal

The SDE would establish a standardized data collection and analysis system to collect the following kinds of information:

1. student results on all tests required by law or BESE;
2. scores on college-entry tests (ACT and SAT);
3. semifinalists of the National Merit Scholarship;
4. dropout rates;
5. student and faculty attendance;
6. graduation rates;
7. students in advanced placement classes;
8. teachers according to their classification of certificates and the number teaching without a certificate;
9. school principals who participated in the Administrative Leadership Academy program;
10. socioeconomic status of students;
11. current expenditures per pupil;
12. expulsions and suspensions;
13. BESE waivers on class size, by grade;
14. average class size, by grade, and
15. other data recommended by the state superintendent and approved by BESE.

The data would be used to prepare progress profiles for every public school and school system in the state, and also a state profile. The profiles, including five-year trend data, would be made available to school personnel, state policymakers and the public, beginning September 1, 1990.

The school profiles also would be used to reward at least 100 public schools making significant progress. There would be categories for schools with similar student characteristics so like schools would compete for an award.

The first schools identified for rewards would be no later than October 1, 1991. To be eligible, a school must have a School Improvement Council consisting of teachers, community leaders, parents and students. The council would monitor school improvement efforts and so advise the principal. It also would assist the principal in determining use of the cash award—for instructional enhancement but not for increased salaries nor to supplement regular operating expenses.

### Comment

It is important that parents, citizens and public officials be apprised of academic progress or the lack of it. The proposal would reward those schools that excel but is silent on what happens to schools that do not. Some states send in intervention teams to diagnose the problem and eight states have bankruptcy laws to allow the state to take over a school or school system if problems continue. New Jersey is a state now contemplating taking over a local school system.

### Cost of the Program

According to the fiscal note for HB 1747, the cost of "The Children First" Act would be \$83.8 million in fiscal 1988-89 with most of the money for teacher salary increases. The cost would be \$13.9 million less if salary increases are funded at a 5/6ths level. Costs would rise to \$172.1 million in fiscal 1989-90 and to \$255.6 million in fiscal 1990-91—again with most of the increase attributable to the teacher salary increases.

HB 1747 stipulates if the teacher salary increases are not funded, then the other provisions of the bill would be null and void. The salary increases are to be granted over the next three years, before evaluation and recertification are to occur. If BESE's authority to revoke lifetime certificates because of unsatisfactory evaluations were ruled unconstitutional, the evaluation and recertification programs would be thwarted.

## Conclusion

Louisiana has enacted dozens of school reform measures in recent years including the appointed state superintendent, a constitutional education trust fund from 8 (g) windfall money, repeal of tenure for principals and employment under performance contracts, requiring principals to pass the administrative portion of the NTE, pilot projects for preschool "children at risk," and an administrative leadership academy. The Governor's

proposal would implement some reforms enacted previously but not funded, such as the teacher internship program.

HB 1747 would fill some vital and critical gaps in Louisiana's school reform legislation. States making significant progress in upgrading the quality of their schools, such as Florida, Georgia, South Carolina and Tennessee, have done so through leadership by their governors. Louisiana seems likely to join those states this year.

### Campaign Finance Reform: Major PAR Recommendations<sup>a</sup> and HB 762 (Passed House)

	<u>PAR Recommendations</u>	<u>HB 762</u>	<u>Rationale</u>
Reporting Threshold	None	\$200	Greater disclosure provides more information to public, makes law easier to police and reduces possibility for abuse and subterfuge
Limits on Contributions <sup>b</sup>	By individuals, businesses, labor unions to candidate or his campaign committee: Major office—\$5,000 District office—\$2,500 All other offices—\$1,000  By PACs to candidate or his campaign committee: Major office—\$10,000 District office—\$5,000 All other offices—\$2,000  By individuals, businesses, labor unions, PACs to PACs: \$5,000 a year  By individuals, businesses, labor unions annually to more than one candidate or PAC: \$25,000	Same as PAR <sup>c</sup>    By PACs to candidate or his campaign committee and to other PACs: <sup>c,d</sup> Major office—\$5,000 District office—\$2,500 All other offices—\$1,000  No provision	Contribution limits blunt influence of special interests and large contributors and encourage reliance on broad-based financial support  Limits on contributions by and to PACs needed to prevent funneling of large amounts of money through PACs to avoid limits on individual contributions  Reduces possibility of avoiding limits by giving up to a limit several times to different groups that support same candidate
Limits on Loans	Same as on contributions	Same as on contributions <sup>c</sup>	Unless same limits applied to loans and contributions, candidates will be encouraged to use loans more and go deeper in debt
Limits on Cash Contributions	\$25 or less, receipt and reporting required	\$100 or less, receipt and reporting required	Without rigid restrictions of cash, large loophole would exist for avoiding limits and reporting requirements
Use of Surplus Campaign Funds	Personal use prohibited but could be returned to contributor; given to charity; given to a political party; transferred to a new campaign committee of the candidate; given to state or local government general fund	Same as PAR except also could be used to support or oppose a proposition or candidacy of any person, and could not be given to state or local government general fund	Contributions are given to finance a campaign, not personal expenses; contributors and public should be able to learn how surplus was spent and options available
Transfers of Campaign Fund to PACs That Endorse Candidates	Prohibit	No provision other than reporting such expenditures	Protect candidate from pressure to pay for publication of such groups' endorsement or other services; stop innuendoes about "real purpose" of such money
Financing of State Enforcement Efforts	User fee based on a percentage of contributions, to be charged in conjunction with reports filed	No provision (however, HB 1510 would impose a user fee similar to PAR's recommendation)	Any strengthening of law meaningless if office is not sufficiently financed and staffed to enforce compliance

a For more detail, see PAR Analysis Number 284, May 1988, "Campaign Finances in the 1987 Governor's Race."

b Excludes recognized political parties and their committees. PAR limits would be applied per candidate per campaign for an office; HB 762's limits would apply per candidate per election (primary or general) for an office.

c When a candidate makes a contribution in excess of the limit to his own campaign, the other opponents could receive contributions or loans from any contributor equal to the excessive amount.

d If the PAC supports or opposes candidates for different offices, the highest applicable limit would apply.



Public Affairs Research Council of Louisiana, Inc.  
 4664 Jamesstown Avenue, No. 300 · P.O. Box 14776  
 Baton Rouge, LA 70898-4776 · (504) 926-8414

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## REGIONAL SERVICE CENTERS

HB 1816, also backed by the administration, repeals authority for Professional Development Centers (PDCs) and replaces them and the Special Plan for Upgrading Reading (SPUR) with regional service centers.

The PDCs began as pilot projects to provide assistance to local school systems in such key areas as staff training. SPUR also began as a pilot project, evolving into a program of assisting local schools to implement effective teaching strategies. There has been overlapping of services between SPUR and the PDCs, although both are financed by the state.

### Legislative Proposal

HB 1816 (amended and passed House) would establish a maximum of eight regional service centers to be supervised and coordinated by the SDE. BESE would establish the location of each center and the area served.

Each center would be governed by a board of directors consisting of local superintendents of participating school systems. The dean of the college of education in each region would serve as a

nonvoting member. The board would establish policies and rules for management of the center, prepare a budget for state funding and employ a director subject to approval of the state superintendent.

Each center would act as the vehicle to deliver services from the SDE to local school systems in its geographic region. BESE would determine its other specific programs and services based on each region's needs.

The centers are to be organized and provide some services in fiscal 1988-89 and are to be fully operational by 1989-90. According to the fiscal note for HB 1816, the cost for the regional centers and a central office in the SDE would be \$2.6 million a year. This includes 60 professional and eight clerical positions for the centers. This compares with a current combined cost for the PDC and SPUR programs of \$2.8 million which is financed with general fund and 8 (g) money. No operating funds for the new centers have been included in the general appropriation bill for fiscal 1988-89 except for \$800,000 in 8 (g) money to establish the centers.