

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0181.01 Brita Darling

HOUSE BILL 10-1036

HOUSE SPONSORSHIP

Scanlan and Massey, Merrifield, Middleton, Stephens

SENATE SPONSORSHIP

Romer, Johnston, King K., Spence, Steadman

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING ON-LINE PUBLIC ACCESS TO PUBLIC SCHOOL FINANCIAL**
102 **INFORMATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Interim Committee to Study School Finance. This bill enacts the "Public School Financial Transparency Act", which requires school districts, district charter schools, boards of cooperative education, the state charter school institute, and institute charter schools (local education providers) to post financial information on-line, in a downloadable

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unam ended
March 18, 2010

SENATE
2nd Reading Unam ended
March 16, 2010

HOUSE
3rd Reading Unam ended
January 29, 2010

HOUSE
Am ended 2nd Reading
January 28, 2010

format, for free public access. Additionally, local education providers shall provide a link to, or web site information for, the department of education (department).

The requirement for posting certain types of financial information is phased-in over 3 years. Commencing July 1, 2010, local education providers shall post adopted budgets, annual audited financial statements, at least quarterly financial statements, and salary schedules or policies on-line within a specified number of days after the reports or schedules are completed. Commencing July 1, 2011, local education providers shall post check registers and credit, debit, and purchase card statements on-line within a specified number of days after the statements are received. Commencing July 1, 2012, local education providers shall post investment performance reports or statements on-line within a specified number of days after receipt of those statements. The public will have on-line access to the posted information for a specified period.

The bill requires the department's policies and procedures advisory committee, by January 1, 2011, to create a template for voluntary use by a local education provider for the posting of the required information. The template may include the type of electronic file posted as well as the information to be included in the posting.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 44 of title 22, Colorado Revised Statutes, is
 3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 3

5 PUBLIC SCHOOL FINANCIAL TRANSPARENCY ACT

6 **22-44-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
 7 BE CITED AS THE "PUBLIC SCHOOL FINANCIAL TRANSPARENCY ACT".

8 **22-44-302. Legislative declaration.** THE GENERAL ASSEMBLY
 9 FINDS THAT MEMBERS OF THE PUBLIC, AS TAXPAYERS AND PARENTS, HAVE
 10 A STRONG INTEREST IN HOW PUBLIC MONEYS ARE EXPENDED IN COLORADO
 11 IN THE PURSUIT OF A QUALITY EDUCATION FOR ALL OF COLORADO'S PUBLIC
 12 SCHOOL STUDENTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT
 13 EDUCATORS AND ADMINISTRATORS, AS EDUCATION INNOVATORS AND
 14 STEWARDS OF THESE PUBLIC MONEYS, ARE EAGER TO LEARN FROM ONE

1 ANOTHER AND EVALUATE BEST PRACTICES THAT MAY RESULT IN
2 EFFICIENCIES AND POTENTIAL COST SAVINGS FOR THEIR SCHOOLS. WHILE
3 ACHIEVING THESE IMPORTANT ENDS THROUGH THE STATEWIDE
4 DISSEMINATION OF PUBLIC SCHOOL FINANCIAL INFORMATION MAY HAVE
5 BEEN CUMBERSOME IN THE PAST, NEW TECHNOLOGIES AND THE EASE WITH
6 WHICH THE PUBLIC CAN ACCESS ELECTRONIC INFORMATION NOW MAKE
7 GREATER TRANSPARENCY IN PUBLIC SCHOOL FINANCES NOT ONLY
8 IMPORTANT BUT PRACTICAL. THEREFORE, IT IS THE INTENT OF THE
9 GENERAL ASSEMBLY TO ENSURE PUBLIC ACCESS TO PUBLIC SCHOOL
10 FINANCIAL INFORMATION THROUGH THE ADOPTION OF THE "PUBLIC
11 SCHOOL FINANCIAL TRANSPARENCY ACT", WHICH DIRECTS PUBLIC
12 SCHOOLS TO POST FINANCIAL INFORMATION ON-LINE, IN A DOWNLOADABLE
13 FORMAT, FOR FREE PUBLIC ACCESS.

14 **22-44-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
17 CREATED AND OPERATING PURSUANT TO SECTION 24-1-115, C.R.S.

18 (2) "LOCAL EDUCATION PROVIDER" MEANS:

19 (a) A SCHOOL DISTRICT, OTHER THAN A JUNIOR COLLEGE DISTRICT,
20 ORGANIZED AND EXISTING PURSUANT TO LAW;

21 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
22 ARTICLE 5 OF THIS TITLE;

23 (c) THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED
24 PURSUANT TO SECTION 22-30.5-503;

25 (d) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
26 1 OF ARTICLE 30.5 OF THIS TITLE; OR

27 (e) AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO

1 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

2 **22-44-304. Financial reporting - on-line access to information.**

3 (1) (a) COMMENCING JULY 1, 2010, AND ON A CONTINUING BASIS
4 THEREAFTER, EACH LOCAL EDUCATION PROVIDER SHALL POST THE
5 FOLLOWING INFORMATION ON-LINE, IN A DOWNLOADABLE FORMAT, FOR
6 FREE PUBLIC ACCESS:

7 (I) THE LOCAL EDUCATION PROVIDER'S ANNUAL BUDGET, ADOPTED
8 PURSUANT TO SECTION 22-44-110 (4), COMMENCING WITH THE BUDGET
9 FOR THE 2009-10 BUDGET YEAR;

10 (II) THE LOCAL EDUCATION PROVIDER'S ANNUAL AUDITED
11 FINANCIAL STATEMENTS, PREPARED PURSUANT TO SECTION 22-32-109 (1)
12 (k), COMMENCING WITH THE AUDITS PREPARED FOR THE 2009-10 BUDGET
13 YEAR;

14 (III) THE LOCAL EDUCATION PROVIDER'S QUARTERLY FINANCIAL
15 STATEMENTS, AT A MINIMUM, PREPARED PURSUANT TO SECTION
16 22-45-102, COMMENCING WITH THE STATEMENTS FOR THE 2010-11
17 BUDGET YEAR; AND

18 (IV) THE LOCAL EDUCATION PROVIDER'S SALARY SCHEDULES OR
19 POLICIES, ADOPTED PURSUANT TO SECTIONS 22-32-109.4 AND 22-63-401,
20 COMMENCING WITH THOSE APPLICABLE TO THE 2010-11 BUDGET YEAR.

21 (b) ADDITIONALLY, COMMENCING JULY 1, 2011, EACH LOCAL
22 EDUCATION PROVIDER SHALL POST ACCOUNTS PAYABLE CHECK REGISTERS
23 AND CREDIT, DEBIT, AND PURCHASE CARD STATEMENTS ON-LINE, IN A
24 DOWNLOADABLE FORMAT, FOR FREE PUBLIC ACCESS.

25 (c) ADDITIONALLY, COMMENCING JULY 1, 2012, EACH LOCAL
26 EDUCATION PROVIDER SHALL POST INVESTMENT PERFORMANCE REPORTS
27 OR STATEMENTS ON-LINE, IN A DOWNLOADABLE FORMAT, FOR FREE PUBLIC

1 ACCESS.

2 (2) NOTHING IN THIS SECTION SHALL DIRECT OR REQUIRE A LOCAL
3 EDUCATION PROVIDER TO POST ON-LINE, PURSUANT TO SUBSECTION (1) OF
4 THIS SECTION, PERSONAL INFORMATION RELATING TO PAYROLL,
5 INCLUDING BUT NOT LIMITED TO PAYROLL DEDUCTIONS OR
6 CONTRIBUTIONS, OR ANY OTHER INFORMATION THAT IS CONFIDENTIAL OR
7 OTHERWISE PROTECTED FROM PUBLIC DISCLOSURE PURSUANT TO STATE OR
8 FEDERAL LAW.

9 (3) (a) EACH LOCAL EDUCATION PROVIDER SHALL UPDATE THE
10 INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS SECTION WITHIN SIXTY
11 DAYS AFTER THE LOCAL EDUCATION PROVIDER'S COMPLETION OR RECEIPT
12 OF THE APPLICABLE REPORT, STATEMENT, OR DOCUMENT.

13 (b) A LOCAL EDUCATION PROVIDER SHALL MAINTAIN THE PRIOR
14 TWO BUDGET YEARS' FINANCIAL INFORMATION ON-LINE, IN A
15 DOWNLOADABLE FORMAT, FOR FREE PUBLIC ACCESS, UNTIL THE END OF
16 THE LOCAL EDUCATION PROVIDER'S CURRENT BUDGET YEAR.

17 (4) NO LATER THAN JULY 1, 2010, THE FINANCIAL POLICIES AND
18 PROCEDURES ADVISORY COMMITTEE OF THE DEPARTMENT SHALL CREATE
19 A TEMPLATE FOR VOLUNTARY USE BY LOCAL EDUCATION PROVIDERS
20 NEEDING ASSISTANCE WITH THE ON-LINE POSTING OF THE INFORMATION
21 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE TEMPLATE MAY
22 INCLUDE BOTH THE TYPE OF ELECTRONIC FILE POSTED AS WELL AS THE
23 INFORMATION TO BE INCLUDED IN THE POSTING. THE COMMITTEE MAY
24 TAKE INTO CONSIDERATION ANY EXISTING TEMPLATES OR REPORTS
25 DEVELOPED BY THE DEPARTMENT FOR PURPOSES OF FINANCIAL
26 REPORTING.

27 (5) IN ADDITION TO THE INFORMATION REQUIRED IN SUBSECTION

1 (1) OF THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL PROVIDE A
2 LINK TO THE DEPARTMENT'S WEB SITE OR THE LOCATION INFORMATION
3 FOR THE DEPARTMENT'S WEB SITE WHERE A MEMBER OF THE PUBLIC MAY
4 ACCESS INFORMATION OR REPORTS THAT ARE SUBMITTED DIRECTLY TO
5 THE DEPARTMENT.

6 **SECTION 2.** The introductory portion to 22-32-109.4 (3),
7 Colorado Revised Statutes, is amended to read:

8 **22-32-109.4. "Colorado School Collective Bargaining**
9 **Agreement Sunshine Act" - board of education - specific duties.**

10 (3) In addition to any other duty required to be performed by law, each
11 board of education shall cause, within thirty days following August 8,
12 2001, a true and correct copy of each collective bargaining agreement
13 entered into by the board of education and in effect as of said date and all
14 subsequent collective bargaining agreements entered into by the board of
15 education, within ~~ten~~ THIRTY working days following the date of
16 ratification of each agreement, to be:

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.