

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 10-1036

BY REPRESENTATIVE(S) Scanlan and Massey, Merrifield, Middleton, Stephens, Apuan, Casso, Court, Kerr A., Labuda, Nikkel, Peniston, Priola, Schafer S., Solano, Summers, Todd, Vigil;
also SENATOR(S) Romer, Johnston, King K., Spence, Steadman, Bacon, Boyd, Cadman, Foster, Gibbs, Hodge, Hudak, Keller, Kopp, Newell, Schultheis.

CONCERNING ON-LINE PUBLIC ACCESS TO PUBLIC SCHOOL FINANCIAL INFORMATION.

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

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

PART 3
PUBLIC SCHOOL FINANCIAL TRANSPARENCY ACT

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

22-44-302. Legislative declaration. THE GENERAL ASSEMBLY FINDS THAT MEMBERS OF THE PUBLIC, AS TAXPAYERS AND PARENTS, HAVE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

A STRONG INTEREST IN HOW PUBLIC MONEYS ARE EXPENDED IN COLORADO IN THE PURSUIT OF A QUALITY EDUCATION FOR ALL OF COLORADO'S PUBLIC SCHOOL STUDENTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT EDUCATORS AND ADMINISTRATORS, AS EDUCATION INNOVATORS AND STEWARDS OF THESE PUBLIC MONEYS, ARE EAGER TO LEARN FROM ONE ANOTHER AND EVALUATE BEST PRACTICES THAT MAY RESULT IN EFFICIENCIES AND POTENTIAL COST SAVINGS FOR THEIR SCHOOLS. WHILE ACHIEVING THESE IMPORTANT ENDS THROUGH THE STATEWIDE DISSEMINATION OF PUBLIC SCHOOL FINANCIAL INFORMATION MAY HAVE BEEN CUMBERSOME IN THE PAST, NEW TECHNOLOGIES AND THE EASE WITH WHICH THE PUBLIC CAN ACCESS ELECTRONIC INFORMATION NOW MAKE GREATER TRANSPARENCY IN PUBLIC SCHOOL FINANCES NOT ONLY IMPORTANT BUT PRACTICAL. THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENSURE PUBLIC ACCESS TO PUBLIC SCHOOL FINANCIAL INFORMATION THROUGH THE ADOPTION OF THE "PUBLIC SCHOOL FINANCIAL TRANSPARENCY ACT", WHICH DIRECTS PUBLIC SCHOOLS TO POST FINANCIAL INFORMATION ON-LINE, IN A DOWNLOADABLE FORMAT, FOR FREE PUBLIC ACCESS.

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

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

(2) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

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

(e) AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART

5 OF ARTICLE 30.5 OF THIS TITLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22-32-109.4. "Colorado School Collective Bargaining Agreement Sunshine Act" - board of education - specific duties. (3) In addition to any other duty required to be performed by law, each board of education shall cause, within thirty days following August 8, 2001, a true and correct copy of each collective bargaining agreement entered into by the board of education and in effect as of said date and all subsequent collective bargaining agreements entered into by the board of education, within ~~ten~~ THIRTY working days following the date of ratification of each agreement, to be:

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

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO