

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0466.01 Brita Darling

SENATE BILL 09-057

SENATE SPONSORSHIP

Harvey, Kopp

HOUSE SPONSORSHIP

Stephens,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING SEARCHABLE BUDGET DATABASE WEB SITES CONTAINING**
102 **PUBLIC EDUCATION FINANCIAL INFORMATION, AND, IN**
103 **CONNECTION THEREWITH, ENACTING THE "PUBLIC SCHOOL**
104 **FINANCIAL TRANSPARENCY ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires each school district, board of cooperative services, district charter school, and institute charter school and the state charter school institute (local education provider) to create and maintain a searchable budget database web site that includes data concerning the

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
Amended 2nd Reading
February 13, 2009

local education provider's revenues and expenditures. Requires each local education provider to maintain the data for a specified number of years in a format that is searchable and that may be downloaded.

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.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

10 (a) TAXPAYERS SHOULD HAVE ACCESS TO DETAILS REGARDING
11 HOW PUBLIC SCHOOLS ARE SPENDING TAXPAYER DOLLARS AND WHAT
12 PERFORMANCE RESULTS THE PUBLIC SCHOOLS ACHIEVE THROUGH THOSE
13 EXPENDITURES; AND

14 (b) EASIER ACCESS TO AND STORAGE OF ELECTRONIC DATA
15 SHOULD FACILITATE INCREASING TRANSPARENCY IN PUBLIC SCHOOL
16 FINANCIAL AND BUDGET MATTERS.

17 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
18 DIRECT EACH SCHOOL DISTRICT BOARD OF EDUCATION, BOARD OF
19 COOPERATIVE SERVICES, DISTRICT CHARTER SCHOOL, AND INSTITUTE
20 CHARTER SCHOOL AND THE STATE CHARTER SCHOOL INSTITUTE TO POST
21 FINANCIAL INFORMATION ON SEARCHABLE BUDGET DATABASE WEB SITES.

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

24 (1) (a) "ENTITY" MEANS A CORPORATION, ASSOCIATION, UNION,

1 LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, GRANTEE,
2 CONTRACTOR, LOCAL GOVERNMENT, OR OTHER LEGAL ENTITY INCLUDING
3 A NONPROFIT CORPORATION.

4 (b) "ENTITY" SHALL NOT INCLUDE AN INDIVIDUAL RECIPIENT OF
5 STATE PUBLIC ASSISTANCE OR PUBLIC ASSISTANCE PROVIDED BY THE
6 LOCAL EDUCATION PROVIDER.

7 (2) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

14 (d) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
15 1 OF ARTICLE 30.5 OF THIS TITLE; OR

16 (e) AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
17 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

18 (3) "PUBLIC RECORD" SHALL HAVE THE SAME MEANING AS SET
19 FORTH IN SECTION 24-72-202 (6), C.R.S.

20 (4) "SEARCHABLE BUDGET DATABASE WEB SITE" OR "WEB SITE"
21 MEANS A WEB SITE THAT ALLOWS THE PUBLIC AT NO COST TO REVIEW
22 THE FOLLOWING INFORMATION:

23 (a) THE AMOUNT AND SOURCE OF MONEYS RECEIVED BY THE
24 LOCAL EDUCATION PROVIDER; AND

25 (b) MONEYS EXPENDED BY THE LOCAL EDUCATION PROVIDER,
26 INCLUDING:

27 (I) THE NAME AND PRINCIPAL LOCATION OR ADDRESS OF THE

1 ENTITY RECEIVING MONEYS; EXCEPT THAT INFORMATION CONCERNING A
2 PAYMENT TO AN EMPLOYEE OF THE LOCAL EDUCATION PROVIDER SHALL
3 IDENTIFY THE INDIVIDUAL EMPLOYEE BY POSITION AND BUSINESS ADDRESS
4 ONLY;

5 (II) THE AMOUNT OF EXPENDED MONEYS;

6 (III) THE FUNDING SOURCE OF THE EXPENDED MONEYS;

7 (IV) THE NAME OF THE BUDGET PROGRAM OR ACTIVITY RECEIVING
8 THE MONEYS; AND

9 (V) A DESCRIPTION OF THE PLANNED USE OF THE MONEYS.

10 **22-44-304. Searchable budget database web site - creation.**

11 (1) NO LATER THAN SEPTEMBER 1, 2011, EACH LOCAL EDUCATION
12 PROVIDER SHALL DEVELOP, MAINTAIN, AND MAKE PUBLICLY AVAILABLE
13 A SINGLE, SEARCHABLE BUDGET DATABASE WEB SITE. THE WEB SITE
14 SHALL CONTAIN ONLY INFORMATION THAT IS A PUBLIC RECORD OR THAT
15 IS NOT CONFIDENTIAL OR OTHERWISE PROTECTED FROM PUBLIC
16 DISCLOSURE PURSUANT TO STATE OR FEDERAL LAW.

17 (2) THE LOCAL EDUCATION PROVIDER SHALL, TO THE EXTENT
18 PRACTICABLE, UPDATE THE FINANCIAL DATA CONTAINED ON THE WEB SITE
19 MONTHLY. THE FINANCIAL DATA SHALL BE PROVIDED IN A STRUCTURED
20 FORMAT THAT MAY BE DOWNLOADED. THE WEB SITE SHALL INCLUDE A
21 METHOD BY WHICH A USER OF THE WEB SITE MAY PROVIDE FEEDBACK
22 CONCERNING THE ORGANIZATION OR UTILITY OF THE WEB SITE. THE
23 LOCAL EDUCATION PROVIDER SHALL ARCHIVE THE FINANCIAL DATA,
24 WHICH SHALL REMAIN ACCESSIBLE AND SEARCHABLE FOR A MINIMUM OF
25 FIVE YEARS.

26 (3) THE PROVISIONS OF THIS PART 3 SHALL NOT APPLY TO A LOCAL
27 EDUCATION PROVIDER THAT, AS OF JANUARY 1, 2009, DOES NOT HAVE AN

1 EXISTING WEB SITE, OTHER THAN A SEARCHABLE BUDGET DATABASE WEB
2 SITE, THAT PROVIDES INFORMATION CONCERNING THE LOCAL EDUCATION
3 PROVIDER AND IS ROUTINELY MAINTAINED BY THE LOCAL EDUCATION
4 PROVIDER. AT SUCH TIME AS A LOCAL EDUCATION PROVIDER HAS A WEB
5 SITE THAT PROVIDES INFORMATION CONCERNING THE LOCAL EDUCATION
6 PROVIDER, THE LOCAL EDUCATION PROVIDER SHALL COMPLY WITH THE
7 PROVISIONS OF THIS PART 3.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly that is
11 allowed for submitting a referendum petition pursuant to article V,
12 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
13 sine die is on May 6, 2009); except that, if a referendum petition is filed
14 against this act or an item, section, or part of this act within such period,
15 then the act, item, section, or part, if approved by the people, shall take
16 effect on the date of the official declaration of the vote thereon by
17 proclamation of the governor.