

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0571.01 Brita Darling

SENATE BILL 10-091

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SENATE SPONSORSHIP

Harvey,

HOUSE SPONSORSHIP

Stephens,

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Senate Committees  
State, Veterans & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIRING LOCAL EDUCATION PROVIDERS TO MAINTAIN  
102 ON-LINE PUBLIC ACCESS TO FINANCIAL DATA, AND, IN  
103 CONNECTION THEREWITH, ENACTING THE "PUBLIC SCHOOL  
104 FINANCIAL TRANSPARENCY ACT".

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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>.)*

The bill enacts the "Public School Financial Transparency Act" (act), which requires each school district, district charter school, board of

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.*

cooperative services, and institute charter school and the state charter school institute (local education provider) no later than September 1, 2011, to develop, maintain, and make publicly available a single, searchable, on-line, revenue and expenditure database (on-line database) that will allow a user to review at no cost information concerning moneys collected and expended by the local education provider.

The act sets forth the specific information that each on-line database will include. The local education provider must provide the data in an open, structured data format that allows the user to download and systematically sort, search, and access all of the data.

Each local education provider will update the data at least monthly, archive the data, make the data easily accessible from the local education provider's web site, and create a link to a service that allows users to be notified of updates to the on-line database.

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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 EASIER ACCESS TO DETAILS  
11 REGARDING HOW PUBLIC SCHOOLS ARE SPENDING TAXPAYER DOLLARS;  
12 AND

13 (b) EASIER ACCESS TO AND STORAGE OF ELECTRONIC DATA  
14 SHOULD FACILITATE INCREASING TRANSPARENCY IN PUBLIC SCHOOLS'  
15 FINANCIAL MATTERS.

16 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO  
17 DIRECT EACH PUBLIC SCHOOL TO CREATE AND MAINTAIN AN ON-LINE

1 REVENUE AND EXPENDITURE DATABASE DETAILING THE PUBLIC SCHOOL'S  
2 FINANCIAL ACTIVITIES.

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

5 (1) (a) "ENTITY" MEANS A CORPORATION, ASSOCIATION, UNION,  
6 LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, GRANTEE,  
7 CONTRACTOR, LOCAL GOVERNMENT, OR OTHER LEGAL ENTITY INCLUDING  
8 A NONPROFIT CORPORATION OR AN EMPLOYEE OF A LOCAL EDUCATION  
9 PROVIDER.

10 (b) "ENTITY" SHALL NOT INCLUDE AN INDIVIDUAL RECIPIENT OF  
11 STATE PUBLIC ASSISTANCE.

12 (2) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

19 (d) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART  
20 1 OF ARTICLE 30.5 OF THIS TITLE; OR

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

23 (3) "ON-LINE DATABASE" MEANS THE ON-LINE REVENUE AND  
24 EXPENDITURE DATABASE REQUIRED PURSUANT TO SECTION 22-44-304.

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

27 **22-44-304. On-line revenue and expenditure database -**

1     **creation.** (1) NO LATER THAN SEPTEMBER 1, 2011, EACH LOCAL  
2     EDUCATION PROVIDER SHALL DEVELOP, MAINTAIN, AND MAKE PUBLICLY  
3     AVAILABLE A SINGLE, ON-LINE REVENUE AND EXPENDITURE DATABASE  
4     THAT ALLOWS THE PUBLIC TO REVIEW AT NO COST INFORMATION  
5     CONCERNING MONEYS COLLECTED AND EXPENDED BY THE LOCAL  
6     EDUCATION PROVIDER.

7             (2) THE ON-LINE DATABASE SHALL INCLUDE INFORMATION  
8     CONCERNING THE SOURCE OF ALL REVENUE RECEIVED BY THE LOCAL  
9     EDUCATION PROVIDER IN EXCESS OF FIFTY DOLLARS.

10            (3) THE ON-LINE DATABASE SHALL INCLUDE THE FOLLOWING DATA  
11     CONCERNING ALL EXPENDITURES MADE BY THE LOCAL EDUCATION  
12     PROVIDER:

13            (a) THE NAME AND PRINCIPAL LOCATION OR ADDRESS OF THE  
14     ENTITY RECEIVING MONEYS; EXCEPT THAT INFORMATION CONCERNING A  
15     PAYMENT TO AN EMPLOYEE OF THE LOCAL EDUCATION PROVIDER SHALL  
16     IDENTIFY THE INDIVIDUAL EMPLOYEE BY NAME AND BUSINESS ADDRESS OR  
17     LOCATION ONLY;

18            (b) THE AMOUNT OF EXPENDED MONEYS;

19            (c) THE FUNDING SOURCE OF THE EXPENDED MONEYS, INCLUDING  
20     BUT NOT LIMITED TO FEDERAL GRANTS, STATE OR LOCAL TAX REVENUE,  
21     PRIVATE DONATIONS, AND FEES COLLECTED;

22            (d) THE DATE OF THE EXPENDITURE;

23            (e) THE NAME OF THE BUDGET PROGRAM, ACTIVITY, OR CATEGORY  
24     SUPPORTING THE EXPENDITURE;

25            (f) A DESCRIPTION OF THE PURPOSE FOR THE EXPENDITURE; AND

26            (g) TO THE EXTENT POSSIBLE, A UNIQUE IDENTIFIER FOR EACH  
27     EXPENDITURE.

1 (4) THE REQUIRED DATA SHALL BE PROVIDED IN AN OPEN,  
2 STRUCTURED DATA FORMAT THAT:

3 (a) MAY BE DOWNLOADED BY THE USER; AND

4 (b) ALLOWS THE USER TO SYSTEMATICALLY SORT, SEARCH, AND  
5 ACCESS ALL DATA.

6 (5) THE ON-LINE DATABASE SHALL CONTAIN ONLY INFORMATION  
7 THAT IS A PUBLIC RECORD OR THAT IS NOT CONFIDENTIAL OR OTHERWISE  
8 PROTECTED FROM PUBLIC DISCLOSURE PURSUANT TO STATE OR FEDERAL  
9 LAW.

10 (6) THE LOCAL EDUCATION PROVIDER SHALL:

11 (a) UPDATE THE DATA CONTAINED IN THE ON-LINE DATABASE AT  
12 LEAST MONTHLY;

13 (b) ARCHIVE THE DATA IN THE ON-LINE DATABASE IN A MANNER  
14 THAT ALLOWS THE DATA TO REMAIN ACCESSIBLE TO THE PUBLIC AND  
15 DOWNLOADABLE AND SEARCHABLE BY A USER PURSUANT TO SUBSECTION  
16 (4) OF THIS SECTION.

17 (c) MAKE THE ON-LINE DATABASE EASILY ACCESSIBLE FROM THE  
18 MAIN PAGE OF THE LOCAL EDUCATION PROVIDER'S WEB SITE; AND

19 (d) CREATE AND MAKE EASILY ACCESSIBLE AN AUTOMATED RICH  
20 SITE SUMMARY FEED TO WHICH USERS OF THE ON-LINE DATABASE MAY  
21 SUBSCRIBE FOR NOTIFICATION OF UPDATES TO THE ON-LINE DATABASE.

22 **SECTION 2. Act subject to petition - effective date.** This act  
23 shall take effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1     within such period, then the act, item, section, or part shall not take effect  
2     unless approved by the people at the general election to be held in  
3     November 2010 and shall take effect on the date of the official  
4     declaration of the vote thereon by the governor.