

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 436a

50th Legislature, 1st Session, 2011

Tracking Number: .184732.1

Short Title: Public School Info on Sunshine Portal

Sponsor(s): Representatives James E. Smith and Rhonda S. King and Others

Analyst: Ally Hudson

Date: March 1, 2011

AS AMENDED

The House Education Committee amendment removes the requirement that the Sunshine Portal access a link to the list of individuals who are delinquent in child support payments, as published by the Human Services Department.

Original Bill Summary:

Effective July 1, 2011, HB 436 amends the *Sunshine Portal Transparency Act* to:

- require that certain public school information be available on the Sunshine Portal;
- clarify certain provisions; and
- allow access to additional information.

Specifically, HB 436:

- amends certain definitions to clarify that:
 - *department* means the Department of Information Technology (DoIT), or its successor agency;
 - *expenditure* means:
 - ✓ for a state agency, a disbursement of state or federal funds by the state agency, whether or not the funds have been appropriated by the Legislature; or
 - ✓ for a local education provider, a disbursement of federal, state, or other funds by the local education provider;
 - *local education provider* means:
 - ✓ a school district, including the local school board for that school district; or
 - ✓ a locally chartered or state-chartered charter school, including the governing body of that charter school; and
 - *revenue* means:
 - ✓ for a state agency, money received by the state agency and deposited into the General Fund or another state fund. Revenue includes money from taxes, fines,

- fees, royalties, federal funds, and other sources but does not include money deposited into a state suspense fund; or
- ✓ for a local education provider all money received by the local education provider, including federal and state grants, state distributions, property tax revenues, and donations.

HB 436 also amends certain department duties to clarify that, among other provisions, the Sunshine Portal shall provide, at a minimum, access to the following information:

- contracts that a state agency enters into for the lease, sale, or development of state land and state contracts that have a total contract price of more than \$20,000, naming the recipient of the contract, the purpose of the contract, and the amounts expended;
- quarterly consensus revenue estimates;
- information relating to local education providers compiled and published by the Public Education Department (PED);
- a link to the list of individuals who are delinquent in child support payments, as published by the Human Services Department;
- a link to the website maintained by the Regulation and Licensing Department (RLD) for the purpose of accessing information relating to occupational licenses;
- a link to the Office of the State Auditor's (OSA) website for the purpose of accessing financial audits; and
- an annual summary within three months after the end of the fiscal year, or as soon thereafter as the information becomes available, of the state's fiscal health, including the state budget, revenues and expenditures for the previous fiscal year, and projected revenues and operating budgets for the current fiscal year.

HB 436 also includes new material specifying required information, including a requirement that:

- no later than July 1, 2012, and on a continuing basis thereafter, each local education provider shall provide the following information to PED for online publication on the Sunshine Portal, in a downloadable format, for free public access:
 - the annual operating budget;
 - salary schedules and policies;
 - a directory of the local education provider's employee positions by school name, title, and salary;
 - monthly expenditures by category;
 - monthly revenue by source; and
 - an inventory of all real property owned by the local education provider;
- as soon as practicable after July 1, 2011, PED begin working with DoIT to create a monthly data extract from applicable computer database systems, and publish the information on the Sunshine Portal; and
- PED and each local education provider that maintains a website have a link to the Sunshine Portal on its website.

Finally, HB 436 includes a temporary provision that:

- information relating to local education providers be compiled and published by PED and be available on the Sunshine Portal as soon as possible, but no later than October 1, 2012; and
- a link to the list of individuals who are delinquent in child support payments, the website maintained by the RLD; and the OSA's website be available on the Sunshine Portal as soon as possible, but no later than January 1, 2012.

Fiscal Impact:

HB 436 does not contain an appropriation.

Fiscal Issues:

According to an analysis by DoIT:

- HB 436 will require significant modification to the Sunshine Portal's web application involving both administrative and technical efforts;
- a significant portion of the cost will derive from the "education data feed(s)" and associated development efforts to extract, transform, load, and render data on the Sunshine Portal;
- a minimum external cost of \$100,000 dollars is anticipated to implement the new functionality; and
- thus far, total expenditures and obligations on the Sunshine Portal are \$343,154 contractual plus associated staff time and resources.

The PED analysis also highlights a potential fiscal impact:

- development and programming hours for data extractions on the annual operating budget, monthly expenditures by category, and monthly revenue by source could cost \$30,000;
- at this time, there are too many unknowns to propose a reliable cost estimate to enable the Student Teacher Accountability Reporting System to collect the personnel and real property information; and
- meeting a July 1, 2012, timeline for certain information to PED from local education providers would present a challenge.

Substantive Issues:

According to an analysis by the Educational Retirement Board (ERB):

- HB 436 removes a reference to the State Investment Council (SIC) in its requirement that state investment summaries be posted on the portal;
- this change appears to require the posting of the investments of ERB and the Public Employees Retirement Association (PERA) in addition to those of the SIC;
- both ERB and PERA maintain trust accounts that are separate from the General Fund; and
- ERB already posts investment summaries on its website.

An analysis by the State Investment Office (SIO) indicates that "assessing and reporting contract information [on] a monthly (and timely) basis in some cases would be difficult if not impossible, due to the structure of existing contracts which only require quarterly invoicing, or in the case of

investment manager contracts, are paid based on a percentage of assets under management.” Instead, the SIO analysis suggests, quarterly or annual reporting might cause less of a burden on agencies.

Finally, the DoIT analysis suggests yet another alternative to achieve the purpose outlined in HB 436: include a link to data on the PED website on the Sunshine Portal. Few costs would be associated with this approach.

Technical Issues:

The DoIT analysis states that contractual expenditures are included in the existing law; as a result, “new material in Section 3-D-4 is duplicative.”

Related Bills:

SB 327a *Certain Public School Info on Sunshine Portal* (Identical)