



# House of Representatives

General Assembly

**File No. 592**

January Session, 2013

Substitute House Bill No. 5900

*House of Representatives, April 23, 2013*

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT REQUIRING MORE TRANSPARENCY IN THE DEPARTMENT OF EDUCATION AND THE STATE EDUCATION RESOURCE CENTER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (28) of section 4e-1 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (28) "State contracting agency" means any executive branch agency,  
5 board, commission, department, office, institution or council. "State  
6 contracting agency" does not include the judicial branch, the legislative  
7 branch, the offices of the Secretary of the State, the State Comptroller,  
8 the Attorney General, the State Treasurer, with respect to their  
9 constitutional functions, any state agency with respect to contracts  
10 specific to the constitutional and statutory functions of the office of the  
11 State Treasurer. For the purposes of section 4e-16, [state contracting  
12 agency] "state contracting agency" includes any constituent unit of the  
13 state system of higher education and for the purposes of section 4e-19,

14 "state contracting agency" includes the State Education Resource  
15 Center, established pursuant to section 10-4q, as amended by this act,  
16 and any regional educational service centers, as described in section  
17 10-66a;

18 Sec. 2. Section 10-4q of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective from passage*):

20 (a) The State Board of Education shall establish a State Education  
21 Resource Center to assist the board in the provision of programs and  
22 activities that will promote educational equity and excellence. Such  
23 activities, to be provided by the State Education Resource Center or a  
24 regional educational service center, may include training and  
25 professional development seminars, publication of technical materials,  
26 research and evaluation, and other related activities. The center may  
27 support programs and activities concerning early childhood education,  
28 the federal No Child Left Behind Act, P.L. 107-110, and closing the  
29 academic achievement gap between socio-economic subgroups, and  
30 other related programs. The center shall be considered (1) a public  
31 agency, as defined in section 1-200, for purposes of chapter 14, and (2)  
32 a state agency, as defined in section 4-212, for purposes of chapter 55a.

33 (b) The Commissioner of Education, with the assistance of the State  
34 Education Resource Center, may provide grants to local and regional  
35 boards of education for districts identified as in need of improvement  
36 under the provisions of section 10-223e. The grants shall be for the  
37 creation and acquisition of new curricula, training in the use of the  
38 curricula and related supporting textbooks and other materials. Local  
39 and regional boards of education may use such grants only for  
40 curricula, training and related textbooks and materials that have been  
41 authorized by the commissioner. Local and regional boards of  
42 education shall apply for grants pursuant to this subsection at such  
43 time and in such manner as the commissioner prescribes, and the  
44 commissioner shall determine the amount of the grant awards.

45 (c) Within available appropriations, the Department of Education  
46 shall establish a Connecticut School Reform Resource Center within

47 the State Education Resource Center established pursuant to  
48 subsection (a) of this section or by contract through a regional  
49 educational service center. The center shall operate year-round and  
50 focus on serving the needs of all public schools. The center shall (1)  
51 publish and distribute reports on the most effective practices for  
52 improving student achievement by successful schools, (2) provide a  
53 program of professional development activities for (A) school leaders,  
54 including curriculum coordinators, principals, superintendents and  
55 board of education members, and (B) teachers to educate such students  
56 that includes research-based child development and reading  
57 instruction tools and practices, (3) provide information on successful  
58 models for evaluating student performance and managing student  
59 data, (4) develop strategies for assisting such students who are in  
60 danger of failing, (5) develop culturally relevant methods for  
61 educating students whose primary language is not English, and (6)  
62 provide other programs and materials to assist in the improvement of  
63 public schools.

64 Sec. 3. (NEW) (*Effective July 1, 2013*) Not later than January 15, 2014,  
65 and annually thereafter, the Commissioner of Education shall submit a  
66 report, in accordance with the provisions of section 11-4a of the general  
67 statutes, to the joint standing committees of the General Assembly  
68 having cognizance of matters relating to education and government  
69 administration containing (1) all contracts, including personal service  
70 agreements, awarded by the Department of Education and the State  
71 Education Resource Center to private vendors and regional education  
72 service centers during the previous year for purposes of fulfilling the  
73 duties of the Department of Education; (2) all amounts and sources of  
74 private funding, including grants, received by the Department of  
75 Education and the State Education Resource Center; and (3) the  
76 amounts paid by the Department of Education or the State Education  
77 Resource Center for the salary, fringe benefits and other compensation  
78 for any department or center employee or consultant. Such report shall  
79 also be posted on the Internet web sites of the Department of  
80 Education and the State Education Resource Center.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4e-1(28)
Sec. 2	<i>from passage</i>	10-4q
Sec. 3	<i>July 1, 2013</i>	New section

**GAE**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill does not result in fiscal impact to the State Department of Education (SDE) as the bill does not place any additional programmatic or procedural costs on SDE.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5900*****AN ACT REQUIRING MORE TRANSPARENCY IN THE DEPARTMENT OF EDUCATION AND THE STATE EDUCATION RESOURCE CENTER.*****SUMMARY:**

This bill explicitly applies state laws for (1) awarding personal service agreements and (2) the Freedom of Information Act (FOIA) to the State Education Resource Center (SERC). It also applies to SERC and regional education service centers (RESCs) state standards for awarding contracts for supplies, materials, and contractual services, but it does so by linking them to an inoperative statute, thus there is no legal effect.

It also requires the State Department of Education (SDE) to report annually to the Education and Government Administration and Elections committees on all SDE- or SERC-awarded contracts, private funding sources, and other items.

EFFECTIVE DATE: Upon passage except the reporting provision is effective on July 1, 2013.

**STANDARDS FOR AWARDING CONTRACTS*****Personal Service Agreements***

Under current law, the State Board of Education (SBE) established SERC to assist the board in providing programs and activities that promote educational equity and excellence. Much of this focuses on professional development and special education. Current law does not address SERC's status as an agency or its degree of independence.

The bill explicitly makes SERC a "state agency" under state law regarding personal service agreements and contracts for supplies,

materials, and contractual services. The law governing personal service agreements requires the process for all of these agreements, which are between a state agency and an individual or a firm, to follow:

1. specific standards issued by the Office of Policy and Management (OPM),
2. mandatory competitive negotiation or bids before making the agreement award (with some exceptions), and
3. limits on amendments to agreements.

OPM must annually report to the legislature information on each agreement, the name of the agreement contractor, the payments made to the contractor, and a variety of other details.

### ***Contracts for Supplies, Materials, Equipment, and Contractual Services***

The bill makes SERC and any RESC a “state contracting agency” for purposes of awarding contracts for supplies, materials, equipment, and contractual services. This places them under the law authorizing the State Contracting Standards Board to issue regulations defining competitive sealed bidding, competitive sealed proposals, small purchase procedures, sole source procurement, and other types of procurement. But the board, which was created in 2007, has never been funded and never adopted regulations to define the aforementioned methods. Therefore, this provision of the bill appears to have no effect.

### **FOIA**

The bill explicitly applies the FOIA to SERC. This make all SERC meetings public and generally makes all records available for public inspection, with certain exceptions.

### **REPORTING REQUIREMENT**

By January 15, 2014 and every year following, the bill requires the education commissioner to submit a report to the Education and Government Administration and Elections committees containing:

1. all SDE- or SERC-awarded contracts, including personal service agreements, with private vendors and regional education service centers during the previous year for purposes of fulfilling the SDE's duties;
2. all amounts and sources of private funding, including grants, received by SDE and SERC; and
3. the amounts SDE and SERC paid for the salary, fringe benefits, and other compensation for any department or SERC employee or consultant.

The report must be posted on the SDE's and SERC's Internet websites.

**BACKGROUND**

***Related Bill***

sSB 1096, favorably reported by the Education Committee, reestablishes SERC as a quasi-public agency with its own governing board appointed by the governor, legislative leaders, and SBE. It requires the new entity to operate under the existing state laws governing quasi-public agencies.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (04/05/2013)