
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)