

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 112

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-5603, IDAHO CODE, TO REVISE MEM-  
2 BERSHIP OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE AND TO MAKE  
3 TECHNICAL CORRECTIONS; AMENDING SECTION 33-5604, IDAHO CODE, TO EX-  
4 PAND DISTRIBUTIONS FOR REIMBURSEMENTS, TO PROVIDE FOR THE OFFICE OF THE  
5 STATE BOARD OF EDUCATION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
6 SECTION 33-5605, IDAHO CODE, TO REQUIRE THE COMMISSION FOR LIBRARIES TO  
7 MAKE CERTAIN DISTRIBUTIONS AND TO ALLOW THE STATE BOARD OF EDUCATION TO  
8 AUTHORIZE CERTAIN INCREASES IN FUNDING AND GUIDANCE; AND DECLARING AN  
9 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 33-5603, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-5603. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- MEMBERS AND  
15 MEETINGS. (1) There is hereby established in the ~~state department~~ office of  
16 the state board of education the education opportunity resource committee.  
17 The committee shall consist of the following eight (8) members:

18 (a) One (1) member shall be the state superintendent of public instruc-  
19 tion or the superintendent's designee;

20 (b) One (1) member shall be ~~appointed by the state board of education~~  
21 the education data chief information officer or the officer's designee;

22 (c) Three (3) members shall be appointed by the Idaho association of  
23 school administrators as follows:

24 (i) One (1) member who is a superintendent from a school district  
25 with fewer than one thousand (1,000) students enrolled, or the su-  
26 perintendent's designee;

27 (ii) One (1) member who is a superintendent from a school district  
28 with between one thousand (1,000) and four thousand nine hundred  
29 ninety-nine (4,999) students enrolled, or the superintendent's  
30 designee; and

31 (iii) One (1) member who is a superintendent from a school district  
32 with five thousand (5,000) or more students enrolled, or the su-  
33 perintendent's designee;

34 (d) One (1) member shall be the state librarian or the state librarian's  
35 designee; and

36 (e) Two (2) members shall be school technology personnel appointed by  
37 the Idaho education technology association.

38 (2) The chairperson shall be the education data chief information  
39 officer. The committee shall elect a ~~chairperson and a~~ vice chairperson  
40 who shall ~~each~~ hold such position for a two (2) year terms and who may be  
41 reelected. Members of the committee shall serve four (4) year terms. Vacan-

1   cies shall be filled by the relevant appointing authority for the remaining  
2   term.

3       (3) The committee shall meet at least once quarterly until July 1, 2018,  
4   after which date the committee shall meet at least once annually.

5       (4) All meetings of the committee shall be held in accordance with the  
6   state open meetings law set forth in chapter 2, title 74, Idaho Code.

7       SECTION 2. That Section 33-5604, Idaho Code, be, and the same is hereby  
8   amended to read as follows:

9       33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DU-  
10   TIES. In carrying out its powers and duties set forth in this section, the ed-  
11   ucation opportunity resource committee shall focus on the broadband, wire-  
12   less LAN and related services needs of all E-rate eligible entities. At a  
13   minimum, the committee shall:

14       (1) Make budget and policy recommendations to the ~~state department~~  
15   office of the state board of education regarding:

16       (a) Broadband parameters;

17       (b) Wireless LAN parameters;

18       (c) Incentives for E-rate eligible entities to obtain the most appro-  
19   priate service that best fits such entities' broadband needs and that is  
20   fiscally responsible;

21       (d) Incentives for districts to obtain the most appropriate service  
22   that best fits their wireless LAN needs and that is fiscally responsi-  
23   ble; and

24       (e) The minimum and maximum service levels, the quality of services,  
25   and the minimum per-student or per-person internet and wireless LAN  
26   levels that contracts must adhere to for E-rate eligible entities to be  
27   eligible for state reimbursement.

28       (2) Establish reimbursement methodology that includes, but is not nec-  
29   essarily limited to, the following components:

30       (a) Distribution of appropriated moneys to E-rate eligible entities  
31   that have received E-rate funding. Distribution of such moneys must be  
32   in an amount equal to the non-E-rate reimbursed cost of internet ser-  
33   vices;

34       (b) If E-rate funding is not available to an E-rate eligible entity for  
35   any reason, other than a failure of the entity to apply in good faith for  
36   available E-rate funding, ~~reimburse~~ reimbursement to the entity for its  
37   internet service costs;

38       (c) Distribution of appropriated moneys remaining, after internet ser-  
39   vices are fully funded, for wide area networks (WANs). If necessary,  
40   the committee shall create an equalization formula for WAN distribu-  
41   tions; and

42       (d) Distribution of appropriated moneys for related services, includ-  
43   ing but not limited to wireless LAN service, to districts that either  
44   have received E-rate funding or have applied in good faith for E-rate  
45   funding.

46       (3) Compile and analyze broadband utilization statistics from E-rate  
47   eligible entities to determine the levels of internet services necessary for  
48   such entities and report the statistics to the ~~state department~~ office of  
49   the state board of education, ~~and~~. E-rate eligible entities shall cooperate

1 with the committee in carrying out its duty to compile and analyze such in-  
2 formation;

3 (4) Advise and recommend resources to assist the ~~state department~~  
4 ~~office of the state board~~ of education in carrying out its responsibility to  
5 provide E-rate application assistance and support to ~~E-rate eligible enti-~~  
6 ~~ties~~ districts;

7 (5) Not provide legal advice;

8 (6) Collaborate with other relevant governmental and nongovernmental  
9 entities to ensure best practices in broadband and wireless LAN are used and  
10 to recommend the terms of contracts for broadband, wireless LAN and related  
11 services; and

12 (7) Ensure compliance with appropriate purchasing laws.

13 SECTION 3. That Section 33-5605, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 33-5605. EDUCATION OPPORTUNITY RESOURCE ACT -- ~~STATE DEPARTMENT OF~~  
16 ~~EDUCATION DUTIES~~ -- RULEMAKING. (1) The state department of education shall:

17 ~~(a) Distribute appropriated moneys to E-rate eligible entities~~  
18 ~~districts for reimbursement for the cost of internet service and other~~  
19 ~~allowable services in accordance with the methodology established by~~  
20 ~~the education opportunity resource committee.~~

21 ~~(b) Authorize funding increases for internet service levels when an~~  
22 ~~E-rate eligible entity consistently exceeds utilization benchmarks~~  
23 ~~established by the education opportunity resource committee during~~  
24 ~~school or business days and hours, provided adequate funding is avail-~~  
25 ~~able; and~~

26 ~~(c) Provide technical, E-rate, security, contracting and procurement~~  
27 ~~guidance and assistance to E-rate eligible entities at any such en-~~  
28 ~~tity's request.~~

29 (2) The commission for libraries shall distribute appropriated moneys  
30 to Idaho public libraries for reimbursement for the cost of internet service  
31 and other allowable services in accordance with the methodology established  
32 by the education opportunity resource committee and shall provide techni-  
33 cal, E-rate, and security contracting, procurement guidance, and assistance  
34 to Idaho public libraries at any such entity's request.

35 ~~(2) (3) The state board of education may promulgate:~~

36 (a) Promulgate rules in compliance with chapter 52, title 67, Idaho  
37 Code, to implement the provisions of this chapter. In promulgating such  
38 rules, the board shall collaborate with the education opportunity re-  
39 source committee;

40 (b) Authorize funding increases for internet service levels when a dis-  
41 trict consistently exceeds utilization benchmarks, as established by  
42 the education opportunity resource committee, during school or busi-  
43 ness days and hours, provided adequate funding is available; and

44 (c) Provide technical, E-rate, and security contracting, procurement  
45 guidance, and assistance to districts at any such entity's request.

46 SECTION 4. An emergency existing therefor, which emergency is hereby  
47 declared to exist, this act shall be in full force and effect on and after  
48 July 1, 2023.