

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 186

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-5602, IDAHO CODE, TO INCLUDE WIRELESS SERVICES IN THE SCOPE OF THE EDUCATION OPPORTUNITY RESOURCE ACT; AND AMENDING SECTION 33-5604, IDAHO CODE, TO INCLUDE WIRELESS SERVICES AND WIDE AREA NETWORKS IN THE POWERS AND DUTIES OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE.

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

SECTION 1. That Section 33-5602, Idaho Code, be, and the same is hereby amended to read as follows:

33-5602. PURPOSE, FINDINGS AND LEGISLATIVE INTENT -- DEFINITIONS. (1) The purpose of this act is to establish a resource for Idaho's education and library system in providing broadband, wireless and related services to students. The legislature finds that Idaho benefits from a consistent and adequate bandwidth connection to and between its districts and schools, inclusive of grades K through 12, and to its libraries. It is the intent of the legislature that:

(a) State resources be made available to support Idaho's E-rate eligible entities with technical, E-rate, security, contracting and procurement guidance, and funding distribution;

(b) E-rate eligible entities shall have the ability to collaborate regionally and intrastate for broadband and related services; ~~and~~

(c) Districts shall have the ability to collaborate regionally and intrastate for wireless services; and

(d) E-rate eligible entities apply for and pursue, in good faith, E-rate funding.

(2) As used in this chapter:

(a) "Districts" means Idaho public schools grades K through 12, the Idaho digital learning academy, the Idaho department of juvenile corrections' education programs and the school for the deaf and the blind.

(b) "E-rate" means the schools and libraries program of the universal service fund that is administered by the universal service administrative company under the direction of the federal communications commission.

(~~b~~c) "E-rate eligible entities" means Idaho public schools grades K through 12, the Idaho digital learning academy, the Idaho department of juvenile corrections education programs, the school for the deaf and the blind and the Idaho public libraries.

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

1 33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DU-
2 TIES. In carrying out its powers and duties set forth in this section, the ed-
3 ucation opportunity resource committee shall focus on the broadband, wire-
4 less and related services needs of all E-rate eligible entities. At a mini-
5 mum, the committee shall:

6 (1) Make budget and policy recommendations to the state department of
7 education regarding:

8 (a) Broadband parameters;

9 (b) Wireless parameters;

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

13 (ed) Incentives for districts to obtain the most appropriate service
14 that best fits their wireless needs and that is fiscally responsible;
15 and

16 (e) The minimum and maximum service levels, the quality of services and
17 the minimum per student or person internet and wireless levels that con-
18 tracts must adhere to for E-rate eligible entities to be eligible for
19 state reimbursement;.

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

22 (a) Distribution of appropriated moneys to E-rate eligible entities
23 that have received E-rate funding. Distribution of such moneys must be
24 in an amount equal to the non-E-rate reimbursed cost of internet ser-
25 vices; and

26 (b) If E-rate funding is not available to an E-rate eligible entity for
27 any reason, other than a failure of the entity to apply in good faith for
28 available E-rate funding, reimburse the entity for its internet service
29 costs;

30 (c) Distribution of appropriated moneys remaining, after internet ser-
31 VICES are fully funded, for wide area networks (WANs). If necessary,
32 the committee shall create an equalization formula for WAN distribu-
33 tions; and

34 (d) Distribution of appropriated moneys for wireless service to dis-
35 tricts that either have received E-rate funding or have applied in good
36 faith for E-rate funding.

37 (3) Compile and analyze broadband utilization statistics from E-rate
38 eligible entities to determine the levels of internet services necessary
39 for such entities and report the statistics to the state department of edu-
40 cation, and E-rate eligible entities shall cooperate with the committee in
41 carrying out its duty to compile and analyze such information;

42 (4) Advise and recommend resources to assist the state department of
43 education in carrying out its responsibility to provide E-rate application
44 assistance and support to E-rate eligible entities;

45 (5) Not provide legal advice;

46 (6) Collaborate with other relevant governmental and nongovernmental
47 entities to ensure best practices in broadband and wireless are used and to
48 recommend the terms of contracts for broadband, wireless and related ser-
49 vices; and

50 (7) Ensure compliance with appropriate purchasing laws.