

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 727

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO EDUCATION NETWORK; AMENDING SECTION 33-125A, IDAHO  
2 CODE, TO REVISE THE DUTIES OF THE STATE SUPERINTENDENT OF PUBLIC IN-  
3 STRUCTION AND THE STATE DEPARTMENT OF EDUCATION WITH REGARD TO THE IDAHO  
4 EDUCATION NETWORK AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
5 SECTION 67-5745D, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO REMOVE  
6 LANGUAGE PROVIDING FOR GOVERNANCE AND OPERATIONS OF THE IDAHO EDUCATION  
7 NETWORK AND FOR THE IDAHO EDUCATION NETWORK FUND; AMENDING CHAPTER 57,  
8 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5745E, IDAHO  
9 CODE, TO PROVIDE FOR THE IDAHO EDUCATION NETWORK PROGRAM AND RESOURCE  
10 ADVISORY COUNCIL (IPRAC); AND DECLARING AN EMERGENCY.  
11

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

13 SECTION 1. That Section 33-125A, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 33-125A. IDAHO EDUCATION NETWORK -- DUTIES OF THE STATE SUPERINTEN-  
16 DENT OF PUBLIC INSTRUCTION AND THE STATE DEPARTMENT OF EDUCATION. ~~(1)~~ Under  
17 the direction of the state superintendent of public instruction, the state  
18 department of education shall:

19 ~~(a)~~ Coordinate with the Idaho digital learning academy as provided  
20 for in chapter 55, title 33, Idaho Code, the state board of education and  
21 school districts to distribute telecourses, teleconferences and other  
22 instructional and training services to and between public schools;

23 ~~(b)~~ Coordinate with the Idaho digital learning academy, the state  
24 board of education and institutions of higher education to distribute  
25 college credit telecourses, teleconferences and other instructional and  
26 training services;

27 ~~(c)~~ Act as a clearinghouse for the materials, courses, publications  
28 and other applicable information related to the requirements of this sec-  
29 tion; ~~and~~

30 ~~(d)~~ Coordinate all e-rate funding applications for Idaho's school  
31 districts and implement e-rate funds through the department of administra-  
32 tion for related services provided under the purview of the Idaho education  
33 network (IEN); ~~and~~

34 ~~(2)~~ ~~(a)~~ ~~The superintendent of public instruction shall appoint an~~  
35 four (4) representatives to the Idaho education network program and resource  
36 advisory council (IPRAC) made up of representatives from public and higher  
37 education, the Idaho digital learning academy, state government and the pri-  
38 rate sector to advise and assist the department of education in performing  
39 its duties pursuant to this section and the provisions of section 67-5745DE,  
40 Idaho Code.

41 ~~(b)~~ ~~The superintendent of public instruction shall determine the~~  
42 ~~number of persons necessary to provide the assistance required from~~

~~the IPRAC. Members of the IPRAC shall be selected for their knowledge of education curricula, content, professional training and such other issues that may be essential for the productive delivery of education resources to schools throughout the state utilizing the IEN for the benefit and enhancement of the education system statewide. Persons appointed may be from the public or private sector and shall possess special knowledge in the areas of need for the successful operation and management of the IEN.~~

~~(c) The superintendent of public instruction shall, in consultation with the department of administration, establish a technical subcommittee of the IPRAC, to be co chaired by the chief information officer of the department of administration, or his designee, and a person currently employed in a related public or higher education technology function, to advise and assist the department of administration in the technical development and operation of the IEN as required pursuant to section 67-5745D, Idaho Code. Members of the technical subcommittee shall be selected for their knowledge and experience in the development and technology necessary for the procurement and/or ongoing operation of a network that will enable the delivery of educational materials and resources, as provided in this section and section 67-5745D, Idaho Code.~~

~~(d) The superintendent of public instruction may establish other subcommittees to provide specific assistance to the department of administration or the department of education, as may be deemed expedient and necessary for such purpose.~~

~~(e) Membership on the technical or any other subcommittee is not limited to the members of the IPRAC. Members of the IPRAC or any associated subcommittee shall not be compensated for service as such member, but shall receive per diem and travel allowance as provided for state employees, in such amount as is provided for in section 67-2008, Idaho Code.~~

SECTION 2. That Section 67-5745D, Idaho Code, be, and the same is hereby amended to read as follows:

67-5745D. IDAHO EDUCATION NETWORK. (1) The legislature finds that:

(a) Idaho does not have a statewide coordinated and funded high-bandwidth education network;

(b) Such a network will enable required and advanced courses, concurrent enrollment and teacher training to be deliverable to all public high schools through an efficiently-managed statewide infrastructure; and

(c) Aggregating and leveraging demand at the statewide level will provide overall benefits and efficiencies in the procurement of telecommunications services, including high-bandwidth connectivity, internet access, purchases of equipment, federal subsidy program expertise and other related services.

(2) As used in this section and in section 67-5745E, Idaho Code, "Idaho Education Network (IEN)" means the coordinated, statewide telecommunications distribution system for distance learning for each public school, including two-way interactive video, data, internet access and other

1 telecommunications services for providing distance learning. The term  
 2 also includes connections to each institution of higher education and other  
 3 locations as necessary to facilitate distance education, teacher training  
 4 and other related services.

5 ~~(3) The department of administration shall provide administrative~~  
 6 ~~oversight for IEN.~~

7 ~~(4) In performing the duties under this section, the department of ad-~~  
 8 ~~ministration shall consider the following goals to ensure that:~~

9 ~~(a) Idaho will utilize technology to facilitate comparable access to~~  
 10 ~~educational opportunities for all students;~~

11 ~~(b) Idaho will be a leader in the use of technology to deliver advanced~~  
 12 ~~high school curricula, concurrent college credit, and ongoing teacher~~  
 13 ~~training on an equitable basis throughout the state; and~~

14 ~~(c) Idaho will leverage its statewide purchasing power for the IEN~~  
 15 ~~to promote private sector investment in telecommunications infra-~~  
 16 ~~structure that will benefit other technology applications such as~~  
 17 ~~telemedicine, telecommuting, telegovernment and economic development.~~

18 ~~(5) In performing the duties under this section, subject to the avail-~~  
 19 ~~ability of funds, the department of administration shall:~~

20 ~~(a) Coordinate the development, outsourcing and implementation of a~~  
 21 ~~statewide network for education, which shall include high bandwidth~~  
 22 ~~connectivity, two way interactive video and internet access, using~~  
 23 ~~primarily fiber optic and other high bandwidth transmission media;~~

24 ~~(b) Consider statewide economic development impacts in the design and~~  
 25 ~~implementation of the educational telecommunications infrastructure;~~

26 ~~(c) Coordinate and support the telecommunications needs, other than~~  
 27 ~~basic voice communications of public education;~~

28 ~~(d) Procure high quality, cost effective internet access and appro-~~  
 29 ~~priate interface equipment to public education facilities;~~

30 ~~(e) Procure telecommunications services and equipment on behalf of~~  
 31 ~~public education;~~

32 ~~(f) Procure and implement technology and equipment for the delivery of~~  
 33 ~~distance learning;~~

34 ~~(g) In conjunction with the state department of education, apply for~~  
 35 ~~state and federal funding for technology on behalf of IEN services;~~

36 ~~(h) Procure telecommunications services and equipment for the IEN~~  
 37 ~~through an open and competitive bidding process;~~

38 ~~(i) Work with the private sector to deliver high quality, cost effec-~~  
 39 ~~tive services statewide; and~~

40 ~~(j) Cooperate with state and local governmental and educational enti-~~  
 41 ~~ties and provide leadership and consulting for telecommunications for~~  
 42 ~~education.~~

43 ~~(6) The department of administration shall follow an implementation~~  
 44 ~~plan that:~~

45 ~~(a) In the first phase, will connect each public high school with a~~  
 46 ~~scalable, high bandwidth connection, including connections to each~~  
 47 ~~institution of higher education and the Idaho digital learning academy~~  
 48 ~~as provided for in chapter 55, title 33, Idaho Code, as necessary,~~  
 49 ~~thereby allowing any location on IEN to share educational resources~~  
 50 ~~with any other location;~~

~~(b) Upon completion of the first phase, shall provide that each public high school will be served with high bandwidth connectivity, internet access and equipment in at least one (1) two way interactive video classroom; and~~

~~(c) In subsequent phases, will evaluate and make recommendations to the legislature for:~~

~~(i) Connectivity to each elementary and middle school;~~

~~(ii) The addition of libraries to the IEN; and~~

~~(iii) The migration of state agency locations from current technology and services.~~

~~(7) The department of administration shall, in its administration of the provisions of this section, comply with all provisions of federal law and regulations necessary to obtain and maintain qualification of the IEN and its participating schools in order to enable receipt of federal universal service support funding and the federal e rate discount program for schools and libraries including, but not limited to, maintenance of the IEN as a separate and distinct network to the extent necessary to obtain and maintain such qualification.~~

~~(8) Educational institutions served by the IEN shall manage site operations under policies established by the department of administration and the state department of education.~~

~~(9) Idaho education network fund. There is hereby created in the state treasury the Idaho education network fund. Moneys in the fund shall consist of funds received from state appropriations, grants, federal moneys, donations or funds from any other source. Moneys in the fund may be expended, pursuant to appropriation, for implementation and ongoing costs of the Idaho education network. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.~~

SECTION 3. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5745E, Idaho Code, and to read as follows:

67-5745E. IDAHO EDUCATION NETWORK PROGRAM AND RESOURCE ADVISORY COUNCIL (IPRAC). (1) The administrative oversight for the Idaho education network (IEN) shall be provided by the Idaho education network program and resource advisory council (IPRAC) that is hereby created within the department of administration. The IPRAC shall be composed of thirteen (13) members, as follows:

(a) The superintendent of public instruction or his designee, who shall serve as the chairman of the council;

(b) The director of the department of administration or his designee, who shall serve as vice chairman of the council;

(c) The chief executive officer of the Idaho digital learning academy;

(d) Two (2) individuals appointed by the superintendent of public instruction representing public and higher education in Idaho, selected for their knowledge and experience in the development and technology necessary for the procurement and/or ongoing operation of a network that will enable the delivery of educational materials and resources. One (1) of the individuals appointed by the superintendent of public in-

1       struction shall serve an initial term of one (1) year and one (1) of such  
2 individuals shall serve an initial term of two (2) years, as determined  
3 by the superintendent. After such initial terms, these individuals  
4 shall serve four (4) year terms. Vacancies in such appointment shall be  
5 filled by appointment by the superintendent for the remaining term;

6       (e) Two (2) individuals appointed by the superintendent of public  
7 instruction to represent the private sector. One (1) of the individuals  
8 appointed by the superintendent of public instruction shall serve an  
9 initial term of two (2) years and one (1) of such individuals shall serve  
10 an initial term of three (3) years, as determined by the superintendent.  
11 After such initial terms, these individuals shall serve terms of four  
12 (4) years. Vacancies in such appointment shall be filled by appointment  
13 by the superintendent for the remaining term;

14       (f) The chairman of the senate education committee or his designee;

15       (g) The chairman of the house of representatives education committee or  
16 his designee; and

17       (h) Four (4) members of the joint finance-appropriations committee,  
18 appointed by the president pro tempore of the senate and the speaker of  
19 the house of representatives in consultation with the cochairmen of the  
20 joint finance-appropriations committee, with one (1) such appointee  
21 being a member of the minority political party.

22       (2) In performing the duties pursuant to this section, IPRAC shall con-  
23 sider the following goals to ensure that:

24       (a) Idaho will utilize technology to facilitate comparable access to  
25 educational opportunities for all students;

26       (b) Idaho will be a leader in the use of technology to deliver advanced  
27 high school curricula, concurrent college credit, and ongoing teacher  
28 training on an equitable basis throughout the state; and

29       (c) Idaho will leverage its statewide purchasing power for the IEN  
30 to promote private sector investment in telecommunications infra-  
31 structure that will benefit other technology applications such as  
32 telemedicine, telecommuting, telegovernment and economic development.

33       (3) In performing the duties pursuant to this section, subject to the  
34 availability of funds, the IPRAC shall:

35       (a) Coordinate the development, outsourcing and implementation of a  
36 statewide network for education, which shall include high-bandwidth  
37 connectivity, two-way interactive video and internet access, using  
38 primarily fiber optic and other high-bandwidth transmission media;

39       (b) Consider statewide economic development impacts in the design and  
40 implementation of the educational telecommunications infrastructure;

41       (c) Coordinate and support the telecommunications needs, other than  
42 basic voice communications of public education;

43       (d) Procure high-quality, cost-effective internet access and appro-  
44 priate interface equipment to public education facilities;

45       (e) Procure telecommunications services and equipment on behalf of  
46 public education;

47       (f) Procure and implement technology and equipment for the delivery of  
48 distance learning;

49       (g) In conjunction with the state department of education, apply for  
50 state and federal funding for technology on behalf of IEN services;

1 (h) Procure telecommunications services and equipment for the IEN  
2 through an open and competitive bidding process;

3 (i) Establish a technical subcommittee of the IPRAC to advise and as-  
4 sist the IPRAC in the technical development and operation of the IEN as  
5 required pursuant to this section. Members of the technical subcommit-  
6 tee shall be selected for their knowledge and experience in the develop-  
7 ment and technology necessary for the procurement and/or ongoing opera-  
8 tion of a network that will enable the delivery of educational materials  
9 and resources, as provided in this section;

10 (j) Establish other subcommittees to provide specific assistance to  
11 the IPRAC, as may be deemed expedient and necessary for such purpose;

12 (k) Work with the private sector to deliver high-quality, cost-effec-  
13 tive services statewide; and

14 (l) Cooperate with state and local governmental and educational enti-  
15 ties and provide leadership and consulting for telecommunications for  
16 education.

17 (4) The IPRAC shall follow an implementation plan that:

18 (a) In the first phase, will connect each public high school with a  
19 scalable, high-bandwidth connection, including connections to each  
20 institution of higher education and the Idaho digital learning academy  
21 as provided for in chapter 55, title 33, Idaho Code, as necessary,  
22 thereby allowing any location on the IEN to share educational resources  
23 with any other location;

24 (b) Upon completion of the first phase, shall provide that each pub-  
25 lic high school will be served with high-bandwidth connectivity, inter-  
26 net access and equipment in at least one (1) two-way interactive video  
27 classroom; and

28 (c) In subsequent phases, will evaluate and make recommendations to the  
29 legislature for:

30 (i) Connectivity to each elementary and middle school;

31 (ii) The addition of libraries to the IEN; and

32 (iii) The migration of state agency locations from current tech-  
33 nology and services.

34 (5) The IPRAC shall, in its administration of the provisions of this  
35 section, comply with all provisions of federal law and regulations necessary  
36 to obtain and maintain qualification of the IEN and its participating  
37 schools in order to enable receipt of federal universal service support  
38 funding and the federal e-rate discount program for schools and libraries  
39 including, but not limited to, maintenance of the IEN as a separate and  
40 distinct network to the extent necessary to obtain and maintain such quali-  
41 fication.

42 (6) Educational institutions served by the IEN shall manage site oper-  
43 ations under policies established by the IPRAC and the state department of  
44 education.

45 (7) Idaho education network fund. There is hereby created in the state  
46 treasury the Idaho education network fund. Moneys in the fund shall consist  
47 of funds received from state appropriations, grants, federal moneys, dona-  
48 tions or funds from any other source. Moneys in the fund may be expended,  
49 pursuant to appropriation, for implementation and ongoing costs of the IEN.

1 The treasurer shall invest all idle moneys in the fund. Any interest earned  
2 on the investment of idle moneys shall be returned to the fund.

3 (8) Members of the IPRAC or any associated subcommittee shall not be  
4 compensated for service as such member, but shall receive per diem and travel  
5 allowance as provided for state employees, in such amount as is provided for  
6 in section 67-2008, Idaho Code.

7 SECTION 4. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after its  
9 passage and approval.