

**MINUTES**  
**(Approved by the Committee)**  
**Broadband Access Study Committee**  
**Friday, November 20, 2015**  
**9:00 A.M.**  
**WW17**  
**Boise, Idaho**

Co-Chair Luke Malek called the meeting to order at 9:05 a.m. and requested an audible roll call. Members present were: Co-Chairs Representative Luke Malek and Senator Dean Mortimer, Senators Shawn Keough, Bart Davis, and Dan Schmidt; Representatives Lance Clow, Rick D. Youngblood, and Greg Chaney. Legislative Services Office (LSO) staff members present were: Brooke Brouman, Paul Headlee, and Shelley Sheridan. William Goodman, Past President, Idaho Education Technology Association, acting as facilitator.

Others in attendance: Ann Joslin, Idaho Commission for Libraries; Chris Campbell, Idaho State Department of Education; Kevin Richert, Idaho Education News; Garry Lough, Gayle Nelson, and Michael McKerley, Education Networks of America; Bob Geddes and Greg Zickau, Department of Administration; Greg Lowe, Syringa Networks; Carlie Foster and Jason Kreizenbeck, Lobby Idaho; Nate Bondelid, Tek-Hut, Inc.; Shawn Swanby, Ednetics; John Foster, Kestrel West; Ron Williams, Idaho Cable Telecommunications Association; Brady Kraft, Idaho State Department of Education; Marilyn Whitney, Office of the Governor.

NOTE: Copies of most presentations, handouts, reference materials, and public testimony can be found at: [Idaho State Legislature - 2015 Interim Committees - Broadband Access Study Committee](#) and are also on file at the Legislative Services Office.

Co-Chair Malek stated the approval of the October 5, 2015, and October 6, 2015, meeting minutes will be held until the afternoon. He stated that Mr. Paul Headlee, Legislative Services Office, will provide a broadband gap analysis of schools across the state, then the committee will discuss solutions and ideas for legislation. Co-Chair Malek stated that Mr. William Goodman will lead the conversation.

Co-Chair Malek introduced Mr. Headlee who referenced a memo which provided updates on the connectivity and types of media used by different vendors providing services. He clarified that "media" meant the type of technology (fiber, copper, etc.) used by the Department of Administration and Department of Education. Mr. Headlee continued by reviewing [State Agency and School District Broadband Media Types](#). Co-Chair Mortimer asked if "carrier" meant that the fiber or copper was owned. Mr. Headlee responded that he did not know at this point. Senator Schmidt asked what the contractual relationship was between the state agencies and the Department of Administration through the Idaho Education Network (IEN). Mr. Headlee stated there were five contracts through the Department of Administration and referenced Tables 4 and 5 that showed the connections affected by Judge Owen's ruling. Representative Chaney asked Mr. Headlee to clarify if, in determining availability and number of connections, each school district was counted once and the vendor once. Mr. Headlee responded he would need more information. Senator Davis asked to clarify if the prior or current contract was in effect. Mr. Headlee confirmed that the prior contract was void. Senator Schmidt noted that costs for schools went down when shifting away from the Education Networks of America (ENA). He asked if there was an estimated cost for agencies. Mr. Headlee responded that the cost prior to the bid process was approximately \$260,000 per month, but does not have the amount post bid process.

Co-Chair Malek thanked the Legislative Services staff for gathering information and working tirelessly to prepare the committee for moving forward. Co-Chair Malek introduced Mr. William Goodman and opened the floor to anyone with ideas. Mr. Goodman thanked the committee for their efforts,

support, and for looking into broadband. He stated broadband is a big deal for Idaho and for schools and that Idaho has a broadband issue where there is a lag in getting broadband and high speed, high quality connections. Mr. Goodman stated his immediate interest is for schools and making sure schools have the needed connection. He added that Idaho has become very reliant on online education, and access to online tools and technology is moving in that direction.

Mr. Goodman stated that the meeting will cover an overview of what the committee has reviewed so far, a review of the House Concurrent Resolution (HCR) establishing the committee and its charge, a discussion of bullet points, a roundtable discussion, the steps needed to move forward, a quick break, then a look at solutions. Mr. Goodman responded to Representative Chaney's question regarding schools with multiple vendors. Mr. Goodman stated that the IEN and High School Broadband Project focuses on high schools, only 131 of the 165 Local Education Agencies (LEAs), and it was possible for districts to have a different provider for their elementary or middle schools. Mr. Goodman reviewed the four "WHEREAS" clauses of the HCR and summarized that the committee provide a solution for school districts to have higher education, a study of state broadband, and determine what access is available for all citizens.

Mr. Goodman referenced the bullet lists (proposals and recommendations) provided by Legislative Services, Department of Education, and the Idaho Education Technology Association (IETA). Representative Chaney suggested creating consortiums managed by the Department of Administration or the Department of Education that could pool buying power for broadband service bids and resources for IT staff. Senator Davis clarified that the bullet lists are not exhaustive nor are they statements of what the committee will do, but are starting points. Mr. Goodman noted that the bullet lists have a consistent theme: 1) a need for broadband in schools, 2) to include state agencies, 3) to maximize E-rate and federal moneys to keep costs low, 4) what agencies are responsible to help, 5) what will the structure look like, 6) which technologies are important, and 7) what should the committee do beyond the HCR. He suggested the committee address those questions with the end goal being a recommendation to the Legislature. Mr. Goodman asked the committee to envision what the structure should be and how important it is to include a technology in the legislation. He noted that if a specific technology is put in legislation, you are locked into using that technology. Senator Schmidt stated a general outline needs to be drafted and described and suggested not getting too specific on how to address needs. Representative Clow stated that flexibility is also necessary to provide what is needed and asked how far do you go in considering needs.

Co-Chair Mortimer asked if the state should cover economic development, state agencies, education, cities and counties, and citizens. Representative Malek asked if the committee would be doing their charter justice by looking at it in a singular silo. Co-Chair Senator Davis stated he was unsure if that should be built into legislation or primarily focused upon. Representative Chaney stated it would be a great disservice to not look from a bigger perspective and by expanding beyond state agencies, you get into participation in a private market. Representative Chaney stated that he hesitates supporting anything that would allow the private sector to plug into something the state had invested in. Senator Davis cited Article 9 of the Idaho Constitution that references a uniform and thorough system. He stated you could be uniform if you provided a uniform system of funding but asked how uniform applies when the tables show the disparity of speed rate and bandwidth. Co-Chair Malek stated that the committee needs to continue discussing whether their charter was to deal with just schools or to include everything from economic development to schools and state agencies, etc. He stated that if placing fiber in the ground and providing adequate broadband is done well, the rest will follow. Senator Davis recommended not having a state solution, providing a uniform method of distributing money to districts, and providing E-rate expertise and if districts wanted to contract back, they could. He noted that districts had solved their own problems and suggested offering a channel of money or the districts could pool together to form a joint request for proposal (RFP). Senator Davis stated the end goal would be to offer affordable broadband and encourage districts to get E-rate dollars. Co-Chair Mortimer clarified two points that would help the

committee move forward; 1) local decision making, and 2) central support, and suggested setting overall criteria. Senator Schmidt noted that uniformity and funding will be sticking points as there are cost differences between districts, and he asked if the committee was going to stick to uniformity or need. Senator Schmidt stated the issue is how to administer funding. He stated that E-rate varies, if on a district-by-district basis, and is based on free and reduced lunch rates. He noted a boost in E-rate by doing it statewide, but there was no competitive bidding or price breaks. Local control will improve the marketplace and local providers can compete. Representative Clow noted that the constitution states "...provide a general, uniform, and thorough ..." but districts have different needs. Why subsidize one more over another. He asked if a system could be built from the ground up for flexibility to offer online classes to those who want it. Senator Davis clarified that the constitution states that a general, uniform, and thorough "system" be provided, which could be done by digging trenches and providing fiber to every district in Idaho, but Idaho cannot afford that. We have to rely on what the market provides, and perhaps offer incentives for the last mile. Senator Davis asked if there should be a different state solution. Co-Chair Malek asked if Senator Davis would be opposed to a statutory structure that allowed the private sector to get fiber. Senator Davis responded that good speed could be provided with different technologies and nothing more needs to be done other than encouraging continued use of broadband and revisiting costs, on occasion. Senator Davis asked if there should be lengths of time on contracts and if long contracts adversely impact bids and price tags, especially in last mile cases. Representative Chaney stated that a lot of expenses were build-out costs that were wrapped up in ongoing subscription costs. He stated he would favor a system that would appropriate, subsidize, and grant build-out as completely separate and distinct expenses.

Mr. Goodman summarized that the committee wants local decision and centralized support for E-rate, contracting, or RFP writing, then the districts would sign a contract itemizing monthly and one-time costs. He added that vendors could easily do that. Mr. Goodman noted that local control and uniformity could be contradictory terms and that uniformity often falls back to standards. He stated that a standard is when a minimum was met. He stated that the Federal Communications Commission (FCC) adopted a recommendation that schools have one megabit per student by 2017/18, thereby setting a standard. Mr. Goodman asked if the committee is getting too detailed by making the Legislature reset the standards every year or should someone else. Representative Clow asked how much broadband do students need. Senator Schmidt stated that rather than basing standards on technology, set a policy expectation that E-rate eligible districts pursue E-rate funding; however, should districts' who choose not to apply be supported. The cost would change significantly. Mr. Goodman responded that adequate broadband is a tough question. He asked if legislation should contain standards that need to be revisited yearly or would it be better for technologists to determine. He stated there is a need, but it is a constantly moving target. Senator Schmidt stated that he supports setting standards along policy lines rather than criteria and letting locals and providers figure it out. He agreed there is a demand, but the committee's job is to determine how to fund it fairly. He stated it may not be uniform, but it will be fair.

Mr. Goodman asked how much would it cost to provide a meg to a school. He stated that costs are different for each school, so how do you fairly fund the price per meg and ensure schools are getting enough without overbuying. Senator Keough stated she favors setting a floor or goal, but is worried about the districts' ability to meet that floor depending on their available technology. She suggested setting policies and providing funding. Senator Keough noted that districts did a good job in figuring out what they needed. She reminded the committee to not lose sight of the IEN's goal was to expand technology to rural Idaho and the state drove service to those areas. She asked if Idaho was at a point where Internet access was a utility. Senator Schmidt believed that the IEN has been a customer for broadband but the Idaho Regional Optical Network carved out a significant aspect of the market. He recommended the committee amplify the marketplace make it robust. Representative Chaney stated he was uncomfortable with using this as a way to get broadband to a region; however, part of utilization goes to the ability of districts to use it in new ways. He stated that areas without broadband access will have variances in education. He stated

that some districts will get left behind and that it's beyond just textbooks. Representative Chaney added that the districts should not be forced, at the district level, but should be offered some type of service. If districts do not utilize broadband, it should be their choice not because of other roadblocks. Representative Chaney clarified that he supports that the government pay for generally accessible broadband instead of using the market but is uncomfortable with allowing a profit on something owned by taxpayers. Senator Davis asked if Idaho was at a tipping point with technology in smaller communities and has Idaho done what it can to let the market go where it's likely to go. Senator Keough responded that businesses first need employees then immediately after broadband Internet. She stated there are major employers in a global market wanting to leave because they cannot get broadband access. She asked what the state's role was in what's become an essential service for education and the business sector.

Representative Youngblood asked Mr. Goodman if there was a school district in Idaho that did not have the ability for broadband. Mr. Goodman responded that the national definition of broadband is 20-25 megs, which many districts fall below and that Idaho's definition is anything over dial-up. Representative Youngblood asked what the downfall was on limited broadband. Mr. Goodman related limited broadband to water pressure in a pipe in that the more outlets there are, the less pressure there is unless the source is increased. Representative Youngblood asked if the school districts would be able to manage their usage. Mr. Goodman clarified that, technologically, you can limit access, but most providers over-provision. Representative Youngblood suggested a locally managed and market driven system and a state-level IT oversight committee.

Representative Clow asked how the Connect America fund relates. Mr. Headlee responded that two vendors were awarded funding: CenturyLink, receiving \$6.3 million, and Frontier, receiving \$5.2 million annually over six years to expand broadband to rural areas. He stated there is data available showing which counties and areas receive those dollars. Representative Clow asked if the funds only help schools. Mr. Headlee replied that the funds are directed toward homes and businesses.

Mr. Goodman noted that the committee is discussing two separate entities; education and state agencies, which are public entities and funded by the state, but only one is potentially eligible for E-rate. He asked the committee to consider how to ensure that E-rate funding is available for schools without risking a loss of E-rate by including state agencies in the same contract. He stated that some states have gotten into trouble for muddling those together or where E-rate funds were used to put in fiber which was used to generate a profit for private enterprise, which is not allowable. Senator Schmidt stated the solution is local control and districts making their own contracts, bidding, lengths of contracts. Representative Youngblood asked Senator Schmidt to clarify IT oversight. Senator Schmidt responded that there should be someone to help schools with problems, either with filing for E-rate, connection issues, or problems with providers and that it is an administration executive branch issue, not something the Legislature needs to provide.

Representative Youngblood asked if the committee was going to solve both the school and state agency issue. Co-Chair Malek replied that it is messy, but the committee will need to work it out. Representative Youngblood noted that schools have worked themselves out, saved the state a lot of money, and are moving forward and that the bigger issue may be providing oversight. Co-Chair Malek asked the committee to consider the value of having a body of legislators that understand the issue on a technological level and that re-educating ourselves would be laborious. Representative Chaney agreed that smaller districts lack leverage to get buying power for the same service and price, and without a statewide network, there needs to be a way of helping smaller districts gain leverage. He added that last-mile expenses are typically higher in remote districts. Representative Chaney agreed that the market should drive and smaller, district-by-district contracts are saving the state money because of competitiveness; however, there are districts that are severely disadvantaged by the inability of their local market to provide their needs. Representative Chaney stated that bidding out last-mile build-out, putting in government lines, and having contractors drop in their own network lines would address the issue of protecting E-rate dollars.

Co-Chair Malek referred to Mr. Headlee who reviewed the [broadbandnow.com/Idaho](http://broadbandnow.com/Idaho) website showing where Idaho stands relative to broadband.

Mr. Goodman clarified that the new federal definition of broadband was raised from 4 megabits to 25.

The committee recessed at 11:02 a.m. and reconvened at 11:17 a.m.

Mr. Goodman provided a handout clarifying the [differences between a bit and a byte](#).

Co-Chair Malek opened the floor for public testimony and welcomed Michael McKerley, Education Networks of America (ENA). Mr. McKerley stated that ENA recommends local choice by school districts to drive the market and allow professionals who are closest to the results of the decision to help make the decision as much as possible. He stated it has worked in other states and agreed that the state may want to provide guidance and incentives for bringing broadband to those schools, which could include professional development. Mr. McKerley stated that in many communities in Idaho, the school is the number one aggregator of utilization during the day for Internet, and if the private market could be used to bring broadband to the community as an anchor institution, it could help bring broadband to the rest of the community. He stated that E-rate funding would be maximized because it is not a state-owned and managed network and E-rate funding could incentivize vendors to bring broadband to an anchor institution and potentially serve residential and business needs. Mr. McKerley added that the state might be interested in providing reliable utilization and security. He noted that Idaho is the 47th most connected in the U.S. He stated ENA recommends including libraries in addition to local choice and broadband incentives and that libraries could serve as anchor institutions like schools, and the community could partake.

Co-Chair Malek welcomed Shawn Swanby, Ednetics. Mr. Swanby stated that broadband is an important issue in Idaho, not only for schools but for economic develop across the state. He stated it is very important to enable the market and not get caught up in complexities of the technical details, like security, because the market will fill in the gaps. Mr. Swanby suggested the committee consider providing resources and training to enable school districts and to find the path that makes the most sense based on needs. Senator Schmidt asked if the state has a role in supporting that level of flexibility to solve problems. Mr. Swanby responded that the most successful programs are those where government and private industry are engaged in solutions.

Representative Chaney asked if E-rate could be used for libraries. Mr. McKerley responded yes, but the funding models were different. Mr. McKerley added that ENA is not recommending certain lengths of contracts, but noted longer contracts would allow vendors to allocate costs for significant build out. Co-Chair Mortimer asked if that was also true with microwave. Mr. McKerley stated he was not as familiar with cost allocation for microwave as it was not a significant part of ENA's business. Mr. Goodman asked if the same were true with one-time costs that were E-rated, paid off in year one, then sold by the private vendor to the public. Mr. McKerley replied that it was possible the contract term would not need to be as long if the build-out cost were allocated separately then providing an overall solution on top of the infrastructure that was built out; however, if the district were seeking E-rate reimbursement for the build out itself, the network must be for the school or library. He stated that E-rate may question whether or not E-rate funds should be used for a one-time build-out cost if the length of the contract was not cost effective. He stated that it solved the question of cost allocating but not whether the FCC would consider it cost effective.

Co-Chair Malek introduced Ron Williams, Idaho Cable Telecommunications Association. Mr. Williams referenced the [broadbandnow.com/Idaho](http://broadbandnow.com/Idaho)handout and the [Idaho Cable Company Areas](#)map and noted that Cable One offers service to more than 50% of the population in Idaho. He stated that the map represents increasing speeds in all companies and that any snapshot in time and statistic could change. Mr. Williams stated that Cable One is in the city of Ammon and that all their customers have the option to buy 100 megabit service now from Cable One and one gigabyte by next summer. He stated he did not want the committee to have the impression that there was no

broadband access in the city of Ammon. Co-Chair Malek asked if Cable One is using a fiber based technology. Mr. Williams responded that Cable One uses a fiber and coax combination. Senator Schmidt asked if speeds are checked. Mr. Williams stated there is technology to check speeds but was unsure if its being done.

Co-Chair Malek introduced Nate Bondelid, Tek-Hut. Mr. Bondelid asked the committee to consider what the purpose of broadband was and what schools and agencies want. He asked if schools wanted a state-managed private network or a funding source that provides a sufficient and reliable method to pay. He stated that every school district in Idaho has Internet access, but the amount and level of access varies greatly district by district and by geographical area. He stated that access is mostly driven by student population and location. Mr. Bondelid stated that setting a uniform standard would be difficult and finding a funding source is more important. Mr. Bondelid cited Utopia as a great example and challenged the committee to keep in mind what is needed. Mr. Bondelid questioned the recommendation that the Department of Administration vet qualified vendors and asked what bearing the department had over schools in Idaho. Co-Chair Malek responded that the committee is trying to aggregate as much information as possible and that the department plays a role in procurement. He added that the Department of Administration's role is up for discussion. Representative Clow asked about microwave front-end and last-mile costs. Mr. Bondelid responded that it is the same principle whether it is fiber, coax, or microwave. He stated that costs are amortized across the length of the contract. He stated that an advantage with microwave is that the equipment can be picked up and moved. Mr. Bondelid stated that the longer the contract, the more appealing it is for a person to invest and is less of a risk.

Co-Chair Malek introduced Greg Zickau, Department of Administration. Mr. Zickau stated that the state owns some fiber downtown. He stated that the state owns a 10 gig core network that reaches the state police campus in Meridian to the Orchard complex where Corrections, DEQ, and Public Television are located. He stated the network looks similar to operations run by larger vendors. Mr. Zickau stated that every time the network is upgraded, the department considers whether its good to own and that some municipal contracts have been successful. Mr. Zickau referenced the city of Chattanooga which embarked upon a fiber to the home project and has spent about \$300 million. He stated that Chattanooga guarantees fiber to the home and 100 meg access to any residence within a 60-mile radius. Mr. Zickau stated that technology is an enabler and there is a lot of integration between the broadband and purchasing committees. He stated that, with regard to cyber security, the state has a central network that nearly all agencies connect to and a lot of central security apparatus. He suggested the committee consider the cyber security implications if that central security apparatus was broken up and that some of the agencies would not be prepared to address threats.

Co-Chair Malek introduced Greg Lowe, Syringa Networks. Mr. Lowe stated that the recommendation of using the Department of Administration as a clearinghouse came from Syringa because the department has the most seat time in the role of technical expertise. He stated that as a vendor, he would want someone to address the differences between an interconnection speed and actual bandwidth and to allow the end decision makers to know that what they are buying is reasonable and valuable. Mr. Lowe stated there needs to be a reliable resource for technological information and vetting and that his recommendation was based on logic, not on history.

Co-Chair Malek asked Mr. Goodman where the committee should pick up upon return from lunch. Mr. Goodman suggested the committee members consider what their recommendations and suggestions would be for the Legislature, what department or state agency should manage the program, if it is continued, what their role should be beyond distribution of funds, and what requirement should come with those funds, if any. He asked if vetting, setting standards, a floor, requirement for E-rate should be included, and how much of that should be in legislation or up to whomever is distributing the funds.

The committee recessed at 11:48 a.m. and reconvened at 1:15 p.m.

Co-Chair Malek stated that the minutes are being amended and will be distributed to the committee for review and approval. Co-Chair Malek referenced the enabling statute to help come to a consensus on the scope of the committee. Co-Chair Malek deferred to Mr. Goodman who cited HCR 26 and summarized by suggesting that the committee make recommendations for broadband services and governance for all of Idaho. Senator Schmidt stated the resolution is broad but believes that economic development and broadband services are under the purview of the broadband interim committee. Representative Clow agreed but was unsure if the committee was mandated to provide a network for all agencies. He added that the committee could discuss it and narrow it down to what could be accomplished and where to focus. Senator Schmidt agreed and wanted to make sure the committee did not go beyond its scope.

Co-Chair Mortimer noted the three points the committee has covered: 1) local decision making, 2) central and standard security, support, incentives, reporting and education, and 3) funding that provides quality incentives. Senator Davis suggested the committee keep abreast of the Purchasing Committee who was reviewing related purchasing laws. He noted a congruency on local decision making, a push-away from a statewide model, support for central support, and folding in funding. Co-Chair Malek asked Senator Davis's opinion on whether the committee's role is limited to education or is more broad. Senator Davis responded that his interpretation is that it's not limited to just education. Co-Chair Malek asked if there was concern of taking on more. Senator Davis responded that he is more concerned with the education component. Senator Schmidt encouraged recommending to the Legislature the committee's support of public-private partnership to develop broadband in Idaho as a general policy statement. He stated he was not looking for a solution, but a direction, and that the committee was not required to have a solution. Representative Chaney agreed that direction is good but to remember that technology changes. He encouraged the committee to be broad and unconstraining.

Co-Chair Malek noted that Idaho's definition of broadband does not match the federal definition and asked if it should be updated. Senator Davis suggested defining broadband by administrative rule. Representative Chaney stated he does not favor a state definition because of unintended consequences. Co-Chair Malek agreed and noted that the definition of broadband is depended on for tax credits. Co-Chair Malek asked if the committee should deal with broader policy issues, not just education, that might improve broadband in Idaho. Representative Clow suggested including libraries and expand the definition beyond high school. Senator Davis suggested at least covering public education.

Co-Chair Mortimer recommended the committee create a list of guiding and supporting principles to include in a recommendation to the Legislature. Mr. Goodman asked the committee to also consider whether to include K-12, covering the remaining LEAs not covered by the IEN, and the timing issue with E-rate filing. He summarized the common points made by committee members:

- Public and private partnerships
- Include libraries
- Cover K-12 education
- Require E-rate filing
- Local purchasing with central governance

Mr. Goodman recommended the committee focus on K-12 and asked the committee to also consider unique school entities that do not fit under the traditional LEA model: Idaho School for the Deaf and Blind, Idaho Digital Learning Academy, and Juvenile Corrections. Co-Chair Malek asked if pre-K was eligible for E-rate. Mr. Goodman replied not in Idaho. Co-Chair Malek recommended focusing on K-12.

Senator Davis motioned that this committee recommends moving away from a statewide system that mirrors the previous system. The motion was seconded by Senator Keough. Senator Schmidt made a substitute motion that the committee encourage agencies to seek multiple providers. Senator Davis asked if the substitute motion meant that school districts would not go to the market for bids, but the state would. Senator Schmidt clarified that local versus central support needed to be addressed, and the state needs to strengthen the marketplace, whereas the statewide network inhibited that. Senator Davis agreed and asked Senator Schmidt what Idaho's role would be in the RFP process. Senator Schmidt stated the intent of his motion was to strengthen the marketplace. Representative Chaney asked if Senator Schmidt's motion speaks to just education and how to implement encouraging branching out. Senator Schmidt replied that he strongly supported local purchasing of contracts and clarified that he was trying to define principles for the Legislature to consider. He asked if private-public partnerships would be a monopoly or if competition would be allowed. Senator Davis stated that Senator Schmidt's motion should be a separate motion. Senator Schmidt withdrew his substitute motion. Senator Davis's motion to move away from a statewide system that mirrors the previous system passed by unanimous voice vote.

Senator Davis motioned that this committee encourages that there be state resources available to support school districts for technical, E-rate, security, contracting, procurement guidance, and funding distribution. Co-Chair Mortimer seconded the motion. Representative Clow asked if the motion implied that a state agency provide the support rather than a contracted private entity. Senator Davis responded that it should be a resource division in the event a district needed help. Senator Schmidt clarified that the motion be a resource motion. Senator Davis's motion that the committee encourages that there be state resources available to support school districts for technical, E-rate, security, contracting, procurement guidance, and funding distribution passed by unanimous voice vote.

Representative Chaney suggested that districts have the ability to pool resources rather than vesting with the state. Senator Davis agreed with Representative Chaney to remove statutory barriers for regional cooperation.

Senator Davis motioned that this committee is committed to removing any barriers to the districts' ability to collaborate for broadband and related services, including regionally and interstate. Senator Schmidt asked if the language would prohibit consortiums outside Idaho. Mr. Goodman responded that he assumes there is no legal barrier because it is already being done. The motion was seconded by Representative Chaney and passed unanimously by voice vote.

Representative Clow asked if schools that do not qualify as LEAs should be included. Senator Davis thought K-12 included all public schools, including charter schools and the Department of Juvenile Corrections, but did not consider the Idaho School for the Deaf and Blind. Mr. Headlee clarified that the Idaho School for the Deaf and Blind was included in the appropriation for public schools and the IEN. Senator Davis asked if Juvenile Corrections was part of the K-12 environment. Mr. Headlee responded that they are not included in the public schools budget. Co-Chair Mortimer confirmed they are separate. Senator Davis asked if education delivered to kids in a county facility was part of the K-12 program. Mr. Headlee responded that he was unsure and needed more information. Co-Chair Mortimer added that those facilities have not been addressed from an educational standpoint. Mr. Goodman added that incarcerated students are the responsibility of the local school district until they are released or sent to a juvenile correction center. Senator Davis clarified that he was referring to juvenile detention facilities and asked if, under the previous system, Idaho provided broadband services to the Department of Juvenile Corrections. Mr. Goodman responded yes.

Senator Davis motioned that this committee is committed to supporting the Idaho Digital Learning Academy, the Department of Juvenile Corrections Educational Services, and the School for the Deaf and Blind with their broadband needs in the same manner as the committee supports public schools. The motion was seconded by Senator Keough and passed by unanimous voice vote.

Representative Clow asked how many libraries took advantage of this. Co-Chair Malek welcomed Ann Joslin, State Librarian, Director of Commission for Libraries. Ms. Joslin stated that the commission was working to help public libraries provide public access to Internet, laptops, and workstations and that broadband was a big part of that. Ms. Joslin stated that the commission requested funding from the state to reimburse libraries for a portion of their costs. Ms. Joslin stated that libraries provided increasing digital services for K-12, pre-K, workforce development, and government services. She added that one-third of job seekers said that the Internet was primary in their search for employment. Ms. Joslin stated that most do not have sufficient Internet access at home and that 70% say that libraries are their only source of free Internet. Representative Clow asked what the commission's budget request was. Ms. Joslin responded that \$200,000 was requested in three fiscal years, which was on the average discount that participating public libraries have been getting for E-rate and would reimburse them for that additional 20% rather than coming out of their local funds. Ms. Joslin added that libraries are similar to school districts; however, the boundaries for schools districts do not always coincide with libraries. Ms. Joslin stated that there are 144 buildings and 103 jurisdictions. Not all applied for E-rate, though most could use some assistance. Co-Chair Malek asked what Ms. Joslin would like to see from the committee. Ms. Joslin recommended that libraries receive the same services as public schools and the same level of support.

Representative Clow motioned that the recommendation of this committee is the consideration of public libraries as part of the broadband technical support provided to public schools. The motion was seconded by Senator Schmidt and passed by unanimous voice vote.

Senator Davis asked if the following questions needed to be addressed:

- Does there need to be a statutory cap on length of contracts?
- What are non-E-ratable matters, and should they be excluded?
- Does the tax credit definition of broadband need to be revisited?
- Should districts be required to apply and pursue E-rate funding?
- Should the committee decide what the formula for distribution should be?.
- What is the relationship of the state's purchasing laws?
- Should there be an annual audit or report during the first five years, and should the audit include best practices and what they actually got for the money spent?

Co Chair Malek stated the committee will continue to move forward and focus on K-12 then start drafting for the next meeting. He suggested that some questions be left for another day.

Representative Chaney moved that no action taken toward broadband be accompanied by anything that would compel any public school district to participate in any broadband initiative, support program, or funding system, nor should the Legislature be permitted to withhold any funding not specifically designated for broadband expense due to non-participation. He clarified his motion to protect school districts' right to opt out. Senator Keough stated that she does not recall any funds ever being withheld in a retaliatory manner; however, she would support stating that school districts be allowed to opt out.

Representative Chaney motioned that school districts should have the option to opt out of any action the state takes promoting broadband statewide. The motion was seconded by Co-Chair Mortimer and passed by unanimous voice vote.

Senator Davis motioned that in the event they do participate, the districts are required to apply for and pursue, in good faith, E-rate compensation, seconded by Representative Youngblood, and passed by unanimous voice vote.

Senator Schmidt does not recommend the committee consider time frames for contracts as it is a procurement issue and not for the broadband committee. Representative Chaney agreed; however, it may become relevant to funding for build-out. Representative Clow suggested a legal opinion.

Senator Keough suggested a short-term solution for funding related to the E-rate deadline. Mr. Goodman stated that most districts have to file in early March and any legislation would be passed after that deadline. He added that districts could use the Internet they are currently using. Senator Keough also suggested adding technical support and include K-12.

Senator Keough motioned that for the 2016/2017 school year, the current program in place for grades 9-12 be expanded to K-12, that does not require additional money, while the legislature enacts and implements a long-term strategy that may come from this committee's recommendations. The motion was seconded by Co-Chair Mortimer and passed by unanimous voice vote.

Senator Schmidt recommended repealing the current IEN and IPRAC statutes.

Senator Schmidt motioned that the committee recommend to repeal Idaho Code Sections 67-5745D and 67-5745E. The motion was seconded by Co-Chair Mortimer and passed by unanimous voice vote.

Senator Schmidt motioned that the minutes of October 5 and 6, 2015, be approved as amended. The motion was seconded by Representative Youngblood and passed by unanimous voice vote.

Co-Chair Malek stated that the next meeting was scheduled tentatively for December 21, 2015, at 9:00 a.m. in WW17.

Co-Chair Malek adjourned the meeting at 3:55 p.m.