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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature Second Regular Session - 2016  
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1 AN ACT  
2 RELATING TO; REPEALING SECTION 67-5745D, IDAHO CODE, REPEALING SECTION  
3 67-5745E, IDAHO CODE, AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF  
4 A NEW CHAPTER 56, TITLE 33, IDAHO CODE,

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

6 SECTION 1. That Section 67-5745D, Idaho Code, be, and the same is hereby  
7 repealed.

8 SECTION 2. That Section 67-5745E, Idaho Code, be, and the same is hereby  
9 repealed.

10 SECTION 3. That Title 33, Idaho Code, be, and the same is hereby amended  
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
12 ter 56, Title 33, Idaho Code, and to read as follows:

13 CHAPTER 56  
14 EDUCATION OPPORTUNITY RESOURCE ACT

15 33-5601. SHORT TITLE. This chapter shall be known and may be cited as  
16 the "Education Opportunity Resource Act."

17 33-5602. PURPOSE, FINDINGS AND LEGISLATIVE INTENT. The purpose of  
18 this act is to establish a resource for Idaho's grades K through 12 education  
19 system in providing internet services to students. The legislature finds  
20 that Idaho benefits from a consistent and adequate bandwidth connection to  
21 its schools, inclusive of grades K through 12. It is the intent of the legis-  
22 lature that:

23 (1) State resources be made available to support Idaho's school dis-  
24 tricts with technical, E-rate, security, contracting and procurement guid-  
25 ance, and funding distribution;

26 (2) School districts shall have the ability to collaborate regionally  
27 and intrastate for broadband and related services; and

28 (3) School districts apply for and pursue, in good faith, E-rate fund-  
29 ing.

30 33-5603. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- MEMBERS AND  
31 MEETINGS. (1) There is hereby established in the state department of edu-  
32 cation the education opportunity resource committee. The committee shall  
33 consist of the following eight (8) members:

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

36 (b) One (1) member shall be appointed by the state board of education;

37 (c) Three (3) members shall be appointed by the Idaho school board asso-  
38 ciation as follows:

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- 1 (i) One (1) member who is a superintendent from a school district  
2 with less than one thousand (1,000) students enrolled, or the su-  
3 perintendent's designee;  
4 (ii) One (1) member who is a superintendent from a school district  
5 with between one thousand (1,000) and four thousand nine hundred  
6 ninety-nine (4,999) students enrolled, or the superintendent's  
7 designee; and  
8 (iii) One (1) member who is a superintendent from a school district  
9 with five thousand (5,000) or more students enrolled, or the su-  
10 perintendent's designee;  
11 (d) One (1) member shall be the state librarian or the state librarian's  
12 designee; and  
13 (e) Two (2) members shall be school technology personnel appointed by  
14 the Idaho education technology association.  
15 (2) The committee shall elect a chairperson and a vice chairperson who  
16 shall each hold such position for two (2) year terms and who may be reelected.  
17 Members of the committee shall serve four (4) year terms. Vacancies shall be  
18 filled by the relevant appointing authority for the remaining term.  
19 (3) The committee shall meet at least once quarterly.  
20 (4) All meetings of the committee shall be held in accordance with the  
21 state open meeting laws.

22 33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DU-  
23 TIES. In carrying out its powers and duties set forth in this section, the ed-  
24 ucation opportunity resource committee shall focus on the broadband and re-  
25 lated services needs of the public schools for grades K through 12, the Idaho  
26 digital learning academy, the department of juvenile corrections education  
27 programs, the school for the deaf and blind and the public libraries. At a  
28 minimum, the committee shall:

- 29 (1) Make budget and policy recommendations to the state department of  
30 education regarding:  
31 (a) Broadband parameters;  
32 (b) Incentives for school districts to obtain the most appropriate ser-  
33 vice that best fits each district's broadband needs and that is fiscally  
34 responsible; and  
35 (c) The minimum and maximum service levels, the quality of services and  
36 the minimum per student internet level that contracts must adhere to for  
37 school districts to be eligible for state reimbursement;  
38 (2) Establish reimbursement methodology that includes, but is not nec-  
39 essarily limited to, the following components:  
40 (a) Reimburse only those school districts that made good faith efforts  
41 to apply for and pursue E-rate funding when E-rate funding is available;  
42 (b) Distribute appropriated moneys equal to the non-E-rate reimbursed  
43 cost of internet services to school districts that received E-rate  
44 funding; and  
45 (c) If E-rate funding is not available or a school district is denied  
46 E-rate reimbursement after applying for and pursuing, in good faith,  
47 E-rate funding, reimburse the school district for its internet service  
48 costs;

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- 1           (3) Compile and analyze broadband utilization statistics in school  
2 districts to determine the levels of internet services necessary for the  
3 school districts and report such statistics to the state department of ed-  
4 ucation;
- 5           (4) Advise and recommend resources to assist the state department of  
6 education in carrying out its responsibility to provide E-rate application  
7 assistance and support to school districts;
- 8           (5) Not provide legal advice;
- 9           (6) Collaborate with other relevant governmental and nongovernmental  
10 entities to ensure best practices in broadband are used and to recommend the  
11 terms of contracts for broadband and related services; and
- 12           (7) Comply with appropriate purchasing laws.

- 13           33-5605. EDUCATION OPPORTUNITY RESOURCE ACT -- STATE DEPARTMENT OF  
14 EDUCATION DUTIES -- RULEMAKING. (1) The state department of education shall:
- 15           (a) Distribute appropriated moneys to school districts for reimburse-  
16 ment for the cost of internet service in accordance with the methodology  
17 established by the education opportunity resource committee;
- 18           (b) Authorize funding increases for internet service levels when a  
19 school district consistently exceeds seventy percent (70%) utilization  
20 during school days and hours, provided adequate funding is available;  
21 and
- 22           (c) Provide technical, E-rate, security, contracting and procurement  
23 guidance and assistance to school districts at a school district's re-  
24 quest.
- 25           (2) The state department of education may promulgate rules in compli-  
26 ance with chapter 52, title 67, Idaho Code, to implement the provisions of  
27 this chapter. In promulgating such rules, the department shall collaborate  
28 with the education opportunity resource committee.