

IN THE SENATE

SENATE BILL NO. 1334

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; REPEALING SECTION 67-5745D, IDAHO CODE, RELATING TO
2 THE IDAHO EDUCATION NETWORK; REPEALING SECTION 67-5745E, IDAHO CODE,
3 RELATING TO THE IDAHO EDUCATION NETWORK PROGRAM AND RESOURCE ADVISORY
4 COUNCIL (IPRAC); AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW
5 CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE THE EDUCATION OPPORTUNITY
6 RESOURCE ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE PURPOSE, FINDINGS
7 AND LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE THE EDUCATION OP-
8 PORTUNITY RESOURCE COMMITTEE, TO PROVIDE SUCH COMMITTEE'S MEMBERS AND
9 MEETING REQUIREMENTS AND POWERS AND DUTIES, TO PROVIDE DUTIES OF THE
10 STATE DEPARTMENT OF EDUCATION AND TO PROVIDE RULEMAKING AUTHORITY TO
11 THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO
12 REMOVE A REFERENCE TO THE IDAHO EDUCATION NETWORK; AND AMENDING SECTION
13 33-125A, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO EDUCATION NETWORK
14 AND TO THE IPRAC.
15

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

17 SECTION 1. That Section [67-5745D](#), Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 2. That Section [67-5745E](#), Idaho Code, be, and the same is hereby
20 repealed.

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

24 CHAPTER 56
25 EDUCATION OPPORTUNITY RESOURCE ACT

26 33-5601. SHORT TITLE. This chapter shall be known and may be cited as
27 the "Education Opportunity Resource Act."

28 33-5602. PURPOSE, FINDINGS AND LEGISLATIVE INTENT -- DEFINITIONS. (1)
29 The purpose of this act is to establish a resource for Idaho's education and
30 library system in providing broadband and related services to students. The
31 legislature finds that Idaho benefits from a consistent and adequate band-
32 width connection to its schools, inclusive of grades K through 12, and to its
33 libraries. It is the intent of the legislature that:

34 (a) State resources be made available to support Idaho's E-rate eli-
35 gible entities with technical, E-rate, security, contracting and pro-
36 curement guidance, and funding distribution;

37 (b) E-rate eligible entities shall have the ability to collaborate re-
38 gionally and intrastate for broadband and related services; and

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

3 (2) As used in this chapter:

4 (a) "E-rate" means the schools and libraries program of the universal
5 service fund that is administered by the universal service administra-
6 tive company under the direction of the federal communications commis-
7 sion.

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

12 33-5603. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- MEMBERS AND
13 MEETINGS. (1) There is hereby established in the state department of edu-
14 cation the education opportunity resource committee. The committee shall
15 consist of the following eight (8) members:

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

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

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

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

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

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

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

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

35 (2) The committee shall elect a chairperson and a vice chairperson who
36 shall each hold such position for two (2) year terms and who may be reelected.
37 Members of the committee shall serve four (4) year terms. Vacancies shall be
38 filled by the relevant appointing authority for the remaining term.

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

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

43 33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DU-
44 TIES. In carrying out its powers and duties set forth in this section, the ed-
45 ucation opportunity resource committee shall focus on the broadband and re-
46 lated services needs of all E-rate eligible entities. At a minimum, the com-
47 mittee shall:

- 1 (1) Make budget and policy recommendations to the state department of
2 education regarding:
- 3 (a) Broadband parameters;
 - 4 (b) Incentives for E-rate eligible entities to obtain the most appro-
5 priate service that best fits such entities' broadband needs and that is
6 fiscally responsible; and
 - 7 (c) The minimum and maximum service levels, the quality of services and
8 the minimum per student or person internet level that contracts must ad-
9 here to for E-rate eligible entities to be eligible for state reimburse-
10 ment;
- 11 (2) Establish reimbursement methodology that includes, but is not nec-
12 essarily limited to, the following components:
- 13 (a) Distribution of appropriated moneys to E-rate eligible entities
14 that have received E-rate funding. Distribution of such moneys must be
15 in an amount equal to the non-E-rate reimbursed cost of internet ser-
16 vices; and
 - 17 (b) If E-rate funding is not available to an E-rate eligible entity, re-
18 imburse the entity for its internet service costs;
- 19 (3) Compile and analyze broadband utilization statistics from E-rate
20 eligible entities to determine the levels of internet services necessary
21 for such entities and report the statistics to the state department of edu-
22 cation, and E-rate eligible entities shall cooperate with the committee in
23 carrying out its duty to compile and analyze such information;
- 24 (4) Advise and recommend resources to assist the state department of
25 education in carrying out its responsibility to provide E-rate application
26 assistance and support to E-rate eligible entities;
- 27 (5) Not provide legal advice;
- 28 (6) Collaborate with other relevant governmental and nongovernmental
29 entities to ensure best practices in broadband are used and to recommend the
30 terms of contracts for broadband and related services; and
- 31 (7) Ensure compliance with appropriate purchasing laws.

- 32 33-5605. EDUCATION OPPORTUNITY RESOURCE ACT -- STATE DEPARTMENT OF
33 EDUCATION DUTIES -- RULEMAKING. (1) The state department of education shall:
- 34 (a) Distribute appropriated moneys to E-rate eligible entities for
35 reimbursement for the cost of internet service in accordance with the
36 methodology established by the education opportunity resource commit-
37 tee;
 - 38 (b) Authorize funding increases for internet service levels when an
39 E-rate eligible entity consistently exceeds utilization benchmarks
40 established by the education opportunity resource committee during
41 school or business days and hours, provided adequate funding is avail-
42 able; and
 - 43 (c) Provide technical, E-rate, security, contracting and procurement
44 guidance and assistance to E-rate eligible entities at any such en-
45 tity's request.
- 46 (2) The state board of education may promulgate rules in compliance
47 with chapter 52, title 67, Idaho Code, to implement the provisions of this
48 chapter. In promulgating such rules, the board shall collaborate with the
49 education opportunity resource committee.

1 SECTION 4. That Section 33-125, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is
4 hereby established as an executive agency of the state board of education a
5 department known as the state department of education. The state superin-
6 tendent shall serve as the executive officer of such department and shall
7 have the responsibility for carrying out policies, procedures and duties au-
8 thorized by law or established by the state board of education for all ele-
9 mentary and secondary school matters, and to administer grants for the pro-
10 motion of science education as provided in sections 33-128 and 33-129, Idaho
11 Code. ~~The department shall perform the duties assigned to it as specified in~~
12 ~~section 67-5745D, Idaho Code, relating to the Idaho education network.~~

13 SECTION 5. 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. Under the
17 direction of the state superintendent of public instruction, the state de-
18 partment of education shall:

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

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

27 (3) Act as a clearinghouse for the materials, courses, publications and
28 other applicable information related to the requirements of this section;

29 ~~(4) Coordinate all e-rate funding applications for Idaho's school dis-~~
30 ~~tricts and implement e-rate funds through the department of administration~~
31 ~~for related services provided under the purview of the Idaho education net-~~
32 ~~work (IEN); and~~

33 ~~(5) Appoint four (4) representatives to the Idaho education network~~
34 ~~program and resource advisory council (IPRAC) pursuant to the provisions of~~
35 ~~section 67-5745E, Idaho Code.~~