

TITLE 33
EDUCATION

CHAPTER 56
EDUCATION OPPORTUNITY RESOURCE ACT

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

[33-5601, added 2016, ch. 182, sec. 3, p. 492.]

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 local area network (LAN) 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;

(c) Districts shall have the ability to collaborate regionally and intrastate for wireless LAN 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.

(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.

[33-5602, added 2016, ch. 182, sec. 3, p. 492; am. 2017, ch. 141, sec. 1, p. 334.]

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

(a) One (1) member shall be the state superintendent of public instruction or the superintendent's designee;

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

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

- (i) One (1) member who is a superintendent from a school district with fewer than one thousand (1,000) students enrolled, or the superintendent's designee;
 - (ii) One (1) member who is a superintendent from a school district with between one thousand (1,000) and four thousand nine hundred ninety-nine (4,999) students enrolled, or the superintendent's designee; and
 - (iii) One (1) member who is a superintendent from a school district with five thousand (5,000) or more students enrolled, or the superintendent's designee;
- (d) One (1) member shall be the state librarian or the state librarian's designee; and
- (e) Two (2) members shall be school technology personnel appointed by the Idaho education technology association.
- (2) The committee shall elect a chairperson and a vice chairperson who shall each hold such position for two (2) year terms and who may be reelected. Members of the committee shall serve four (4) year terms. Vacancies shall be filled by the relevant appointing authority for the remaining term.
- (3) The committee shall meet at least once quarterly until July 1, 2018, after which date the committee shall meet at least once annually.
- (4) All meetings of the committee shall be held in accordance with the state open meetings law set forth in [chapter 2, title 74](#), Idaho Code.

[33-5603, added 2016, ch. 182, sec. 3, p. 493.]

33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DUTIES. In carrying out its powers and duties set forth in this section, the education opportunity resource committee shall focus on the broadband, wireless LAN and related services needs of all E-rate eligible entities. At a minimum, the committee shall:

- (1) Make budget and policy recommendations to the state department of education regarding:
 - (a) Broadband parameters;
 - (b) Wireless LAN parameters;
 - (c) Incentives for E-rate eligible entities to obtain the most appropriate service that best fits such entities' broadband needs and that is fiscally responsible;
 - (d) Incentives for districts to obtain the most appropriate service that best fits their wireless LAN needs and that is fiscally responsible; and
 - (e) The minimum and maximum service levels, the quality of services and the minimum per student or person internet and wireless LAN levels that contracts must adhere to for E-rate eligible entities to be eligible for state reimbursement.
- (2) Establish reimbursement methodology that includes, but is not necessarily limited to, the following components:
 - (a) Distribution of appropriated moneys to E-rate eligible entities that have received E-rate funding. Distribution of such moneys must be in an amount equal to the non-E-rate reimbursed cost of internet services;
 - (b) If E-rate funding is not available to an E-rate eligible entity for any reason, other than a failure of the entity to apply in good faith for available E-rate funding, reimburse the entity for its internet service costs;

(c) Distribution of appropriated moneys remaining, after internet services are fully funded, for wide area networks (WANs). If necessary, the committee shall create an equalization formula for WAN distributions; and

(d) Distribution of appropriated moneys for wireless LAN service to districts that either have received E-rate funding or have applied in good faith for E-rate funding.

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

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

(5) Not provide legal advice;

(6) Collaborate with other relevant governmental and nongovernmental entities to ensure best practices in broadband and wireless LAN are used and to recommend the terms of contracts for broadband, wireless LAN and related services; and

(7) Ensure compliance with appropriate purchasing laws.

[33-5604, added 2016, ch. 182, sec. 3, p. 493; am. 2017, ch. 141, sec. 2, p. 335.]

33-5605. EDUCATION OPPORTUNITY RESOURCE ACT -- STATE DEPARTMENT OF EDUCATION DUTIES -- RULEMAKING. (1) The state department of education shall:

(a) Distribute appropriated moneys to E-rate eligible entities for reimbursement for the cost of internet service in accordance with the methodology established by the education opportunity resource committee;

(b) Authorize funding increases for internet service levels when an E-rate eligible entity consistently exceeds utilization benchmarks established by the education opportunity resource committee during school or business days and hours, provided adequate funding is available; and

(c) Provide technical, E-rate, security, contracting and procurement guidance and assistance to E-rate eligible entities at any such entity's request.

(2) The state board of education may promulgate rules in compliance with [chapter 52, title 67](#), Idaho Code, to implement the provisions of this chapter. In promulgating such rules, the board shall collaborate with the education opportunity resource committee.

[33-5605, added 2016, ch. 182, sec. 3, p. 494.]