



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5603, IDAHO CODE, TO REVISE MEMBERSHIP OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5604, IDAHO CODE, TO EXPAND DISTRIBUTIONS FOR REIMBURSEMENTS, TO PROVIDE FOR THE OFFICE OF THE STATE BOARD OF EDUCATION, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-5605, IDAHO CODE, TO REQUIRE THE COMMISSION FOR LIBRARIES TO MAKE CERTAIN DISTRIBUTIONS AND TO ALLOW THE STATE BOARD OF EDUCATION TO AUTHORIZE CERTAIN INCREASES IN FUNDING AND GUIDANCE.

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

SECTION 1. That Section 33-5603, Idaho Code, be, and the same is hereby amended to read as follows:

33-5603. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- MEMBERS AND MEETINGS. (1) There is hereby established in the ~~state department office of~~ the state board 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~~ the education data chief information officer or the officer's designee;
- (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 chairperson shall be the education data chief information officer. The committee shall elect a ~~chairperson and a vice chairperson~~ who shall ~~each~~ hold such position for a 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.



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

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

5 SECTION 2. That Section 33-5604, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DU-
8 TIES. In carrying out its powers and duties set forth in this section, the ed-
9 ucation opportunity resource committee shall focus on the broadband, wire-
10 less LAN and related services needs of all E-rate eligible entities. At a
11 minimum, the committee shall:

12 (1) Make budget and policy recommendations to the ~~state department~~
13 office of the state board of education regarding:

14 (a) Broadband parameters;

15 (b) Wireless LAN parameters;

16 (c) Incentives for E-rate eligible entities to obtain the most appro-
17 priate service that best fits such entities' broadband needs and that is
18 fiscally responsible;

19 (d) Incentives for districts to obtain the most appropriate service
20 that best fits their wireless LAN needs and that is fiscally responsi-
21 ble; and

22 (e) The minimum and maximum service levels, the quality of services,
23 and the minimum per-student or per-person internet and wireless LAN
24 levels that contracts must adhere to for E-rate eligible entities to be
25 eligible for state reimbursement.

26 (2) Establish reimbursement methodology that includes, but is not nec-
27 essarily limited to, the following components:

28 (a) Distribution of appropriated moneys to E-rate eligible entities
29 that have received E-rate funding. Distribution of such moneys must be
30 in an amount equal to the non-E-rate reimbursed cost of internet ser-
31 vices;

32 (b) If E-rate funding is not available to an E-rate eligible entity for
33 any reason, other than a failure of the entity to apply in good faith for
34 available E-rate funding, ~~reimburse~~ reimbursement to the entity for its
35 internet service costs;

36 (c) Distribution of appropriated moneys remaining, after internet ser-
37 vices are fully funded, for wide area networks (WANs). If necessary,
38 the committee shall create an equalization formula for WAN distribu-
39 tions; and

40 (d) Distribution of appropriated moneys for related services, includ-
41 ing but not limited to wireless LAN service, to districts that either
42 have received E-rate funding or have applied in good faith for E-rate
43 funding.

44 (3) Compile and analyze broadband utilization statistics from E-rate
45 eligible entities to determine the levels of internet services necessary for
46 such entities and report the statistics to the ~~state department~~ office of
47 the state board of education, ~~and~~. E-rate eligible entities shall cooperate
48 with the committee in carrying out its duty to compile and analyze such in-
49 formation;



1 (4) Advise and recommend resources to assist the ~~state department~~
2 office of the state board of education in carrying out its responsibility to
3 provide E-rate application assistance and support to E-rate eligible enti-
4 ties districts;

5 (5) Not provide legal advice;

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

10 (7) Ensure compliance with appropriate purchasing laws.

11 SECTION 3. That Section 33-5605, Idaho Code, be, and the same is hereby
12 amended to read as follows:

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 E-rate eligible entities~~
16 districts for reimbursement for the cost of internet service and other
17 allowable services in accordance with the methodology established by
18 the education opportunity resource committee.

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

24 ~~(c) Provide technical, E-rate, security, contracting and procurement~~
25 ~~guidance and assistance to E-rate eligible entities at any such en-~~
26 ~~tity's request.~~

27 (2) The commission for libraries shall distribute appropriated moneys
28 to Idaho public libraries for reimbursement for the cost of internet service
29 and other allowable services in accordance with the methodology established
30 by the education opportunity resource committee and shall provide techni-
31 cal, E-rate, and security contracting, procurement guidance, and assistance
32 to Idaho public libraries at any such entity's request.

33 ~~(2) (3) The state board of education may promulgate:~~

34 (a) Promulgate rules in compliance with chapter 52, title 67, Idaho
35 Code, to implement the provisions of this chapter. In promulgating such
36 rules, the board shall collaborate with the education opportunity re-
37 source committee;

38 (b) Authorize funding increases for internet service levels when a dis-
39 trict consistently exceeds utilization benchmarks, as established by
40 the education opportunity resource committee, during school or busi-
41 ness days and hours, provided adequate funding is available; and

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