

SENATE BILL REPORT

SHB 2234

As of March 16, 1999

Title: An act relating to K-20 telecommunications governance.

Brief Description: Changing K-20 telecommunications governance.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers and Carlson).

Brief History:

Committee Activity: Higher Education: 3/29/99.

SENATE COMMITTEE ON HIGHER EDUCATION

Staff: Jean Six (786-7423)

Background: The 1996 Legislature approved the creation of a telecommunications network to serve distance learning, Internet access, data transmission, and other telecommunications needs of various public and private organizations in Washington (E2SSB 6705). The network was to be developed in phases:

Phase 1: A backbone connecting K-12 educational service districts (ESD), the main campuses of public baccalaureate institutions, the branch campuses of the University of Washington and Washington State University, and the main campuses of community and technical colleges.

Phase 2: Connection to the network by (a) K-12 school districts, public higher education off-campus and extension centers, branch campuses of community and technical colleges, and independent nonprofit baccalaureate institutions, and (b) distance education facilities and components for entities wired in Phases 1 and 2.

Phase 3 and beyond: Connections to other entities determined by the Telecommunications Oversight and Policy Committee (TOPC). These may include public libraries, state and local governments, community resources centers, and the private sector.

Governance of the K20 Network. E2SSB 6705 established the TOPC to adopt policy goals and objectives for the K20 telecommunications system, to adopt a network design and implementation plan, and to authorize release of funds for network purposes.

There are eight voting members of TOPC (or their designees):

- the Governor
- one member from each caucus of the Senate, appointed by the president of the Senate

- one member from each caucus of the House of Representatives, appointed by the speaker of the House of Representatives
- the Superintendent of Public Instruction (SPI)
- the chair of the Higher Education Coordinating Board (HECB)
- the chair of the Information Services Board (ISB)

There are also eight nonvoting members of TOPC (or their designees):

- a community/technical college president, appointed by the State Board for Community and Technical Colleges (SBCTC)
- the president of a public baccalaureate institution, appointed by the Council of Presidents (COP)
- the State Librarian
- a superintendent of an ESD, appointed by OSPI
- a school district superintendent, appointed by OSPI
- a private school representative, appointed by OSPI
- a representative of an independent non-profit baccalaureate institution, appointed by the Washington Friends of Higher Education
- a representative of the computer/telecommunications industry appointed by ISB

Duties of the ISB and Department of Information Services (DIS). The ISB provides recommendations to the TOPC on network design and planning, names the computer industry representative to TOPC, plans, reviews and approves the K20 construction technical plan, serves as a member of TOPC, and provides project oversight. The ISB established a technical working group to provide recommendations to the ISB regarding design, planning, and construction of the network. The DIS convenes and staffs TOPC and authorizes disbursements for the network.

Status of Network Development. The TOPC has adopted a network use policy designating K20 as an educational network. Following enactment of the K20 network enabling legislation, the federal government announced the establishment of a new program to provide funding to states for public K-12 Internet connections (known as "e-rate"). Current Federal Communications Commission rules do not allow public schools to receive e-rate funds if they participate in consortia that are not exclusively composed of public education users. K20 connections have not been provided beyond public education sites. K20 Phase 1 development and implementation are complete, and the portion of Phase 2 that provides connections to public K-12 and higher education sites is nearly finished.

Summary of Bill: The ISB governs, operates and oversees the K20 network. Duties include establishing and implementing network policy, budget request preparation including review of K20 budget requests submitted jointly by the educational sectors, and user/provider dispute resolution. The ISB must delegate general operational and technical oversight to the K20 Network User Steering Committee. The ISB has rulemaking authority for the K20 network.

The K20 Network User Steering Committee is established. It has general operational and technical oversight over the K20 network. The committee has seven voting members:

- the executive director of the HECB

- the Superintendent of Public Instruction
- the executive director of the SBCTC
- a representative of an ESD, appointed by the ESDs
- a representative of baccalaureate institutions, appointed by COP
- a representative of the computer or telecommunications industry, appointed by the Governor
- a representative of the DIS, appointed by the director

With the exception of the industry representative, each voting member may designate an appointee.

A representative of the organization that operates the K20 network is named as a nonvoting member of the network user steering committee. The State Librarian and a representative of the independent nonprofit higher education institutions are added as nonvoting members. The ISB may name additional nonvoting members. The committee must select a chair from among its members.

Independent nonprofit institutions of higher education may be connected to the network if the ISB determines that connection will not jeopardize the state's ability to receive federal e-rate funds. Phase 3 network connections specified in E2SSB 6705 (public libraries, state and local governments, community resource centers, and the private sector) are eliminated.

Actions of the TOPC must remain in effect. The ISB is not intended to duplicate statutory responsibilities of the network users. The DIS must maintain the K20 operations cooperative, which is responsible for day-to-day network operations.

The DIS must provide staff support to the K20 Network User Steering Committee. Network connection to independent nonprofit institutions is conditioned upon written terms and conditions stipulating that Article VIII, Section 5, (lending of credit) of the state Constitution not be violated, and upon determination by the ISB that the connection will not significantly affect the network's eligibility for "e-rate" funds.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 1999.