

HOUSE BILL REPORT

ESB 5789

As Reported By House Committee On:
Appropriations

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

Brief Description: Creating the K-20 educational network board.

Sponsors: Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser.

Brief History:

Committee Activity:

Appropriations: 3/29/99, 4/5/99 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Creates a new K-20 network governance structure, assigning policy oversight to the K-20 educational network board and operational and technical responsibilities to the K-20 network technical steering committee under the Information Services Board.
- The K-20 educational network board includes 11 voting members and seven non-voting members representing the users and other stakeholders.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 32 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Mary Alice Grobins (786-7118).

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 and to include:

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 (i) K-12 school districts, public higher education off-campus and extension centers, branch campuses of community and technical colleges, and independent non-profit baccalaureate institutions, and (ii) distance education facilities and components for entities wired in Phase 1 and 2.

Phase 3 and beyond: Providing 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 K-20 Network

Section 2 of 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), and
- The chair of the Information Services Board (ISB).

There are also eight non-voting 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 institutions, appointed by the Washington Friends of Higher Education, and
A representative of the computer/telecommunications industry appointed by ISB.

Duties of the ISB and Department of Information Services (DIS)

The ISB is required to provide recommendations to the TOPC on network design and planning, to name the computer industry representative to TOPC, to plan, review and approve the K20 construction technical plan, to serve as a member of TOPC, and to provide project oversight. The ISB established a technical working group to provide recommendations to the ISB regarding design, planning and construction of the network. The Department of Information Services (DIS) is responsible to convene and staff TOPC and to authorize disbursements for the network.

Status of network development

The TOPC has adopted a network use policy designating K-20 as an educational network. Following enactment of the K-20 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 comprised of public education users. K-20 connections have not been provided beyond public education sites. K-20 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 Amended Bill:

The K-20 Educational Network Board is created as the successor to the Telecommunications Oversight and Policy Committee. The board, which has policy oversight responsibilities for the K-20 network, has 11 voting members:

Governor's designee
Four legislative members, one from each caucus of each chamber
SPI or designee
HECB executive director or designee
SBCTC executive director or designee
Chair, ISB, or designee
Director, DIS, or designee

Citizen member appointed by the Governor

The board has seven non-voting members:

- President of a community or technical college
- President of a public baccalaureate institution
- State Librarian
- Superintendent of a K-12 ESD
- Superintendent of a K-12 school district
- A representative of an approved private school appointed by the SPI
- A representative of an independent nonprofit baccalaureate institution

The director, DIS, is the chair of the committee. Powers and duties of the board are established. The board has rule making authority.

The K-20 network technical steering committee is established under the ISB with general operational and technical oversight for the K-20 network. The committee is composed of seven voting members:

- A representative of the HECB
- A representative of the SPI
- A representative of the SBCTC
- A representative of the K-12 ESDs
- A representative of the baccalaureate institutions
- A representative of the computer or telecommunications industry
- A representative of DIS

Ex officio, non-voting members include:

- A representative of the organization that operates the K-20 network
- The state librarian
- A representative of the independent nonprofit institutions of higher education

Additional ex officio, non-voting members may be appointed by the ISB.

Connections to the K-20 network for independent nonprofit higher education institutions require that there be written agreements between each institution and the board to ensure that provision of K-20 services not violate Article VIII, section 5 of the state constitution, and that the K-20 board determine that inclusion of these institutions will not significantly affect the network's eligibility for federal e-rate funds.

Amended Bill Compared to Engrossed Bill: The K-20 network technical steering committee is established under the ISB with general operational and technical oversight over the K-20 network. Network connections for independent nonprofit higher education institutions are subject to conditions requiring agreements to ensure

against constitutional violation and to determination that such connections will not jeopardize the network's eligibility for federal e-rate funds. The requirements that DIS charge network users a co-payment and that the Legislature appropriate funds to the revolving fund for transport, maintenance, and depreciation costs are removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The network must have technical and policy standards. The Information Services Board has done a good job of technical oversight and TOPC has done a good job of policy oversight. Users should manage network operations. The legislative involvement in governance has been a benefit. Any governance structure will work as long as includes both technical and user representation.

(Concerns) In the final bill, the requirement for a user co-payment should be included. Because technology is changing so rapidly, this will give institutions the ability to project their future budget requirements. Public libraries should be included. ESB 5789 retains the possibility for libraries to be part of the network. Both this bill and SHB 2234 are workable approaches, and it would be good to move forward and have a permanent governance structure for the network.

Testimony Against: None.

Testified: (In support) Norm Wisner, Office of the Superintendent of Public Instruction.

(Concerns) Les Purce, Washington State University; Nancy Zussy, Washington State Library; and Dave Danner, Department of Information Services.