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SENATE BILL 5789

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

Read first time 02/08/1999. Referred to Committee on Higher Education.

1 AN ACT Relating to the governance of the K-20 telecommunications  
2 network; amending RCW 28D.02.010, 28D.02.030, 28D.02.040, 28D.02.050,  
3 28D.02.060, 28D.02.065, and 28D.02.070; adding new sections to chapter  
4 28D.02 RCW; providing an effective date; providing expiration dates;  
5 and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The definitions in this section apply  
8 throughout this title unless the context clearly requires otherwise.

9 (1) "Board" means the K-20 educational network board.

10 (2) "Network" means the K-20 telecommunications network under this  
11 chapter.

12 (3) "Network users" means those institutions of higher education,  
13 school districts, educational service districts, public libraries,  
14 state agencies, and others that use the network for distance education,  
15 data transmission, and other uses permitted by the board.

16 NEW SECTION. **Sec. 2.** The K-20 educational network board is  
17 created. The purpose of the board is to ensure that the K-20

1 educational telecommunications network is operated in a way that serves  
2 the broad public interest above the interest of any network user.

3 (1) The board shall comprise eleven voting and seven nonvoting  
4 members as follows:

5 (a) Voting members shall include: A person designated by the  
6 governor; one member of each caucus of the senate, appointed by the  
7 president of the senate; one member of each caucus of the house of  
8 representatives, appointed by the speaker of the house of  
9 representatives; the superintendent of public instruction or his or her  
10 designee; the executive director of the higher education coordinating  
11 board or his or her designee; the executive director of the state board  
12 for community and technical colleges or his or her designee; the chair  
13 of the information services board, or his or her designee; the director  
14 of the department of information services or his or her designee; and  
15 one citizen member.

16 The citizen member shall be appointed to a four-year term by the  
17 governor with the consent of the senate. The governor shall appoint  
18 the citizen member of the board by July 30, 1999.

19 (b) Nonvoting members shall include one community or technical  
20 college president, appointed by the state board for technical and  
21 community colleges; one president of a public baccalaureate  
22 institution, appointed by the council of presidents; the state  
23 librarian; one educational service district superintendent, one school  
24 district superintendent, and one representative of an approved private  
25 school, appointed by the superintendent of public instruction; and one  
26 representative of independent baccalaureate institutions, appointed by  
27 the friends of higher education.

28 (2) The director of the department of information services or his  
29 or her designee shall serve as chair of the board. A majority of the  
30 voting members of the board shall constitute a quorum for the  
31 transaction of business.

32 NEW SECTION. **Sec. 3.** The board has the following powers and  
33 duties:

34 (1) In cooperation with network partners and users and other  
35 interested parties, to establish goals and measurable objectives for  
36 the network;

1 (2) To ensure that the goals and measurable objectives of the  
2 network are the basis for any decisions or recommendations regarding  
3 the technical development and operation of the network;

4 (3) To adopt, modify, and implement policies for network  
5 development, operation, and expansion. Such policies may include but  
6 need not be limited to the following issues: Quality of service;  
7 access to the network by recognized organizations and accredited  
8 institutions that deliver educational programming, including public  
9 libraries; prioritization of programming within limited resources;  
10 prioritization of access to the system and the sharing of technological  
11 advances; network security; identification and evaluation of emerging  
12 technologies; future expansion or redirection of the system; network  
13 fee structures; and costs for the development and operation of the  
14 network;

15 (4) To prepare and submit to the governor and the legislature a  
16 coordinated budget for network development, operation, and expansion.  
17 The budget shall include the recommendations of the board on any state  
18 funding requested for network transport and equipment, distance  
19 education facilities, and hardware or software by or for network users;

20 (5) To adopt and monitor the implementation of a methodology to  
21 evaluate the effectiveness of the network in achieving the goals and  
22 measurable objectives;

23 (6) To approve modifications of the network design and  
24 implementation plan under RCW 28D.02.020 and the phased technical plan  
25 under RCW 28D.02.070;

26 (7) To authorize the release of funds from the K-20 technology  
27 account under RCW 28D.02.060 for network expenditures;

28 (8) To appoint such advisory committees as appropriate; and

29 (9) To adopt rules as necessary to implement this chapter.

30 NEW SECTION. **Sec. 4.** Actions of the K-20 telecommunications  
31 oversight and policy committee in effect on June 30, 1999, shall remain  
32 in effect thereafter unless modified or repealed by the board.

33 NEW SECTION. **Sec. 5.** The information services board shall appoint  
34 a technical advisory committee to: (1) Advise the K-20 educational  
35 network board on technical matters relating to network design,  
36 deployment, operations, growth, and expansion, and (2) undertake such  
37 duties as delegated by the information services board pursuant to RCW

1 28D.02.070 and section 9 of this act. The technical advisory committee  
2 shall include representation from K-12 and higher education, and the  
3 department of information services.

4 NEW SECTION. **Sec. 6.** (1) The board is not intended to duplicate  
5 the statutory responsibilities of the higher education coordinating  
6 board, the superintendent of public instruction, the information  
7 services board, the state librarian, or the governing boards of the  
8 institutions of higher education.

9 (2) The board may not interfere in any curriculum or legally  
10 offered programming offered over the network.

11 (3) The coordination of telecommunications planning for  
12 institutions of higher education as defined in RCW 28B.10.016 remains  
13 the responsibility of the higher education coordinating board under RCW  
14 28B.80.600. The board may recommend but not require revisions to the  
15 higher education coordinating board's telecommunications plan.

16 (4) The responsibility to review and approve standards and common  
17 specifications for the network remains the responsibility of the  
18 information services board under RCW 43.105.041.

19 (5) The coordination of telecommunications planning for the common  
20 schools remains the responsibility of the superintendent of public  
21 instruction. The board may recommend but not require revisions to the  
22 superintendent's telecommunications plans.

23 NEW SECTION. **Sec. 7.** The citizen member of the board shall be  
24 compensated in accordance with RCW 43.03.250. The department of  
25 information services shall provide staffing to the board.

26 NEW SECTION. **Sec. 8.** The department of information services shall  
27 maintain, in consultation with the network users and the board, the K-  
28 20 operations cooperative, which shall be responsible for day-to-day  
29 network management, technical network status monitoring, technical  
30 problem response coordination, and other duties as agreed to by the  
31 department, the network users, and the board. Funding for the K-20  
32 operations cooperative shall be provided from the education technology  
33 revolving fund under RCW 28D.02.065.

34 NEW SECTION. **Sec. 9.** The board shall establish by rule: (1)  
35 Conditions of network use, addressing technical connections, operation,

1 and management of the K-20 network; and (2) acceptable use policies  
2 governing user eligibility for participation in the K-20 network,  
3 acceptable uses of network resources, and procedures for enforcement of  
4 such policies. The board shall set forth appropriate procedures for  
5 enforcement of the conditions of use and acceptable use policies, that  
6 may include suspension of network connections and removal of shared  
7 equipment for violations of network conditions or policies. The  
8 information services board has responsibility for the implementation of  
9 enforcement procedures relating to the technical requirements of the  
10 conditions of use.

11 **Sec. 10.** RCW 28D.02.010 and 1996 c 137 s 2 are each amended to  
12 read as follows:

13 (1) The K-20 telecommunications oversight and policy committee is  
14 established to: Adopt policy goals and objectives for a K-20  
15 telecommunications system, adopt a network design and implementation  
16 plan, and authorize release of funds for network purposes.

17 (2) The duties of the committee shall include, but need not be  
18 limited to:

19 (a) The adoption of system goals and objectives and timelines for  
20 submission of the proposed plans under RCW 28D.02.030 through  
21 28D.02.050 and 28D.02.070 by June 1, 1996;

22 (b) The authorization of the construction and acquisition of a  
23 network backbone upon its approval of phase one of a technical plan for  
24 the network as specified in RCW 28D.02.070(1);

25 (c) The preparation and subsequent updates of a network design and  
26 implementation plan that includes locations to be served by the  
27 network, service delivery specifications, a network governance  
28 structure, other appropriate components, and a phased technical plan in  
29 accordance with RCW 28D.02.070(2). The plan shall be adopted after  
30 considering the recommendations of the information services board, the  
31 higher education coordinating board, and the superintendent of public  
32 instruction;

33 (d) The preparation of an implementation plan that prioritizes  
34 access to the network backbone and other telecommunication components;  
35 and

36 (e) The authorization of the release of funds for expenditures to  
37 construct the network and distance education components.

1 (3) By April 15, 1996, the department of information services shall  
2 convene the committee. The committee shall include the following  
3 voting members or their designees: The governor; one member from each  
4 caucus of the senate, appointed by the president of the senate; one  
5 member from each caucus of the house of representatives, appointed by  
6 the speaker of the house of representatives; the superintendent of  
7 public instruction; the chair of the higher education coordinating  
8 board; and the chair of the information services board. On a nonvoting  
9 basis, the committee shall include the following members or their  
10 designees: One community college or technical college president,  
11 appointed by the state board for community and technical colleges; one  
12 president of a public baccalaureate institution, appointed by the  
13 council of presidents; the state librarian; one educational service  
14 district superintendent, one school district superintendent, and one  
15 representative of an approved private school, each appointed by the  
16 superintendent of public instruction; one representative of independent  
17 nonprofit baccalaureate institutions, appointed by the Washington  
18 friends of higher education; and one representative of the computer or  
19 telecommunications industry, appointed by the information services  
20 board. The voting members must reach a consensus in approving the  
21 network design and implementation plan. The department shall provide  
22 staff support to the committee.

23 (4) This section expires one month after the effective date of this  
24 act.

25 **Sec. 11.** RCW 28D.02.030 and 1996 c 137 s 4 are each amended to  
26 read as follows:

27 Within the timelines specified by the committee, the higher  
28 education coordinating board shall prepare and submit to the K-20  
29 telecommunications oversight and policy committee a proposed location  
30 plan of higher education delivery sites proposed for connection to the  
31 K-20 education network. The development of the plan shall begin  
32 immediately. For each site proposed for connection to the network, the  
33 board shall recommend service delivery specifications that include, but  
34 need not be limited to, an assessment of community needs and  
35 programming and service levels that provide for effective use of  
36 network resources. The board shall prioritize the implementation of  
37 the proposed location plan. The board shall ensure that the proposed

1 location plan adheres to the principles described in RCW 28D.02.020 and  
2 the goals and objectives adopted by the committee under RCW 28D.02.010.  
3 This section expires one month after the effective date of this  
4 act.

5 **Sec. 12.** RCW 28D.02.040 and 1996 c 137 s 5 are each amended to  
6 read as follows:

7 Within timelines specified by the committee, the superintendent of  
8 public instruction shall prepare and submit to the K-20  
9 telecommunications oversight and policy committee a proposed location  
10 plan of public education delivery sites proposed for connection to the  
11 K-20 education network. The development of the plan shall begin  
12 immediately. For each site proposed for connection to the network, the  
13 superintendent shall approve service delivery specifications that  
14 include, but need not be limited to, an assessment of community needs  
15 and programming and service levels that provide for effective use of  
16 network resources. The superintendent shall prioritize the  
17 implementation of the proposed location plan. The superintendent shall  
18 ensure that the proposed location plan adheres to the principles  
19 described in RCW 28D.02.020 and the goals and objectives adopted by the  
20 committee under RCW 28D.02.010.

21 This section expires one month after the effective date of this  
22 act.

23 **Sec. 13.** RCW 28D.02.050 and 1996 c 137 s 6 are each amended to  
24 read as follows:

25 Within timelines specified by the committee, the higher education  
26 coordinating board and the superintendent of public instruction shall  
27 recommend to the K-20 telecommunications oversight and policy committee  
28 network governance structure that ensures participation by all members  
29 of the network and, to the extent feasible, adheres to the goals and  
30 objectives adopted under RCW 28D.02.010.

31 This section expires one month after the effective date of this  
32 act.

33 **Sec. 14.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to  
34 read as follows:

35 The K-20 technology account is hereby created in the state  
36 treasury. The department of information services shall deposit into

1 the account moneys received from legislative appropriations, gifts,  
2 grants, and endowments for the buildout and installation of the K-20  
3 telecommunication system. The account shall be subject to  
4 appropriation and may be expended solely for the K-20 telecommunication  
5 system ~~((approved by the committee under RCW 28D.02.010))~~.  
6 Disbursements from the account shall be on authorization of the  
7 director of the department of information services with approval of the  
8 ~~((committee under RCW 28D.02.010))~~ board.

9 **Sec. 15.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to  
10 read as follows:

11 (1) The education technology revolving fund is created in the  
12 custody of the state treasurer. All receipts from billings under  
13 subsection (2) of this section must be deposited in the revolving fund.  
14 Only the director of the department of information services or the  
15 director's designee may authorize expenditures from the fund. The  
16 revolving fund shall be used ~~((only))~~ to pay for ~~((the acquisition of))~~  
17 network operations, transport, equipment, software, supplies, and  
18 services, maintenance and depreciation of on-site data, and shared  
19 infrastructure, and other costs incidental to the ~~((acquisition,))~~  
20 development, operation, and administration of shared educational  
21 information technology services, telecommunications, and systems. The  
22 revolving fund shall not be used for the acquisition, maintenance, or  
23 operations of local ~~((networks or))~~ telecommunications infrastructure  
24 or the maintenance or depreciation of on-premises video equipment  
25 specific to a particular institution or group of institutions.

26 (2) The revolving fund and all disbursements from the revolving  
27 fund are subject to the allotment procedure under chapter 43.88 RCW,  
28 but an appropriation is not required for expenditures. The department  
29 of information services shall, in consultation with entities connected  
30 to the network under RCW 28D.02.070 and subject to the review and  
31 approval of the office ~~((of))~~ of financial management, establish and  
32 implement a billing structure ~~((to assure that all network users pay an~~  
33 equitable share of the costs in relation to their usage of the  
34 network)) for network services identified in subsection (1) of this  
35 section.

36 (3) The department shall charge those network users connected to  
37 the K-20 telecommunications network under RCW 28D.02.070 (1) and (2) an  
38 annual copayment per unit of transport connection as determined by the



1 board. This copayment shall be deposited into the revolving fund to be  
2 used for the purposes set forth in subsection (1) of this section.  
3 Current and future network users shall prepare for future biennial  
4 budgets with the assumption that the copayment shall continue to be in  
5 effect under the approval of the board. The legislature shall  
6 appropriate to the revolving fund such moneys as necessary to cover the  
7 remainder of the costs for transport, maintenance, and depreciation of  
8 data equipment located at the individual institutions, maintenance and  
9 depreciation of the network backbone, and services provided to the  
10 network under section 8 of this act.

11 **Sec. 16.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to  
12 read as follows:

13 The information services board shall prepare a technical plan for  
14 the design and construction of the K-20 telecommunication system. The  
15 board shall ensure that the technical plan adheres to the principles  
16 described in RCW 28D.02.020 and the goals and objectives established by  
17 the (~~committee under RCW 28D.02.010~~) board. The board shall provide  
18 formal project approval and oversight during the development and  
19 implementation of the K-20 telecommunications network. In approving  
20 the plan, the board shall conduct a request for proposal process. The  
21 technical plan shall be developed in phases as follows:

22 (1) Phase one shall provide a telecommunication backbone connecting  
23 educational service districts, the main campuses of public  
24 baccalaureate institutions, the branch campuses of public research  
25 institutions, and the main campuses of community colleges and technical  
26 colleges.

27 (2) Phase two shall provide for (a) connection to the network by  
28 entities that include, but need not be limited to: School districts,  
29 public higher education off-campus and extension centers, branch  
30 campuses of community colleges and technical colleges, and independent  
31 nonprofit baccalaureate institutions, as prioritized by the (~~{K-20}~~  
32 ~~telecommunications oversight and policy committee~~) board; and (b)  
33 distance education facilities and components for entities listed in  
34 (~~subsections (1) and (2) of~~) this section.

35 (3) Subsequent phases may include, but need not be limited to,  
36 connections to public libraries, state and local governments, community  
37 resource centers, and the private sector.

1        NEW SECTION.    **Sec. 17.**    Sections 1 through 9 of this act are each  
2 added to chapter 28D.02 RCW.

3        NEW SECTION.    **Sec. 18.**    This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 July 1, 1999.

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