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HOUSE BILL 1698

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State of Washington

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By Representatives Huff, Radcliff, Carlson, Talcott, Clements, Tokuda, McMorris, Hickel, Sehlin, Lisk, Skinner, Sheahan, Alexander, Benson, Gombosky, Wensman, Kessler, Lambert, D. Schmidt, Hatfield, Honeyford, O'Brien, Keiser and Cooke

Read first time 02/05/97. Referred to Committee on Higher Education.

1 AN ACT Relating to the K-20 telecommunications network; amending  
2 RCW 28D.02.010 and 28D.02.060; adding new sections to chapter 28D.02  
3 RCW; providing effective dates; providing expiration dates; and  
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
7 otherwise, the definitions in this section apply throughout this title.

8 (1) "Committee" means the Washington education network governance  
9 committee.

10 (2) "Network" means the K-20 telecommunications network under  
11 chapter 28D.02 RCW.

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 committee.

16 NEW SECTION. **Sec. 2.** The committee is created.

1 The purpose of the committee is to ensure that the K-20  
2 telecommunications network is operated in a way that serves the broad  
3 public interest above the interest of any network user.

4 The committee shall consist of six voting members appointed by the  
5 governor with the consent of the senate as follows: Two citizen  
6 members and, serving as ex officio members, the superintendent of  
7 public instruction, the chair of the higher education coordinating  
8 board, the chair of the information services board, and the state  
9 librarian. Each committee member may appoint a designee to function in  
10 his or her place with the right to vote. In selecting the citizen  
11 members of the committee, the governor shall strive to avoid any  
12 conflict of interest. The citizen members of the committee may not be  
13 employees of state or local governments, institutions of higher  
14 education, the common schools, or the telecommunications industry, nor  
15 may they be members of the governing boards of any educational service  
16 district, institution of higher education, or telecommunications  
17 company.

18 NEW SECTION. **Sec. 3.** The committee has the following powers and  
19 duties:

20 (1) In cooperation with network partners and users and other  
21 interested parties, to establish goals and measurable objectives for  
22 the network;

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

26 (3) To adopt, modify, and implement policies for network  
27 development, operation, and expansion. Such policies may include but  
28 need not be limited to the following issues: Quality of service;  
29 access to the network by recognized organizations and accredited  
30 institutions that deliver educational programming including public  
31 libraries; prioritization of programming within limited resources;  
32 prioritization of access to the system and the sharing of technological  
33 advances; network security; identification and evaluation of emerging  
34 technologies; future expansion or redirection of the system; network  
35 fee structures; and costs for the development and operation of the  
36 network;

37 (4) To prepare and submit to the governor and the legislature a  
38 coordinated budget for network development, operation, and expansion.

1 The budget shall include the recommendations of the committee on any  
2 state funding requested for distance education facilities and hardware  
3 or software by or for network users;

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

7 (6) To resolve disputes about network use submitted by either  
8 subcommittee of the cross-sector advisory committee, or any member of  
9 the committee;

10 (7) To approve modifications of the network design and  
11 implementation plan under RCW 28D.02.020 and the phased technical plan  
12 under RCW 28D.02.070;

13 (8) To review, evaluate, and recommend modifications to the initial  
14 and updated location plans prepared by the higher education  
15 coordinating board under RCW 28D.02.030 and the superintendent of  
16 public instruction under RCW 28D.02.040;

17 (9) To authorize the release of funds from the K-20 technology  
18 account under RCW 28D.02.060 for network expenditures; and

19 (10) To adopt rules as necessary to implement this chapter.

20 NEW SECTION. **Sec. 4.** (1) The cross-sector network advisory  
21 committee is created to advise the committee and network users on  
22 network technical and policy planning matters that require cross-sector  
23 coordination. Such matters shall include cross-sector network  
24 planning, including identification and resolution of cross-institution  
25 and cross-sector technical problems; cost issues; network growth;  
26 network usage, including policies on scheduling, identification, and  
27 resolution of scheduling conflicts, and conflict resolution; network  
28 technical quality; dissemination of information; coordination of  
29 assessment and accountability information among network participants;  
30 and technical network management.

31 (2) The cross-sector network advisory committee shall be comprised  
32 of a policy subcommittee and a technical subcommittee as follows:

33 (a) Initially, the policy subcommittee shall be comprised of two  
34 provosts of public baccalaureate institutions, appointed by the council  
35 of presidents; two members appointed by the state board for community  
36 and technical colleges; four representatives of K-12 education,  
37 appointed by the superintendent of public instruction; the Washington  
38 state librarian or the librarian's designee; two representatives of

1 independent institutions of higher education, appointed by the  
2 governor; and up to four public members, one of whom shall be appointed  
3 by each legislative caucus. The public members shall be citizens with  
4 an interest in the education of the public and in information  
5 technology. All members serve at the pleasure of the appointing  
6 authorities. The membership of the policy subcommittee may be revised  
7 by the unanimous agreement of the committee;

8 (b) Initially, the technical subcommittee shall be comprised of  
9 equal numbers of postsecondary and K-12 representatives, four public  
10 members with technical expertise, appointed by the chair of the  
11 information services board; and one or more representatives of the  
12 department of information services, appointed by the director of the  
13 department of information services. At least one member of the  
14 technical subcommittee shall be a representative of the independent  
15 institutions of higher education, appointed by the committee, and at  
16 least one member shall be a representative of public libraries,  
17 appointed by the state librarian. Members serve at the pleasure of the  
18 appointing authority. The specific duties of the technical  
19 subcommittee shall be determined by the committee, in cooperation with  
20 network users. The membership of the technical subcommittee may be  
21 revised by unanimous agreement of the committee.

22 (3) The cross-sector network advisory committee shall be convened  
23 and coordinated by the committee, in cooperation with network users.

24 (4) Recommendations and requests from either subcommittee shall be  
25 reviewed by the cross-sector network advisory committee as a whole  
26 before submission to the committee.

27 NEW SECTION. **Sec. 5.** (1) The committee is not intended to  
28 duplicate the statutory responsibilities of the higher education  
29 coordinating board, the superintendent of public instruction, the  
30 information services board, the state librarian, or the governing  
31 boards of the institutions of higher education.

32 (2) The committee shall not interfere in any curriculum or legally  
33 offered programming offered over the network.

34 (3) The coordination of telecommunications planning for  
35 institutions of higher education as defined in RCW 28B.10.016 remains  
36 the responsibility of the higher education coordinating board under RCW  
37 28B.80.600. The committee may recommend but not require revisions to  
38 the board's telecommunications plan.

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

4 (5) The coordination of telecommunications planning for the common  
5 schools remains the responsibility of the superintendent of public  
6 instruction. The committee may recommend but not require revisions to  
7 the superintendent's telecommunications plans.

8 NEW SECTION. **Sec. 6.** The committee may hire staff and fix their  
9 compensation in accordance with RCW 43.03.220.

10 **Sec. 7.** RCW 28D.02.010 and 1996 c 137 s 2 are each amended to read  
11 as follows:

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

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

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

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

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

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

35 (e) The authorization of the release of funds for expenditures to  
36 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 February 1, 1998.

24 **Sec. 8.** RCW 28D.02.060 and 1996 c 137 s 7 are each amended to read  
25 as follows:

26 The K-20 technology account is hereby created in the state  
27 treasury. The department of information services shall deposit into  
28 the account all moneys received from legislative appropriations, gifts,  
29 grants, and endowments for the K-20 telecommunication system. The  
30 account shall be subject to appropriation and may be expended solely  
31 for the K-20 telecommunication system (~~(approved by the committee under~~  
32 ~~RCW 28D.02.010)~~). Disbursements from the account shall be on  
33 authorization of the director of the department of information services  
34 with approval of the committee under (~~(RCW 28D.02.010)~~) sections 1  
35 through 6 of this act.

36 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act are each  
37 added to chapter 28D.02 RCW.

1        NEW SECTION.    **Sec. 10.**    Sections 1 through 6 of this act expire  
2 June 30, 2002.

3        NEW SECTION.    **Sec. 11.**    Sections 1, 2, and 6 of this act are  
4 necessary for the immediate preservation of the public peace, health,  
5 or safety, or support of the state government and its existing public  
6 institutions, and take effect July 1, 1997.

7        NEW SECTION.    **Sec. 12.**    Sections 3 through 5, 8, and 10 of this act  
8 take effect February 1, 1998.

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