

EMERGENCY REGULATION

Register _____, _____ 2020

EDUCATION AND EARLY DEV.

4 AAC 33.605(a) is amended to read:

(a) A district in which one or more schools qualify for a discounted rate for Internet services under the federal universal services program may apply to the department for funding under AS 14.03.127 to increase the download speed of the Internet to **up to 25** [10] megabits per second (Mbps) for **the** [A] Internet service available [CIRCUIT OR CONNECTION THAT IS ACCESSIBLE TO STUDENT INTERNET USERS] at a school operated by the district. **All circuits or connections reported by a district in its federal universal services program application that provide Internet service to a school must be included in the calculation of available Internet service at the school for funding under AS 14.03.127.**

4 AAC 33.605(e) is amended to read:

(e) An applicant must provide information in the application regarding Internet services available **to a school in** [FOR USE BY THE STUDENTS OF] the district, including

(1) a list of each circuit or connection that serves a school operated by the district and provides Internet access [FOR STUDENTS] at an initial negotiated capacity of less than **25** [10] Mbps;

(2) the Internet speed measured in Mbps of download for each circuit or connection listed under (1) of this subsection, verified in writing by the Internet service provider for the district;

(3) the current cost and the applicant's share of the current cost for each Internet circuit or connection listed under (1) of this subsection in monthly recurring charges to the

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district, with the current cost verified in writing by the Internet service provider for the district;
and

(4) the total cost and the applicant's share of the total cost in monthly recurring charges for increasing the Internet speed to up to 25 [10] Mbps of download at the [EACH] Internet circuits [CIRCUIT] or connections [CONNECTION] listed under (1) of this subsection, with the total cost verified in writing by an Internet service provider qualified under the federal universal services program.

(Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.610 is repealed:

4 AAC 33.610. Application deadline for fiscal year 2015. Repealed. (Eff. 11/13/2014, Register 212; repealed ___/___/___, Register ___)

4 AAC 33.620(a) is amended to read:

(a) A district that is a successful applicant in the federal universal services program is eligible for funding under AS 14.03.127 to increase the amount that the district shall contribute as the applicant's share to the cost of Internet service, so that funding will be sufficient to provide an Internet download speed of up to [AT LEAST] 25 [10] Mbps for [STUDENT INTERNET USERS] each school in the district.

(Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

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4 AAC 33.620(b) is amended to read:

(b) A district is eligible for a pro rata share of the available funding under AS 14.03.127 based on a calculation that takes into account

(1) the number of Internet circuits or connections that serve a school in the district [THAT

(A) PROVIDE INTERNET ACCESS FOR STUDENT USERS; AND

(B) OPERATE] at an initial negotiated capacity of less than 25 [10]

Mbps; and

(2) the applicant's share of the cost of increasing the initial negotiated capacity to up to 25 [10] Mbps for the [EACH] circuits [CIRCUIT] or connections [CONNECTION] under (1) of this subsection.

(Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.620(d) is amended to read:

(d) The department will calculate a district's need under AS 14.03.127 by multiplying the eligible circuits or connections under (b)(1) of this section by the applicant's share of the cost of increasing the initial negotiated capacity under (b)(2) of this section to up to 25 [10] Mbps for the eligible circuits or connections [EACH CONNECTION] that serve a school.

(Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

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4 AAC 33.630 is amended to read:

4 AAC 33.630. Eligible costs. A district must include only monthly recurring costs for eligible circuits or connections in its calculation of current Internet service cost and the projected cost of increasing the eligible circuit or connection speed to **up to 25** [10] Mbps under 4 AAC 33.605. (Eff. 11/13/2014, Register 212; am ____/____/____, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.640 is amended to read:

4 AAC 33.640. Notice of funding. The department will notify an applicant of its eligibility for funding and the amount of the available funding under AS 14.03.127 not later than **July 1** [MAY 15] of each year. If an applicant has provided an electronic mail address to be used for communications under AS 14.03.127, the department may notify the applicant of its eligibility and funding under this section by electronic mail. The notice is a final action for purposes of appeal under 4 AAC 40. (Eff. 11/13/2014, Register 212; am ____/____/____, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.645 is repealed:

4 AAC 33.645. Notice of funding for fiscal year 2015. Repealed. (Eff. 11/13/2014, Register 212; repealed ____/____/____, Register _____)

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4 AAC 33.650 is amended to read:

4 AAC 33.650. Distribution of funding. The department will distribute funding under AS 14.03.127 to districts not later than August 15 of each year. A district shall use funding distributed under AS 14.03.127 to pay for Internet service for circuits or connections that serve schools [ARE ACCESSIBLE TO STUDENTS]. If a district files an appeal under 4 AAC 40 and in the final resolution of that appeal is accorded an increased allocation for funding under AS 14.03.127, payment in accordance with the final decision will be provided from the following year's appropriation, if any, under AS 14.03.127. (Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.655 is repealed:

4 AAC 33.655. Distribution of funding for fiscal year 2015. Repealed. (Eff. 11/13/2014, Register 212; repealed ___/___/_____, Register ___)

4 AAC 33.665(a) is amended to read:

(a) Not later than April 15 of the fiscal year that a district receives funding under AS 14.03.127, a district shall file a year-end report with the department on a form provided by the department. The district shall report

(1) the total of paid invoices for Internet circuits or connections that serve schools [STUDENT USERS] for the current fiscal year, including the applicant's share and the total cost;

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(2) anticipated costs, including the applicant's share and the total cost for Internet circuits or connections that serve **schools** [STUDENT USERS] for the remainder of the fiscal year; and

(3) the negotiated capacity in Mbps for each circuit or connection listed in the district's application under 4 AAC 33.605 as reported by the Internet service provider at the time of the most recent invoice.

(Eff. 11/13/2014, Register 212; am ___/___/___, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.670 is amended to read:

4 AAC 33.670. Return of unexpended funds. Not later than August **15** [30] of each year, a district shall return to the department funding received under AS 14.03.127 and unexpended for eligible costs for Internet services during the prior fiscal year. (Eff. 11/13/2014, Register 212; am ___/___/___, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.690(b)(4) is amended to read:

(4) "initial negotiated capacity" means the **cost of** Internet **services** for **the** [AN] eligible **circuits** [CIRCUIT] or **connections** [CONNECTION] **for a school** that a district reports on Federal Communications Commission Form 471 (Description of Services Ordered and Certification Form) filed with the Universal Service Administrative Company under the federal

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universal services program **and submits in support of the application for state funding under AS 14.03.127, as of** [FOR THE LATER OF]

(A) **November 1, 2014, for a school that has continuously received funding under AS 14.03.127 for up to 10 Mbps of Internet service through state fiscal year 2020** [FISCAL YEAR 2015; OR];

(B) **March 1, 2020, for a school that receives funding under AS 14.03.127 for up to 25 Mbps of Internet service starting in state fiscal year 2021;**

(C) **March 1 of the year of the application for** the first year the district applies **on behalf of a new school** under both the federal universal services program and AS 14.03.127; **or**

(D) **for a school that has reopened, March 1 of the most recent year in which the district applied on behalf of the reopened school under both the federal universal services program and AS 14.03.127;**

4 AAC 33.690(b) is amended by adding a new paragraph to read:

(6) “school” means a facility at which a school district provides instruction to students in elementary or secondary grades and includes the geographically contiguous grounds where the instructional buildings of a single eligible school are located; a facility at which a school district provides instruction for both elementary and secondary grades is a single school; (Eff. 11/13/2014, Register 212; am ___/___/___, Register ___)

Authority: AS 14.03.127

AS 14.07.020

AS 14.07.060