

**To: Members of the State Board of
Education & Early Development**

September 17, 2020

From: Michael Johnson, Commissioner

Agenda Item: 8A

◆ ISSUE

The board is being asked to make the school broadband emergency regulations permanent. At its June meeting, the board adopted emergency regulations to allow funding under Senate Bill 74 (enacted as ch. 5, SLA 2020) to be distributed to school districts for the 2020-2021 school year. The emergency regulation changes at 4 AAC 33.600 – 4 AAC 33.690 are proposed to become permanent, with one additional amendment. The changes relate to the School Broadband Assistance Grant program administered by the Division of Libraries, Archives, and Museums.

◆ EMERGENCY REGULATIONS

- Senate Bill 74, as enacted, took effect on June 23, 2020. It provides funding to increase Internet service to schools from up to 10 megabits per second (Mbps) to up to 25 Mbps. Regulation changes are necessary to provide the increased funding.
- The board previously voted to provide notice and a period of public comment during the 120-day effective period for the emergency regulations.
- The emergency regulations expire after 120 days (October 20, 2020) unless the board provides public notice and a comment period and then adopts them as permanent regulations during the 120-day period.

◆ BACKGROUND

- The enactment of Senate Bill 74 was a legislative priority in light of the importance of distance learning during the COVID-19 emergency. The emergency regulations establish new benchmark dates for calculating the applicant's share of the cost of bringing Internet services to up to 25 Mbps.
- The emergency regulations also update the text to reflect the new 25 Mbps coverage, update deadlines for grant activities, and remove dated sections pertaining to FY2015, the first year of the program.
- The emergency regulations also require that the district report all circuits or connections available at a school operated by the district (instead of only those used by students at a school). This avoids the under-reporting of Internet access in order to qualify for additional funding.

◆ ADDITIONAL INFORMATION

- The proposed regulations include an additional edit to 4 AAC 33.605(a) to require that all circuits and connections reported on the E-rate application be included on the state application so the department may determine eligibility.
- No comments were received during the written public comment period.
- The proposed regulations can be found behind this cover memo.
- Patience Frederiksen, LAM Division Director, will be present to brief the board.

◆ **OPTIONS**

- Adopt the emergency regulations as permanent regulations with the additional proposed amendment of 4 AAC 33.605(a).
- Decline to make the emergency regulations permanent.
- Further amend the emergency regulations.
- Seek more information.

◆ **ADMINISTRATION'S RECOMMENDATION**

- Adopt the emergency regulations as permanent regulations with an additional amendment to 4 AAC 33.605(a).

◆ **SUGGESTED MOTIONS**

I move the State Board of Education and Early Development make the emergency regulation changes in 4 AAC 33, Article 6, Funding for the Improvement of Internet Speed at Public Schools (4 AAC 33.600 – 4 AAC 33.690), permanent and adopt an additional amendment to 4 AAC 33.605(a).