

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

July 1, 2024

From: **Dr. Deena Bishop, Commissioner**

Agenda Item: 4A

4 AAC 33.605 is amended to read:

4 AAC 33.605. Application. (a) A district in which **a school qualifies** [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 **100** [25] megabits per second (Mbps) for the Internet service available 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 application for funding under AS 14.03.127.

(b) Each year, not later than the deadline for an applicant to the federal universal services program to file the Federal Communications Commission Form 471 (Description of Services Ordered and Certification Form) under 47 C.F.R. 54.504, a district **that seeks** [SEEKING] funding under AS 14.03.127 **shall** [MUST] file with the department on a form provided by the department a complete application for funding [UNDER AS 14.03.127] for the following fiscal year.

(c) An application must be filed electronically with the department according to application instructions available on the department's **Internet** website.

(d) An application must be signed by the superintendent of the applicant.

(e) An applicant must provide information in the application regarding Internet services available to a school in the district, including

(1) a list of each circuit or connection that serves a school operated by the district

and provides Internet access at an initial negotiated capacity of less than **100** [25] 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 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 **100** [25] Mbps of download at the Internet circuits or connections 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.

(f) An applicant must provide information in the application regarding the district's filings with the federal universal services program and the district's eligibility for the federal universal services program for the fiscal year for which funding is sought **and for the fiscal year for which the initial negotiated capacity is determined**, including

(1) **the** Federal Communications Commission Form 470 (Description of Services Requested and Certification Form) filed by the applicant with the Universal Service Administrative Company;

(2) **the** Federal Communications Commission Form 471 (Description of Services Ordered and Certification Form) filed by the applicant with the Universal Service Administrative Company; [AND]

(3) a fully executed contract for Internet services for the fiscal year for which

funding is sought; the contract must comply with all requirements of the federal universal services program; **and**

(4) a fully executed contract for Internet services for the fiscal year for which the initial negotiated capacity is determined; the contract must comply with all requirements of the federal universal services program.

(g) An applicant must provide other information in the application to the department as needed for the department to determine eligibility and calculate funding under AS 14.03.127.

(h) An applicant must provide in the application an electronic mail address and the name of the contact person for the applicant to be used for notifications and other communication from the department to the district regarding funding under AS 14.03.127. (Eff: 11/13/2014, Register 212; am 6/23/2020, Register 235; am 11/15/2020, Register 236; am ___ / ___ / _____, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.620 is amended to read:

4 AAC 33.620. Funding calculation. (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 **100** [25] Mbps for each school in the district.

(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

at an initial negotiated capacity of less than **100** [25] Mbps; and

(2) the applicant's share of the cost of increasing the initial negotiated capacity to up to **100** [25] Mbps for the circuits or connections under (1) of this subsection.

(c) A district may not calculate the negotiated capacity of an eligible circuit under (b)(1) of this section by dividing the total speed of a connection by the number of circuits served by the connection.

(d) The department will calculate a district's need under AS 14.03.127 by multiplying the **number of** 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 **100** [25] Mbps for the eligible circuits or connections that serve a school.

(e) The department will calculate the total need for all eligible applicants under AS 14.03.127 by combining the verified need of all eligible applicants under AS 14.03.127.

(f) An eligible district **that qualifies** [QUALIFYING] for funding under AS 14.03.127 may receive a proportionate share of the total funding need under AS 14.03.127.

(g) The department will calculate a district's proportionate share as a ratio with **the** [a] district's need in the numerator and the total funding need for all district applicants under AS 14.03.127 in the denominator. The department will apply that ratio to the available funding under AS 14.03.127 to determine the funding for which a district is eligible [UNDER AS 14.03.127]. (Eff. 11/13/2014, Register 212; am 6/23/2020, Register 235; am

____/____/____, Register ____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.630 is amended to read:

4 AAC 33.630. Eligible costs. A district may [MUST INCLUDE] only include monthly recurring costs for eligible circuits or connections in the district's [ITS] calculation of current Internet service cost and the projected cost of increasing the eligible circuit or connection speed to up to 100 [25] Mbps under 4 AAC 33.605. (Eff. 11/13/2014, Register 212, pm 6/23/2020, Register 235; am ____/____/_____, Register _____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060

The section header of 4 AAC 33.660 is changed to read:

4 AAC 33.660. Report of initial negotiated capacity, cost of initial negotiated capacity, current Internet speed, and cost of current Internet speed.

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

(4) "initial negotiated capacity" means the Internet speed [COST OF INTERNET SERVICES] for the eligible circuits or connections 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 universal services program and submits in support of the application for state funding under AS 14.03.127, as of

(A) November 1, 2014, for a school that has continuously received funding under AS 14.03.127 for [UP TO 10 MBPS] Internet service through state fiscal year 2024 [2020];

(B) March 1 of the most recent year in which the school did not receive funding under AS 14.03.127; [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];

(Eff. 11/13/2014, Register 212; am 6/23/2020, Register 235; am ____/____/_____, Register ____)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060