MINUTES

JOINT COMMITTEE ON ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY
SENATE INTERIM COMMITTEE ON EDUCATION
HOUSE INTERIM COMMITTEE ON EDUCATION

Wednesday, May 28, 2014
1:30 P.M.
Room 171, State Capitol
Little Rock, Arkansas

MEMBERS OF THE JOINT INTERIM ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY COMMITTEE IN ATTENDANCE: Senators: Linda Chesterfield, Jim Hendren, Jimmy Hickey and Bobby Pierce. Representatives: Mary Slinkard, Chair; Mary "Prissy" Hickerson, Karen Hopper, and Andy Mayberry.

ALTERNATE MEMBERS OF THE JOINT INTERIM ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY COMMITTEE IN ATTENDANCE: Representative Joe Jett

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Senators: Johnny Key, Chair; Joyce Elliott, Vice Chair; Uvalde Lindsey.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representatives: Ann Clemmer, Vice Chair; Charles Armstrong, John Catlett, Bruce Cozart, Robert Dale, Charlotte Douglas, John Eubanks, Debra Hobbs, Les Carnine, Jody Dickinson, and Homer Lenderman.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representatives: David Fielding and Stephen Meeks.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senators: Jonathan Dismang, Missy Irvin and Jeremy Hutchinson. Representatives: Ken Bragg, Dan Douglas, Mary Broadway, John Hutchison, Walls McCrary, Stephanie Malone, and Wes Wagner.

Representative Slinkard called the meeting to order.

Consideration to Approve Minutes of the Joint Interim Committee on Advanced Communications and Information Technology: December 17, 2013, January 22, 2014, and April 9, 2014. Senator Pierce made a motion to approve the minutes. Without objection, the motion was approved. [Exhibits C-1, C-2, C-3]

Update on the Arkansas.gov Website
Ms. Amy Sawyer, Network General Manager, and Mr. Bob Sanders, Director of Operations, Information Network of Arkansas (INA), were recognized and presented a PowerPoint presentation entitled, "Introduction to INA & Arkansas.gov." INA was created by legislation in 1995 to help transition government online. INA enables e-commerce with state and local government to provide a single gateway to information and services through Arkansas.gov and to help the state encourage citizens and businesses to interface with government online. INA is a public-private partnership managed by a private company that is governed by a 12-member body consisting of 6 public and 6

private sector individuals. It is not funded through legislative appropriations, but through an innovative enterprise, self funding model that generates high value, and high volume transaction fees that are reinvested back into INA. The National Information Consortium (NIC), a private company, based in Kansas manages INA. NIC is the market leader in e-Government with partnerships in 30 states and 2 federal government agencies. Last year, NIC completed 200 million secure online payment transactions that totaled approximately $25 billion.

INA hosts a couple hundred websites, of those, Arkansas.gov is one of the most important sites, as it is the portal to state government for citizens of this state and visitors alike. Since the first portal launched in 1998, INA has continued to refine the presentation and features annually by using the latest in design and technology to stay competitive nationwide and to keep the portal at the forefront in digital government. Over the past 14 years, the Arkansas.gov website has been recognized nationally over 20 times. This year, INA is preparing to introduce another rollout redesign of the portal that will include:
- visual refinements to make the presentation cleaner and easier to locate
- alerts
- full screen maps

Presentation of the Arkansas Digital Learning Study [Exhibit E]
Dr. Ed Franklin chair of the Arkansas Quality Digital Learning Study Committee explained **that** the study is about Arkansas' children, education, and future workforce. He stated that Act 1280 of 2013, is the legislation that made this study possible. It requires the Arkansas Department of Education (ADE) to explore ways to establish and to maintain an infrastructure and bandwidth necessary to deliver a quality digital learning experience for all Arkansas public school students. It also requires taking a look at increasing connectivity and technology access opportunities for all children.

Dr. Franklin discussed topics that included:
- technical recommendations and connectivity
- broadband access for all children in Arkansas' public schools
- data collection issues
- adaptation of technology
- demand versus K-12 network growth
- the number of the Arkansas Public School Computer Network (APSCN) and Compressed Interactive Video (CIV) network connections
- anticipated benefits

According to Dr. Franklin, Arkansas leaders can advance recommendations by:
1. Developing a plan to aggregate K-12 demand via existing infrastructure, pool all available resources, and provide greater price transparency and equity.
2. Restoring statutory parity with neighboring states.
3. Providing the professional development, common software applications and local network support services necessary for a quality digital learning environment.

Dr. Franklin added that at the request of Governor Mike Beebe, the FASTER group which consist of various businesses, agreed to take on the recommendations and will continue to push them forward in an effort to provide equal educational access for all children. He noted that businesses are in need of a workforce that is technologically literate and can compete with other workers in the U.S. and abroad. Connectivity and use of technology is crucial in preparing our children for the current and evolving workforce.

Discussion of Issues and Questions Related to the Report

In response to members' questions regarding aggregation issues, proprietary information, the number of school districts that are reaching bandwidth capacity, and discussions related to School Choice, Dr. Franklin provided the following responses:

- The ability to purchase from schools on a common type of contract would potentially reduce costs in the aggregate; efficient aggregation needs to be done.
- Proprietary data was not received from providers.
- Staff development has to be done first, to prepare and educate schools regarding bandwidth. The Cabot School District has bandwidth and is doing amazing things with it but, some school district superintendents are not taking advantage of available resources. Money is available for staff development in public schools and E-rate funds are available that could possibly pay for some of the cost of acquiring bandwidth.
- There were no discussions regarding School Choice. Educators should be good at educating but the reality is we have to educate our educators regarding technology and how it can be used in the school setting.

Senator Elliott asked what role does DIS have with school districts bandwidth connectivity; and what are some of the issues DIS has investigated within the schools? **Claire Bailey, Director, Department of Information Systems (DIS) and Mr. Don McDaniel, DIS-Enterprise Systems Network was recognized.** Ms. Bailey replied, there is a huge demand for additional broadband within the school districts. DIS currently provides and maintains all of the connectivity to school districts. Technical and field support along with enterprise security is provided as well. School districts are not required to purchase bandwidth from DIS. If they need additional bandwidth they can purchase it from private providers. Senator Elliott asked for an explanation of the wide variation of costs that some school districts have to pay for bandwidth when they use DIS. Ms. Bailey stated that DIS is considered a cost recovery agency that is run like a private business. DIS receives appropriation approval, then bill for their services. If DIS makes money on a category of service, it has to be returned to the customers at the end of the year.

Ms. Bailey noted that DIS does not receive any revenue funds for cybersecurity, network staff, operation staff, equipment, disaster recovery or overhead. There is an additional markup for overhead costs that are associated with running the statewide network. There is a higher cost for bandwidth based on the providers and the rural areas of the state that they serve.

In response to a question from Senator Key regarding how the continuation of APSCN is not in violation of Act 1050, Ms. Bailey replied that APSCN is the connectivity or broadband to the individual school districts for statewide information and data collection. APSCN helps the school districts run their organization. APSCN also contains student-based information that DIS aggregates at the state level and communicates through this secure and private network. There is an exclusion at the end of the Act regarding contracts and negotiation by DIS. **Mr. Herschel Cleveland, Deputy Director, DIS,** explained that DIS bids out the network connections that are private-enterprise connections with the exception of a very small area. He noted that DIS is able to operate in this manner because of Act 1050.

Arkansas Broadband Coalition for Kids [Handout #2]a

Mr. Jordan Johnson, Spokesperson, Arkansas Broadband Coalition for Kids (ABCK), presented a PowerPoint presentation entitled, "Arkansas Broadband Coalition for Kids."
ABCK is a group comprised of more than a dozen providers who believe broadband access is the single, biggest educational issue in Arkansas. The goal is to provide clarification regarding some of the issues

surrounding broadband accessibility in Arkansas. He reported that in the 2012, "Digital Learning Now Report", Arkansas received an "F" along with 20 other states. Thirty-nine factors were used to determine the grade; availability of high speed broadband internet access was one factor. He noted that Act 1280 of 2013, created the *Arkansas Digital Learning Act*. In July of 2013, broadband providers met with Governor Beebe to discuss access to broadband and agreed to participate in the QDLS/FASTER study groups however, the providers abstained from the recommendations based on three areas of concern: problems with inaccurate data, unknown costs, and statutory concerns.

In 2013, "Digital Learning Now," reported Arkansas' ranking increased by 20 spots to 28th in access to broadband. He stated that Arkansas is considered one of two states to have "huge" gains. Solutions included: identifying schools in need and customizing solutions for each school, allowing private enterprise to invest its capital where feasible, allowing providers to deliver broadband to Arkansas schools, and expanding broadband accessibility. The rollout of broadband in Arkansas spreads further and faster than any other utilities including telephone, electricity, and water. By conservative estimates 94% of Arkansans have access to broadband. Mr. Johnson added that Arkansas' future depends on the ability to access broadband.

Regarding the proprietary information that Governor Beebe requested Sen. Elliott asked, "are we to assume that the information will not be shared or are the providers working on a way to not be in stalemate mode". Mr. Johnson replied that the providers gave the information to the Governor's Office on three separate occasions and signed confidentiality agreements. He added that providers need clarity as to which schools are having accessibility issues. **Ms. Katie Burns, CenturyLink, Government Relations** noted that she would disagree that providers have been in a stalemate mode on this issue. CenturyLink participated at the beginning of the process. A lot of the providers provided the information that was requested but never saw any results. According to Ms. Burns, a lot of the information and conclusions that were determined within the study were based on individual studies and self-reporting from schools. CenturyLink has been waiting approximately 1 year to see a list of schools that do not have adequate broadband access. Representative Lenderman asked, what would be the minimum cost be to provide bandwidth to school districts. Ms. Burns noted that CenturyLink did a footprint of all the schools that it could serve even if they do not provide the service; this assessment revealed that seven schools would require more than a minimal infrastructure built. Of the seven schools, one school's infrastructure cost would total $400,000-$500,000 however; most of the infrastructure upgrades were under $10,000 per school.

Representative Hopper observed that ARE-ON is mentioned a lot and noted that it would be helpful to know ARE-ON's role, the number of employees, their titles and their roles. Would K-12 schools be asked to pay a membership or participation fee, if they were allowed to join this network? Representative Hopper asked that ARE-ON be included in the discussion.

Continuation of Discussion regarding the Arkansas Digital Learning Study and its findings
Representative Douglas asked whether or not the colleges and hospitals are on board with the idea of allowing 250 school districts on their secure research lines. Dr. Franklin stated that after the conclusion of the report and its recommendations; a meeting was held with the principals in the ARE-ON group, Dr. Donald Bobbitt, President, University of Arkansas System and Dr. Chuck Welch, President, Arkansas State University to explore whether or not the ARE-ON system would be able to accommodate the recommendation of connecting school districts. According to Dr. Franklin, Drs. Bobbitt and Welch have taken neutral positions however; they would not be against the idea if it occurred.

Senator Hendren asked if there would be instances where it would be more affordable for ARE-ON to provide the service rather than the private industry due to the locations of lines and facilities. Ms. Burns responded that schools need to have a clear understanding of their requirements before providers can assess the cost. Multiple platforms have to be merged based on CenturyLink's analysis of what is already there. ARE-ON does not have the capability to take the lines to the schools. ARE-ON will have to contract with the provider to transport the lines.

Senator Hendren requested that a representative from the ADE be invited to explain why there is a discrepancy regarding the school districts accessibility/broadband deficiencies. Representative Clemmer stated that in a previous meeting she requested information pertaining to the cost that Arkansas is paying for public schools compared to neighboring states and has not received this information. **Dr. Franklin stated that some of the information has been gathered but it has not been validated. Representative Clemmer would like to receive this information when it is distributed to the Committees.**

Senator Chesterfield expressed concern about the digital divide that exists to ensure that no child is left behind? Mr. Johnson stated that this is an issue the coalition and providers are dedicated to; providing the necessary infrastructure, bandwidth, and accessibility to everyone in Arkansas.

Mr. Steven Sanders, General Manager, Natconet Communications, was recognized. Providers need to understand what the service entails first, in order to deploy the technology needed for a particular service. Providers need to know what the schools need. Senator Chesterfield emphasized that business decisions are predicated on whether or not they are going to receive a return on their investment. Mr. Johnson agreed that if there is an area where providers are not going to receive a substantial return on their investment, they are not likely to invest in those areas. Senator Chesterfield previously asked the industry how to work around this issue and to provide broadband service to children that need it the most. Senator Elliott asked would the provider industry be in favor of modifying the law; and should it be revisited to make it economically feasible for providers to service those in underserved areas? Mr. Sanders replied, "I have not seen the areas that do not have enough or sufficient bandwidth", noting providers should have an opportunity to investigate the underserved areas.

Representative Meeks requested that the committee be provided with answers to the following questions:
- How much bandwidth are the 238 school districts currently receiving?
- What are the recommended amounts based on pupil population?
- How much bandwidth can the providers provide to each school district?

Senator Key expressed concern about the amount of time being spent discussing connectivity issues. The recommended bandwidth is 100 kbps per student and staff for the 2014-2015 school year. Three years later it increases to 1Mb per student and staff. Senator Key asked is it realistic to think that Arkansas will get close to that.

Dr. Franklin responded that it is not just about connectivity. It is also about cost and what system is needed now and how it will look for the future. If we wait until we have all of the answers we will never move. Right now, we have to move toward the goals that have been set when building the system and then figure out if we can get there or not. Mr. Sanders pointed out that adopting standards of what needs to be provided would help companies that build networks to meet K-12 needs.

Senator Chesterfield stated, there should be specifications in place for the schools. If we are going to move forward everyone has to come together.

Senator Key expressed that the issue of broadband is an adequacy issue that the Education Committee will continue to discuss in the adequacy study. Discussions will continue in June regarding technology and broadband.

Mr. Mike Hernandez, Assistant Commissioner, Fiscal and Administrative Services Division, Arkansas Department of Education (ADE) said ADE has visited every school district and completed assessments to determine whether or not they have adequate broadband availability. Each superintendent will receive a letter from ADE that shows an outline of what their schools currently have in place and how much bandwidth, how many routers, how many computer devices, etc. they will need in order to perform the required testing.

There being no further business, the meeting adjourned at 4:25 p.m.