

KAN-ED; Senate Sub. for HB 2390

Senate Sub. for HB 2390 amends the KAN-ED Act to phase out the KAN-ED network. The bill provides funding for the KAN-ED program from the Kansas Universal Service Fund (KUSF) for fiscal year 2013, subject to the provisions of appropriations acts. The purpose of the program is to facilitate use by schools, libraries, and hospitals of broadband technology-based video communication for distance learning and telemedicine.

The bill directs the Kansas Board of Regents (Board) to administer the KAN-ED program and authorizes the Board to contract for goods and services necessary to administer the program. The program cannot provide for the following:

- Impairment of any existing contract for telecommunications or internet service to any school, library, or hospital;
- State ownership or construction of any network facilities other than those owned or under construction on the effective date of the act;
- Switched voice access, except to the extent it is being provided by state facilities on the effective date of the act;
- Transmission of voice over internet protocol (VoIP), except to the extent necessary to facilitate interactive two-way video;
- Content; or
- Use of the program for purposes inconsistent with the purposes of the act.

The Board will transition schools, libraries, and hospitals with a KAN-ED connection as of January 1, 2012, to a commercial broadband internet connection by June 30, 2013. Participants will receive up to \$350 per month for the cost of broadband service from the time they transition off the KAN-ED network until June 30, 2013. The Board will assist schools, libraries, and hospitals in applying for federal grants, including e-rate, consistent with the purposes of the act.

The Secretary of Commerce (Secretary) will contract for a needs assessment for schools, libraries, and hospitals connected to the network as of January 1, 2012. For each such entity, the assessment will include current and future broadband service and quality needs, as well as a determination of all KAN-ED expenses for shared services or infrastructure that are providing services and network connections. The contractor is required to have expertise in telecommunication services for educational institutions.

Based on the results of the needs assessment, the Secretary, in coordination with the contractor, shall create a report that includes the analysis described below. The cost of the needs assessment and report will be paid by the Board, cannot exceed \$250,000, and must be submitted to the Board by January 1, 2013. The report will:

- Compare the utilization, efficiency, and effectiveness of KAN-ED to other similar programs in other states for schools, libraries, and hospitals;

- Determine if the KAN-ED program, as of the effective date of this act, is worth its cost in terms of price, service, quality, needed network upgrades, and increased utilization of broadband by schools, libraries, and hospitals;
- Determine whether there are alternative models or opportunities for broadband procurement by schools, libraries, and hospitals;
- Determine if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries, hospitals and their surrounding communities; and
- Recommend any cost-effective broadband services that are available.

The Board is required to develop a plan, based on the needs assessment or collected data, to facilitate distance learning and telemedicine by schools, libraries, and hospitals and to transition entities with a direct KAN-ED connection as of January 1, 2012, to a commercial broadband internet connection no later than June 30, 2013.

The Board must submit a report to several legislative committees by January 15, 2013, that addresses, among other things, distance learning and telemedicine usage, options for a shared fee structure, options for funding the program for fiscal year 2014, and the transition plan described above.

The bill creates two new definitions. "Program" is defined as the KAN-ED program, created to facilitate schools', libraries', and hospitals' use of broadband technology-based video communication for distance learning and telemedicine. "Broadband technology-based video communications" is defined as a class of communications technologies which may include switched ethernet services, digital subscriber line (DSL), cable modem, private line service, multiprotocol label switching based networks, managed or dedicated internet technologies, and other future technologies capable of supporting such applications.