



TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Brent Gaswick, Network Education and Technology

SUBJECT: Hearing to Repeal Rule 88

Proposed Board Action:

Approve the Commissioner to hold a hearing on the Repeal of Rule 88

Background Information:

Section 79-4, 248 R.R.S. which required Rule 88 has been rescinded by the Legislature thus making Rule 88 null. We are seeking to repeal Rule 88 to avoid confusion by schools who might think it is still an active Rule.

Estimated Cost:

\$500 to \$1,000

Supporting Documentation Included:

For Additional Information on this item:

<http://www.education.ne.gov/Legal/webrulespdf/rule88.pdf>

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TITLE 92-NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 88-REGULATIONS AND PROCEDURES FOR THE SCHOOL
TECHNOLOGY FUND PROGRAM

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TITLE 92 NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 88 REGULATIONS AND PROCEDURES FOR THE SCHOOL
TECHNOLOGY FUND PROGRAM

1 — General Provisions

1.1 — Statutory Authority. This chapter is adopted pursuant to Section 79-4,248 of the Revised Statutes of Nebraska (R.R.S.), which provides that the State Board of Education shall adopt and promulgate rules and regulations for the School Technology Fund.

1.2 — Intent. Section 79-4,248 R.R.S. provides that it is the intent of the Legislature that by June 30, 2000, all kindergarten through grade twelve public school districts or affiliated school systems shall have a direct connection to a statewide public computer information network.

1.3 — Scope of this Chapter. This chapter specifies the priorities, application procedures, award procedures, and disbursement procedures of the School Technology Fund.

2 — Definitions. As used in this chapter:

2.1 — Affiliated school system means an ongoing association of Class I districts or a portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts.

2.2 — Board means the State Board of Education.

2.3 — Class VI school system means a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district. Class VI school systems shall, for the purpose of this rule, be eligible to participate in Phase II and Phase III distributions of the School Technology Fund.

2.4 — Classroom shall mean any room in a school used on a regular basis for instruction, except that it does not include areas such as gymnasiums, auditoriums, etc. A media center, for purposes of this chapter, can be included under this definition as a classroom as it is used as an integral part of regular instruction.

2.5 — Department means the State Department of Education, that is comprised of the Board and the Commissioner.

2.6 — Direct connect shall mean a high speed computer network connection such as the leasing of a dedicated digital data service circuit, wireless data transmission, or other wide area network connect technology. This definition is primarily intended to differentiate direct connect technology from modem dialup over a standard voice telephone line.

2.7 — District means the territory under the jurisdiction of a single school board authorized by Chapter 79 of the Revised Statutes of Nebraska.

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~~2.8 — ESU means Educational Service Unit~~

~~2.9 — Fund shall mean the School Technology Fund created pursuant to Section 79 4,248 R.R.S.~~

~~002.10 Phase shall be used to describe the level of connectivity and computer networking capabilities within a school. Phase I shall refer to a direct connect and the associated router equipment required to establish that direct telecommunications connect. Phase II shall refer to the computer network wiring of a school and/or the additional router equipment, or other technologies, needed for networking capabilities within a district or affiliated school system or Class VI system. Phase III shall describe a school's networking capabilities beyond Phase II including, but not limited to, such items as network cards, computer memory, server upgrades, remote hubs, etc.~~

~~2.11 — SCS means Structured Cabling System and shall refer to a computer data network wiring system, in a star topology, according to the EINTIA Building Telecommunications Wiring Standards, specified in Appendix A, for distributing a computer network wiring system throughout a building(s) in a structured systematic way.~~

~~2.12 — Statewide Public Computer Information Network shall mean a state level network system that provides for interconnectivity among schools, ESUs, government agencies, and other entities, etc. within the state and which subsequently enables connectivity to the network of networks known as the Internet.~~

~~3 — Authority The Board shall authorize the disbursement of the fund on the recommendation of the commissioner.~~

~~4 — Priorities~~

~~004.01 Funding Priority for disbursement of funds shall be as follows:-~~

~~004.01A The first priority for the disbursement of the Fund is the direct connection of each kindergarten through grade twelve public school district or affiliated school system to a statewide public computer information network.~~

~~4.1 — B Subsequent priorities for the disbursement may include, but are not limited to, development of networking capabilities within a district or affiliated school system or Class VI system, the purchase or installation of equipment, or other telecomputing needs as determined by the Board.~~

~~4.2 — Awarding Funds Funds shall be awarded on the basis of:~~

~~004.02A Need for equipment which shall be based on the equipment or building computer network wiring infrastructure in place in the district.~~

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~~First priority shall be given to providing the first direct connect in a district to a statewide public computer information network.~~

~~004.02B Ability to pay which shall determine priority by the following school finance formula.~~

~~004.02B1 As a ratio of equalization aid to the total formula need of a district as calculated pursuant to the Tax Equity and Educational Opportunities Support Act, 79-3801 to 79-3824 R.R.S.~~

~~004.02B2 The ratio is an inverse relationship. The higher the ratio the lower the ability to pay and, therefore, the higher the priority of the district.~~

~~004.02B3 The calculation shall be based on the most recent State Aid calculation certified pursuant to section 79-3813 R.R.S.~~

~~004.02C The number of buildings in each district or affiliated school system designated by the Board as suitable for direct connection to a statewide public computer information network. A district or affiliated school system with a greater number of buildings shall have a higher priority. For a building to be designated as suitable for a direct connect the following shall apply:~~

~~004.02C1 Regular classroom instructional activity must take place in the building.~~

~~004.02C2 The district or affiliated school system must be willing to provide a separate AJC circuit at the Phase I router equipment location and/or the Phase II telecommunications closet location(s) for the hubs installed in that location(s). A Class VI system must be willing to provide a separate AJC circuit at the Phase II telecommunications closet location(s) for the hubs installed in that location(s).~~

5 — Funding Criteria

~~5.1 — In the case of a Phase I installation, the district or affiliated school system must be willing to pay for the lease on a direct connect line or the ongoing costs of other transmission technologies. This shall also include the necessary ongoing technical support costs of the equipment provided by the grant.~~

~~5.2 — In the case of a Phase II installation, the district or affiliated school system or Class VI system must be willing to pay for the ongoing technology costs such as: an adequate number of dial-in phone lines, direct connects or other between building connectivity technologies. This shall also include necessary ongoing technical support costs of the equipment provided by the grant.~~

~~5.3 — In the case of a Phase II or Phase III installation, the district or affiliated~~

~~school system or Class VI system must be willing to budget an amount specified in Appendix B per classroom teacher and provide inservice training on the integration of telecomputing resources into the curriculum for each teacher. A portion of this expenditure may be applied for from the Phase II or Phase III grant application, and is specified in Appendix B.~~

~~6 — Application Procedures~~

~~To ensure compatibility of a district's, affiliated system's, or Class VI system's, telecomputing and telecommunications equipment with the statewide public-computer information network, the following application process shall apply:~~

~~6.1 — Application process If the district or affiliated school system or Class VI system is connecting to a statewide computer information network via the ESU, then the following application process shall apply:~~

~~006.01A Fill out initial application and submit to the ESU. The form shall be provided by the Department.~~

~~006.01B Meet with the ESU to go over the plan which provides for connecting the telecomputing equipment of the district or affiliated school system or Class VI system with a statewide computer information network via the telecomputing equipment of the ESU. The steps of this plan shall include:~~

~~006.01B1 Develop, update, or review district's technology plan, with assistance, if necessary, from the ESU. If the district has a school improvement plan, the technology plan should be compatible with and aligned with the school improvement plan. If there is no technology plan, an optional technology plan template or model form is available from the Department. The district technology plan shall include:~~

~~6.1 — 1B1(a) A background survey of current instructional technology in each school. The technology background survey form will be provided by the Department as a part of the technology plan template form.~~

~~6.2 — 1B1(b) A description of the connectivity and networking needs (Phase level needs) in each school. The connectivity and networking needs form will be provided by the Department.~~

~~6.1 — 1B1(c) At a minimum, a brief statement addressing the integration of telecomputing into the curriculum.~~

~~6.2 — B2 Determine, if necessary, with the ESU, the amount necessary to be spent by the grantee for initial and on going expenses, as a result of an award from this Fund.~~

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~~6.1—B3 Establish, if necessary, with the ESU, the amount that will be applied for from the Fund and fill out School Technology Fund grant application form. The grant application form will be provided by the Department.~~

~~6.2—Alternative Application process If the district or affiliated school system or Class VI system is connecting to a statewide computer information network via a means other than the ESU, then the following application process shall apply:~~

~~006.02A Fill out initial application and submit to NDE. The form shall be supplied by the Department.~~

~~006.02B Meet with NDE to go over the plan which provides for connecting the telecomputing equipment of the district or affiliated school system or Class VI system with the telecomputing equipment of a statewide computer information network. The steps of this plan shall include:~~

~~006.02B 1 Develop, update, or review district's technology plan, with assistance, if necessary, from NDE. If the district has a school improvement plan, the technology plan should be compatible with and aligned with the school improvement plan. If there is no technology plan, an optional technology plan template or model form is available from the Department. The district technology plan shall include:~~

~~006.02B 1(a) A background survey of current instructional technology in each school. The technology background survey form will be provided by the Department as a part of the technology plan template form.~~

~~006.02B 1(b) The connectivity and networking needs (Phase-level needs) in each school. The connectivity and networking needs form will be provided by the Department.~~

~~006.02B 1(c) At a minimum, a brief statement addressing the integration of telecomputing into the curriculum.~~

~~6.2—B2 Determine, if necessary, with NDE, the amount necessary to be spent by the grantee for initial and on going expenses, as a result of an award from this Fund.~~

~~006.01B3 Establish, if necessary, with NDE, the amount that will be applied for from the Fund and fill out the School Technology Fund grant application form. The grant application form will be provided by the Department.~~

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~~6.3~~ Submit to NDE the completed application including all forms specified by the Department. The application forms are:

~~006.03A~~ Initial Application form requesting materials and information about the Fund and about connecting the district to a statewide computer information network.

~~006.03B~~ Optional Technology Plan Template or Model.

~~006.03C~~ Technology Background Survey form.

~~006.03D~~ Connectivity and Networking Needs Assessment form.

~~006.03E~~ School Technology Fund Grant Application form.

~~006.03EI~~ Each applicant district must sign an affidavit, provided in the application form, which states that their board has taken official action to participate.

~~6.3~~ ~~E2~~ Applications involving multiple districts, such as an affiliated school system or Class VI system, must have each of the participating boards' official approval. The parent district of an affiliated school system or Class VI system is required to contact the affiliates to see if they are interested in participating with them. There is a place on the application form for each participating board to sign. If the affiliates agree to participate with them, the parent district will be the recipient of the Phase II or Phase III grant and will be responsible for carrying out the grant project.

~~6.4~~ ~~Application cycle~~ Applications may be received at any time.

~~007~~ ~~The Award~~

~~007.0I~~ ~~Use of funds.~~ Awarding of funds shall be described by three phases.

~~007.0IA~~ ~~Phase I Funding.~~ The amount of the Phase I funding shall be based on the one time charges for a district or affiliated school system's first connection to the statewide public computer network.

~~007.0IB~~ ~~Phase II Funding.~~ The amount of Phase II funding shall be based on the amount needed for the computer network wiring of each classroom and the network connectivity needs within the district.

~~007.0IC~~ ~~Phase III Funding.~~ The amount of Phase III funding shall be based on the number of classrooms in a school building times an amount to be specified in Appendix B and shall be for such items as network cards, computer memory, server upgrades, remote hubs, etc.

~~007.02 Implementation of Funds~~

~~007.02A Phase I implementation~~ If the district or affiliated school system or Class VI system is connecting to a statewide computer information network via a means other than the ESU, the telecomputing equipment necessary must be compatible with the telecomputing equipment of the Department.

~~007.02B Phase II implementation~~ To ensure performance, reliability, and future application compatibility, new phase II implementations require the installation to be done to recognized SCS standards. The basic design parameters that will be funded in a Phase II implementation are:

~~007.02B1~~ The number of information outlets (jacks) that will be funded is specified in Appendix B.

~~007.02B2~~ In the primary telecommunications closet, enough modular or stackable hubs to provide active ports for a portion of the information outlets provided by the Phase II funding. The portion of active ports to information outlets that shall be funded are specified in Appendix B.

~~007.02B3~~ A reasonable amount for outside plant cabling or other building interconnect equipment.

~~007.02B4~~ The SCS engineering design plans must be complete for each building, though it will not be funded beyond the basic installation parameters specified in this section. A sample RFP will be provided by the Department.

~~007.02C Phase III implementation~~ Phase III is meant to go beyond a school building computer network wiring installation and is to enhance the use of an existing network wiring installation. It includes, but is not limited to, such items as network cards, computer memory, server upgrades, remote hubs, etc. A Phase III grant shall not be awarded:

~~007.02C1~~ Unless the Department has assurance that an existing computer network wiring installation in a school building is adequate and compatible with a statewide public computer network.

~~7.2~~ If a Phase II grant has been awarded for a building under this Chapter. This stipulation shall remain in effect until all Phase II applications have been processed from all schools that would apply for Phase II funding.

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~~7.3 — The Grant Award Notification (GAN). The GAN is a written contract documenting the grant recipient, amount of the award and other identifying information, as well as standard and special terms and conditions of the award.~~

~~7.4 — Award Cycle GANs shall be sent out monthly. When funds are not immediately available, the GAN shall include the Department's best estimate as to when the money for an award might actually be disbursed based on available information that provides a projection of the cash flow into the Fund from repayments of the former School Weatherization Loan Fund.~~

~~7.5 — Termination of the grant process. The grant process may be terminated at any time. The termination of the process, either initiated by grant recipient and/or the Department, by recommendation of the Commissioner, prior to the completion of the process, will require written notice by either party. Unencumbered and unspent funds shall be returned effective on the date of the receipt of the termination notice. Reasons for termination may include:~~

~~007.05A unwillingness/inability to continue the project,
007.05B fraud or fiscal mismanagement, and
7.5 — C lack of adequate funding.~~

~~7.6 — Termination procedures. Notice of the reason(s) for the termination will be provided to/by the grant recipient. Grant recipients will be provided an opportunity for hearing using the procedures for hearing that the Board has adopted pursuant to 92 NAC 61.~~

~~8 — Disbursement Procedures of the Fund~~

~~8.1 — How funds are disbursed. School Technology Fund grants are one time payments for each phase of an application and are disbursed by the Department based on documents showing actual expenditures. All funds must be expended in accordance with the conditions of the grant. An extension for completion may be granted upon application.~~

~~8.2 — When funds will be disbursed. Funds will be disbursed each month based on the cash available in the Fund and disbursement priorities.~~

~~008.02A Phase I awards shall always have first priority when it comes to the disbursement of funds during each monthly cycle.~~

~~008.02A1 Funds shall be disbursed according to the priority specified in Section 004.02.~~

~~008.02A2 Grant awards can be carried over to the next month, due to exhausting the money in the Fund in any given month, shall be prioritized for disbursement in the following month along with any new awards during that month.~~

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~~008.02A3 Phase I grant applications only need to be submitted once. They will be automatically carried forward until they are disbursed.~~

~~008.02B Phase II and III awards. The cash remaining in the Fund each month, after all Phase I disbursements are made, shall go to Phase II and III disbursements. The proportion of Phase II and III disbursements each month shall be as specified in Appendix B.~~

~~008.02B1 Funds shall be disbursed according to the priority specified in Section 004.02 and Appendix B.~~

~~008.02B2 Grant awards carried over to the next month, due to exhausting the money in the Fund in any given month, shall be prioritized for disbursement in the following month along with any new awards during that month.~~

~~8.2 — B3 Phase II and III grant applications only need to be submitted once. They will be automatically carried forward until they are disbursed.~~

~~8.3 — Prior to an award disbursement: Amending a grant application. A grant application may be resubmitted, one time, prior to an award disbursement to request an amendment to the amount of the award, if the amount needed for the installation is different from the amount awarded due to unforeseen circumstances. Eligibility for the funds will not change.~~

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Appendix A

~~Reference from section 002.12 The EIA/TIA (Electronic Industries Association/Telecommunications Industry Association) Building Telecommunications Wiring Standards, published by Global Engineering Documents, is on file in the Department of Education, Education Technology Center.~~

~~The EINTIA Building Telecommunications Wiring Standards collection consists of the following:~~

TIA/EIA 568A	Commercial Building Telecommunications Cabling Standard (October 1995)
EIA/TIA 569	Commercial Building Standards for Telecommunications Pathways and Spaces (October 1990)
EIA/TIA 570	Residential and Light Commercial Telecommunications Wiring Standard (June 1991)
TIA/EIA 606	The Administration Standard for the Telecommunications Infrastructure of Commercial Building (February 1993)
TIA/EIA 607	Commercial Building Grounding and Bonding Requirements for Telecommunications (August 1994)
TIA/EIA TSB 67	Transmission Performance Specifications for Field Testing of Unshielded Twisted Pair Cabling Systems (October 1995)
TIA/EIA TSB 72	Centralized Optical fiber Cabling Guidelines (October 1995)

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Appendix B

~~Following are the specifications referenced in this chapter:~~

~~Reference from section 005.03 In the case of a Phase II or Phase III installation, each district or affiliated school system or Class VI system must be willing to budget at least \$100 per classroom teacher and provide inservice training on the integration of telecomputing resources into the curriculum for each teacher, at least once after the installation. An amount of at least \$50 per classroom teacher may be applied for from the Phase II or Phase III grant application;~~

~~Reference from section 007.0\C The amount of Phase III funding shall be the number of classrooms in a school building times at least \$500.~~

~~Reference from section 007.02B1 The number of information outlets (jacks) that will be funded per classroom shall be at least four (4).~~

~~Reference from section 007.02B2 In the primary telecommunications closet, the portion of active ports to information outlets that shall be funded is at least 25%.~~

~~Reference from section 008.02B The cash remaining in the Fund each month, after all Phase I disbursements are made, shall go to Phase II and III disbursements. After allowing a reserve for future Phase I disbursements, the proportion of Phase II and III disbursements each month shall be 67% and 33% or nearly so, respectively, except that if all Phase II disbursements are made and less than 67% of the funds have been used, the balance shall go to Phase III disbursements.~~