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# PERMANENT ADMINISTRATIVE ORDER

## ODE 33-2018
CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

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RULES:
581-028-0005, 581-028-0010, 581-028-0015

ADOPT: 581-028-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 08/28/2018

RULE SUMMARY: Through HB 4023 (2018) the legislature has appropriate money to the department of education for the purpose of providing matching funds for federal moneys received by school districts for the purpose of providing broadband access to eligible schools in this state. The proposed rules establish the process and requirements for how the department will administer those funds.

RULE TEXT:
The following definitions and abbreviations apply to these rules:
(1) “Cable Connection” means an internet connection that uses fiber optic technology, copper cable technology, or twisted wire technology.
(2) “Charter School” means a public charter school as defined and organized under ORS chapter 338.
(3) “Connecting Oregon Schools Fund” means the fund established by HB 4023 (2018).
(4) “Department” means the Oregon Department of Education.
(5) “District” or “Districts” means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.
(6) “District Average Daily Membership” or “District ADMr” means the average daily membership of the school district as calculated under OAR 581-023-0006.
(7) “DSL” means an internet connection that uses Digital Subscriber Line technology.
(8) “Free and Reduced Lunch Percentage” means the number of students that receive benefits through the free and reduced lunch program divided by number of students in the district as provided by the Oregon Department of Education’s Child Nutrition Services.
(9) “Grant Cycle” means the complete cycle of application, award, disbursement, and closing of a specific grant under these rules
(10) “Mbps” means Megabits per second.

(11) “Number of Schools” means the number of schools in a given district as reported by the data collections within the Oregon Department of Education.
(12) “Priority Calculation” means the calculations undertaken by the Department according to these rules to rank each application in priority order to receive matching funds from the Connecting Oregon Schools Fund.
(13) “Remote Small Elementary School” means any school that qualifies for the remote Small Elementary School Correction as defined in ORS 327.077(1)-(2).
(14) “Satellite Connection” means a data connection to the internet that uses satellite technology or other extraterrestrial technology to connect to the internet.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3

ADOPT: 581-028-0010

RULE TITLE: Connecting Oregon Schools Fund Applications

NOTICE FILED DATE: 08/28/2018

RULE SUMMARY: Through HB 4023 (2018) the legislature has appropriate money to the department of education for the purpose of providing matching funds for federal moneys received by school districts for the purpose of providing broadband access to eligible schools in this state. The proposed rules establish the process and requirements for how the department will administer those funds.

RULE TEXT:

(1) The Department shall post on its website the amount of funds in the Connecting Oregon School Fund available for each year of the biennium.

(2) The Department shall update the information each biennium after the amount of funds available in the Connecting Oregon Schools Fund is determined.

(3) Each year, the Department shall establish the period when they will accept applications for the Connecting Oregon Schools Fund matching grants for that year.

(4) The applications periods shall align with any federal application period for districts to receive federal moneys for the purpose of providing broadband access to eligible schools in this state.

(5) Districts and Charter Schools shall electronically submit applications to the Department within the required timelines and on forms developed by the Department.

(6) The Department may give Districts and Charter Schools that submit applications that do not meet requirements time to cure defects.

(7) The Department's decision to accept or reject an application for failure to meet all requirements shall be final.

(8) The Department shall notify Districts and Charter Schools of the results of their application in time for the Districts or Charter Schools to include the results with any federal applications they need to submit.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3

ADOPT: 581-028-0015

RULE TITLE: Connecting Oregon Schools Fund Priority List Calculations

NOTICE FILED DATE: 08/28/2018

RULE SUMMARY: Through HB 4023 (2018) the legislature has appropriate money to the department of education for the purpose of providing matching funds for federal moneys received by school districts for the purpose of providing broadband access to eligible schools in this state. The proposed rules establish the process and requirements for how the department will administer those funds.

RULE TEXT:

(1) The Department shall rank all applications received according to the Priority Calculations.

(2) The Priority Calculations shall be based on a District's Free and Reduced Lunch Percentage, the Number of Schools in the District, the District's Remote Small Elementary Schools, the District's current type of internet connection, and the district's download speed.

(3) The Priority Calculation shall be as follows:

(a) The District's Free and Reduced Lunch Percentage shall be multiplied by 100 to create the Base Rate. If a district does not have a Free and Reduced Lunch Percentage then the District shall be assigned a percentage as follows:

(A) If the District has a Remote Small Elementary School, then 90; or

(B) If the District does not have a Remote Small Elementary School, then 50.

(b) The Number of Schools in the District shall be subtracted from the Base Rate to create the School Rate.

(c) If a District has a Remote Small Elementary School, then the School Rate will be increased by 10 for the Revised School Rate.

(d) The Revised School Rate will be adjusted by internet connection type and internet download speed to obtain the Final Priority Rank as follows:

(A) Internet connection type:

(i) Increased by 5 for an internet connection type that uses DSL or Satellite Connection;

(ii) No change for an internet connection type that uses other internet connections that are not otherwise defined; or

(iii) Decreased by 5 for an internet connection that uses Cable Connection.

(B) Internet download speed:

(i) Increased by 5for an internet download speed less than or equal to 25 Mbps;

(ii) No change for an internet download speed greater than 25 Mbps and less than or equal to 100 Mbps; or

(iii) Decreased by 5 for an internet download speed greater than 100 Mbps.

(4) If Districts tie in a given application period, then the Districts will be ranked according to their District ADMr with the smallest district receiving the highest priority.

(5) Districts will be fully funded according to their Priority Calculation ranking. If there are not enough funds to provide a full match to a given district, the district shall have the option of rejecting the partial funding and applying the next year for a full match.

(6) Any Charter School that submits an application will have the same rank as calculated for the District in which the Charter School is located.

(7) For school specific information, the Charter School will use its school information.

(8) A Charter School that submits an application will need to ensure that all District information is provided in the application or the application will be considered incomplete.

(9) Districts and Charter Schools that do not receive any funds from the Connecting Oregon Schools Fund, may reapply at the next application period.

(10) Districts and Charter Schools that receive a complete match from the Connecting Oregon Schools Fund, may not reapply to this program for five years.

(11) The Priority Calculations will apply to Grant Cycles that begin after September 2018.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2018 (HB 4023), Chapter 51, Section 3