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OREGON DEPARTMENT OF EDUCATION

FILING CAPTION: Connecting Oregon Schools Fund Applications

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

AMEND: 581-028-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 09/30/2019

RULE SUMMARY: The Oregon Connecting Schools Fund was designed to leverage the federal government's E-Rate Program to provide funding to districts to help them build networks to access high-speed internet. In 2019, the legislature passed HB 2173 to allow more education entities to access the state matching funds. ODE needs to revise the rules that administer the Oregon Connecting Schools Fund program so that not only school districts, but also ESDs, charter schools, or a consortium of any of these three entities can qualify for the matching federal funds to build broadband internet infrastructure. This revision also includes updating the priority list calculations for the other entities.

RULE TEXT:
The following definitions and abbreviations apply to these rules:
(1) "Average Daily Membership" or "ADMr" means the average daily membership as calculated under OAR 581-023-0006.
(2) "Cable Connection" means an internet connection that uses fiber optic technology, copper cable technology, or twisted wire technology.
(3) "Charter School" means a public charter school as defined and organized under ORS chapter 338.
(4) "Connecting Oregon Schools Fund" means the fund established by Oregon Laws Chapter 51 Section 3 (2018).
(5) "Consortium" or "Consortia" means a group of Districts, Charter Schools, or ESDs, that are applying as one entity to the Connecting Oregon Schools Fund.
(6) "Department" means the Oregon Department of Education.
(7) "District" or "Districts" means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.
(8) "DSL" means an internet connection that uses Digital Subscriber Line technology.
(9) "Education Service District" or "ESD" means an Education Service District as defined and organized under ORS

chapter 334.
(10) “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.
(11) “Mbps” means Megabits per second.
(12) “Number of Schools” means the number of schools in a given District as reported by the data collections within the Oregon Department of Education.
(13) “Organization” or “Organizations” means a District, ESD, Charter School, or Consortia that is eligible to apply for a grant from the Connecting Oregon Schools Fund.
(14) “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.
(15) “Remote Small Elementary School” means any school that qualifies for the Remote Small Elementary School Correction as defined in ORS 327.077(1)-(2).
(16) “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

AMEND: 581-028-0010

RULE TITLE: Connecting Oregon Schools Fund Applications

NOTICE FILED DATE: 09/30/2019

RULE SUMMARY: The Oregon Connecting Schools Fund was designed to leverage the federal government's E-Rate Program to provide funding to districts to help them build networks to access high-speed internet. In 2019, the legislature passed HB 2173 to allow more education entities to access the state matching funds. ODE needs to revise the rules that administer the Oregon Connecting Schools Fund program so that not only school districts, but also ESDs, charter schools, or a consortium of any of these three entities can qualify for the matching federal funds to build broadband internet infrastructure. This revision also includes updating the priority list calculations for the other entities.

RULE TEXT:

(1) The Department shall post on its website the amount of funds in the Connecting Oregon Schools 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) If the legislature does not provide funds for the Connecting Oregon Schools Fund in any biennium, then the application process will be put on hold until funds become available.

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

(5) The application periods shall align with any federal application period for Organizations to receive federal monies for the purpose of providing broadband access to eligible schools in this state.

(6) Organizations shall electronically submit applications to the Department within the required timelines and on forms developed by the Department.

(7) The Department may give Organizations that submit applications that do not meet requirements time to cure defects.

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

(9) If there are funds available, the Department shall notify Organizations of the results of their application in time for the Organizations to include the results with any federal applications they need to submit. The Department shall provide any documentation required by the federal application.

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

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

AMEND: 581-028-0015

RULE TITLE: Connecting Oregon Schools Fund Priority List Calculations

NOTICE FILED DATE: 09/30/2019

RULE SUMMARY: The Oregon Connecting Schools Fund was designed to leverage the federal government's E-Rate Program to provide funding to districts to help them build networks to access high-speed internet. In 2019, the legislature passed HB 2173 to allow more education entities to access the state matching funds. ODE needs to revise the rules that administer the Oregon Connecting Schools Fund program so that not only school districts, but also ESDs, charter schools, or a consortium of any of these three entities can qualify for the matching federal funds to build broadband internet infrastructure. This revision also includes updating the priority list calculations for the other entities.

RULE TEXT:

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

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

(3) The Priority Calculations shall be as follows:

(a) District Calculation:

(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:

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

(ii) 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) The School Rate shall be adjusted by the presence of a Remote Small Elementary School to obtain the Revised School Rate as follows:

(i) Increased by 10 if a District has a Remote Small Elementary School; or

(ii) No change if a District does not have a Remote Small Elementary School.

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

(i) Internet connection type at the location of the proposed construction project:

(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 type that uses Cable Connection.

(ii) Internet download speed at the location of the proposed construction project:

(I) Increased by 5 for 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.

(b) Charter School Calculation:

(A) The Free and Reduced Lunch Percentage of the District where the Charter School is located or headquartered shall be multiplied by 100 to create the Base Rate. If a District does not have a Free and Reduced Lunch Percentage then the Charter School shall be assigned a percentage as follows:

(i) If the District where the Charter School is located or headquartered has a Remote Small Elementary School, then 90; or

(ii) If the District where the Charter School is located or headquartered does not have a Remote Small Elementary School, then 50.

(B) The Number of Schools in the District where the Charter School is located or headquartered shall be subtracted from the Base Rate to create the School Rate.

(C) The School Rate shall be adjusted by the presence of a Remote Small Elementary School to obtain the Revised School Rate as follows:
(i) Increased by 10 if a Charter School is a Remote Small Elementary School; or
(ii) No change if a Charter School is not a Remote Small Elementary School.
(D) The Revised School Rate will be adjusted by internet connection type and internet download speed to obtain the Final Priority Rank as follows:
(i) Internet connection type of the Charter School:
(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 type that uses Cable Connection.
(ii) Internet download speed of the Charter School:
(I) Increased by 5 for 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.
(c) ESD Calculation:
(A) The Free and Reduced Lunch Percentage of the ESD shall be multiplied by 100 to create the Base Rate. If an ESD does not have a Free and Reduced Lunch Percentage, then the ESD shall use the average Free and Reduced Lunch Percentage of all of the ESD's component Districts.
(B) The Number of Schools for the component Districts of an ESD shall be averaged and subtracted from the Base Rate to create the School Rate.
(C) The School Rate shall be adjusted by the presence of a Remote Small Elementary School to obtain the Revised School Rate as follows:
(i) Increased by 10 if more than half of the component Districts of an ESD have a Remote Small Elementary School; or
(ii) No change if less than half of the component Districts of an ESD have a Remote Small Elementary School.
(D) The Revised School Rate will be adjusted by internet connection type and internet download speed to obtain the Final Priority Rank as follows:
(i) Internet connection type:
(I) Increased by 5 if the majority of component Districts of an ESD have an internet connection type that uses DSL or Satellite Connection;
(II) No change if the majority of component Districts of an ESD have an internet connection type that uses other internet connections that are not otherwise defined; or
(III) Decreased by 5 if a majority of component Districts of an ESD have an internet connection type that uses Cable Connection.
(ii) Internet download speed:
(I) Increased by 5 if the component Districts of an ESD have an average internet download speed less than or equal to 25 Mbps;
(II) No change if the component Districts of an ESD have an average internet download speed greater than 25 Mbps and less than or equal to 100 Mbps; or
(III) Decreased by 5 if the component Districts of an ESD have an average internet download speed greater than 100 Mbps.
(d) Consortium Calculation:
(A) The Free and Reduced Lunch Percentages of the members of the Consortium shall be averaged and multiplied by 100 to create the Base Rate. If a member of the Consortium does not have a Free and Reduced Lunch Percentage, that member will have a Free and Reduced Lunch Percentage assigned as in OAR 581-028-0015(3)(a)(A) for Districts OAR 581-028-0015(3)(b)(A) for charter schools, or OAR 581-028-0015(3)(c)(A) for ESDs.
(B) The Number of Schools for the members of the Consortium shall be averaged and subtracted from the Base Rate to create the School Rate.

(C) The School Rate shall be adjusted by the presence of a Remote Small Elementary School to obtain the Revised School Rate as follows:
(i) Increased by 10 if more than half of the members of the Consortium have a Remote Small Elementary School; or
(ii) No change if less than half of the members of the Consortium have a Remote Small Elementary School.
(D) The Revised School Rate will be adjusted by internet connection type and internet download speed to obtain the Final Priority Rank as follows:
(i) Internet connection type:
(I) Increased by 5 if the majority of members of the Consortium have an internet connection type that uses DSL or Satellite Connection;
(II) No change if the majority of members of the Consortium have an internet connection type that uses other internet connections that are not otherwise defined; or
(III) Decreased by 5 if a majority of members of the Consortium have an internet connection type that uses Cable Connection.
(ii) Internet download speed:
(I) Increased by 5 if the members of the Consortium have an average internet download speed less than or equal to 25 Mbps;
(II) No change if the members of the Consortium have an average internet download speed greater than 25 Mbps and less than or equal to 100 Mbps; or
(III) Decreased by 5 if the members of the Consortium have an average internet download speed greater than 100 Mbps.
(4)(a) If Organizations have the same Final Priority Rank, then the Organization with the smallest ADMr shall receive a higher priority rank.
(b) ADMr shall be calculated as follows:
(A) Districts shall use their ADMr;
(B) Charter Schools shall use their ADMr;
(C) ESDs shall use the average ADMr of their component Districts;
(D) Consortia shall use the average ADMr of their members.
(5) Organizations will be fully funded according to their Priority Calculation ranking. If there are not enough funds to provide a full match to a given Organization, the Department shall provide a partial match to that Organization. The Organization shall have the option of rejecting the partial funding and applying the next year for a full match.
(6) Organizations that do not receive any funds from the Connecting Oregon Schools Fund, may reapply at the next application period.
(7) Organizations that receive funding from the Connecting Oregon Schools Fund, may reapply for a different project but will be considered after all new applicants have been funded.

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

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