



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #102

TEACH Data Line Access for Businesses (DOA -- General Agency Provisions)

[LFB 2009-11 Budget Summary: Page 36, #15]

CURRENT LAW

Educational agencies, such as school districts, private schools, technical college districts, private colleges, and public library systems, may participate in the Educational Telecommunications Access Program, under which the Department of Administration (DOA) provides, or contracts for the provision of, internet access to the educational agencies. An educational agency that is provided with a data line for Internet access under the program may not provide access to the data line to any business entity that is operated for profit.

GOVERNOR

Specify that an educational agency could provide access to a data line funded through the Educational Telecommunications Access Program (TEACH) to a business entity if the business is broadcasting an event sponsored by the educational agency, the business has the permission of the educational agency to record and broadcast the event, and the business entity reimburses DOA for its proportional share of the cost of the data line used to broadcast the event.

DISCUSSION POINTS

1. The Department indicates that the intention of this provision was to allow school events that are taped by private groups to be transmitted to that private business' website via BadgerNet.
2. The specific example is *Preps on the Net*, which tapes high school sporting events

and uses school data lines to transmit the footage over the BadgerNet data lines to its business account. Footage is aired for registered users of the *Preps on the Net* site. Often *Preps on the Net* pays individuals, including students, to tape sporting events and transmit the recording.

3. On March 17, 2009, the Wisconsin Independent Telecommunications System (WITS) companies sent a letter to the Department of Administration stating their concerns regarding this provision. The Wisconsin Independent Telecommunications System members are among the suppliers of telecommunications services for BadgerNet.

4. The Wisconsin Independent Telecommunications System members stated their belief that the manner in which *Preps on the Net* use the BadgerNet is currently statutorily authorized. "Any authorized user's use of BadgerNet to transmit data locations off the BadgerNet network, or the use by authorized users of BadgerNet to access data via the Internet hosted by sites off the BadgerNet network, is already permissible."

5. The Wisconsin Independent Telecommunications System also indicated that it is concerned that the term "broadcast" would potentially allow for greatly expanded use of BadgerNet, including the relay of previous broadcasts by television stations via the BadgerNet. They also are concerned that opening access to business entities would allow educational agencies to provide BadgerNet access at a rate that is lower than the rates traditionally offered to businesses.

6. The Wisconsin Independent Telecommunications System indicates that it is their preference that there be no change to the statute, but if there is a change, that the following language changes be made:

- Reference to "broadcasting" and "broadcast" be replaced with "transmitting" and "transmit";
- Any access to the BadgerNet network by business entities should be limited to connectivity through the Internet; and
- Transmission over the BadgerNet network with business entities must either originate or terminate at the site of an educational or governmental entity that is an authorized use of the BadgerNet network.

7. While the Department agrees that some school districts already allow *Preps on the Net* and other businesses to transmit via the BadgerNet, it states a desire to set basic parameters on data that can be transmitted to and from business via BadgerNet. Once these parameters are set, individual school boards would determine the appropriateness of BadgerNet use by businesses, which would allow approval and complaint processes to be set at a local level.

8. It could also be argued that the current law language that states that an educational agency that is provided access to data lines may not provide access to the data line to any business entity, could prohibit the type of activity that currently occurs. While some educational agencies are currently allowing this type of use, and WITS states their belief that it is allowable under current

law, it could be argued that the current statutes prohibit such use.

9. The Department has met with WITS representatives and indicates that the language changes recommended by WITS would be preferable to the language under the bill.

10. The Department indicates that this modified language would be preferable to current law. While *Preps on the Net* currently transmits data using BadgerNet, there is currently no procedural process for allowing these types of transmissions. The Department notes that the language under the bill would specify that: (a) the event must be sponsored by the educational agency; (b) permission must be given to record the event; and (c) DOA through the educational agency must be reimbursed the proportional costs of transmitting the data.

11. The Committee could chose to modify the bill as identified above. The modification would allow for the transmission of educational activities to Internet addresses off the BadgerNet, but would limit the type of data that could be moved to and from the network to educational activities, which is not currently explicitly stated.

ALTERNATIVES

1. Approve the Governor's recommendation to specify that an educational agency could provide access to a data line funded through the Educational Telecommunications Access Program to a business entity if the business is broadcasting an event sponsored by the educational agency, the business has the permission of the educational agency to record and broadcast the event, and the business entity reimburses DOA for its proportional share of the cost of the data line used to broadcast the event.

2. Modify the bill to specify that an educational agency could provide access to a data line funded through the Educational Telecommunications Access Program to a business entity if the business is transmitting an event sponsored by the educational agency, the business has the permission of the educational agency to record and transmit the event, and the business entity reimburses the Department for its proportional share of the cost of the data line used to broadcast the event. Specify that access to the BadgerNet network by a business entity would be limited to connectivity through the Internet. Specify that transmission over the BadgerNet network with business entities must wither originate or terminate at the site of an educational or governmental entity that is an authorized use of the BadgerNet network.

3. Delete the Governor's recommendation.

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