

Chapter 3

LEGISLATIVE SUPPORT FOR DISTANCE EDUCATION

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Two legislative items of primary interest with regard to distance education are House Bills No. 2128 and No. 85. House Bill No. 2128, aimed at but not limited to K-12 public schools, imposes requirements on telecommunications carriers and establishes funding to bring telecommunications facilities to all schools in Texas. House Bill No. 85 requires the Texas Higher Education Coordinating Board to study and make recommendations regarding a telecommunications master plan for the higher education institutions of Texas.

The Texas Legislature has recently passed House Bill No. 2128 which imposes rules and regulations on telecommunications carriers within the State. This bill, known as the Public Utility Regulatory Act of 1995, became effective on September 1, 1995. Among its purposes, it is intended to “promote diversity of providers and interconnectivity and to encourage a fully competitive telecommunications marketplace . . . at affordable rates.” The bill states the belief that “telecommunications services generated by a fully competitive market will raise the living standards of all Texans by enhancing economic development and improving the delivery of education, health, and other public and private services.”

The bill specifies types of services to be provided, sets guidelines for rates, and establishes a \$150 million Telecommunications Infrastructure Fund to be shared among educators, libraries, and hospitals for projects in distance education, information sharing, and telemedicine. With regard to education, eligible recipients are accredited public and private

House Bill No. 2128

schools (K-12 and higher education), the Texas Education Agency and Texas Higher Education Coordinating Board, regional education service centers, and public libraries.

Services and Rates

Telecommunications providers (e.g. telephone companies) are to provide a variety of broadband digital services at discounted pricing structures. Such services will include (but are not limited to) Broadband Educational Video Service and optional Ethernet data service, T1 private lines, DS3 private lines, local and wide area networks, and other customized broadband services. The bill expressly intends that these services be made available to school districts in remote rural areas.

Although rates are not yet fully established, it is expected that some services will be available to educational institutions at distance-insensitive rates, and other services will be available at cost plus five percent. Because these services and price structures will probably vary among providers, no further detail is attempted in this document. School districts are urged to consult with their local providers for further detail.

In addition to the above services, toll-free Internet access is to be made available to schools and libraries who have no means of reaching the Internet other than toll connections.

**Telecommunications
Infrastructure
Fund**

The Telecommunications Infrastructure Fund, went into effect on September 1, 1995. It provided grants and loans totaling \$150 million per year over a ten year period for distance learning, information sharing, and telemedicine projects. A board of nine members to be appointed by the governor and lieutenant governor, will review project proposals and determined the awards to be given. It is intended that representatives of urban and rural school districts were included on the board.

The Fund is really two funds of \$75 million each per year. A Telecommunications Utilities Account of \$75 million per year will

be funded by assessments on all telecommunications utilities doing business in Texas. This account will be used to award grants and loans “to fund equipment purchases, including computers, printers, computer labs, and video equipment for public schools, and for intracampus and intercampus wiring to enable those public schools to use the equipment.”

A Commercial Mobile Service Providers Account, also \$75 million per year, will be funded by annual assessments on all commercial mobile service providers doing business in Texas. This account will provide grants and loans for the above purposes plus program development, material, training, installation costs and other purposes.

HB No. 2128 provides a list of the types of projects that this Fund is intended to support and includes those that:

- (1) Provide equipment and infrastructure needed for distance learning, information sharing programs of libraries, and telemedicine services;
- (2) Develop and implement the initial or prototypical delivery of courses and other distance learning material;
- (3) Train teachers, faculty, librarians, or technicians in the use of distance learning or information sharing materials or equipment;
- (4) Develop curricula and instructional material especially suited for delivery by telecommunications;
- (5) Provide electronic information; or
- (6) Establish or carry out information sharing programs.

In determining the awards, the board is to give priority to the following types of projects which:

- (1) Represent collaborative efforts involving multiple schools, universities, or libraries;
- (2) Contribute matching funds from other sources;
- (3) Show promise of becoming self-sustaining;

- (4) Help users of information learn new ways to acquire and use information through telecommunications;
- (5) Extend specific educational information and knowledge services to groups not previously served, especially those in rural and remote areas;
- (6) Result in more efficient or effective learning than through telecommunications
- (7) Improve the effectiveness and efficiency of health care delivery; or
- (8) Take advantage of distance learning opportunities in rural and urban school districts with disproportionate numbers of at-risk youths or with high dropout rates.

The exact procedures for applying for these grants and loans has not yet been specified. Close contact with the regional education service center is suggested.

Senate Bill No. 66

Senate Concurrent Resolution No. 66 of the 73rd Texas Legislature requested the Texas Higher Education Coordinating Board to prepare a progress report on the use of instructional telecommunications in the state's higher education institutions. After surveying the state's 116 publicly supported higher education institutions, the board found that fifty-nine of these institutions, in all areas of the state, offered such courses. The trend is increasing, both in the number of offering institutions and in the number of courses being offered. In its January 27, 1995, response to the Senate's request, the Coordinating Board offered the following five policy initiatives and recommendations.

- (1) The Coordinating Board shall develop a state plan for encouraging, funding, and implementing increased use of educational technology in higher education.
- (2) The Legislature should provide a means to improve the state's telecommunications infrastructure.
- (3) The Coordinating Board shall encourage institutions to direct their future development of instructional

- telecommunications to meet clearly identified educational needs of the state and its regions.
- (4) The Coordinating Board shall establish minimal standards of technological capabilities for all institutions, and funding should be provided to enable the institutions to meet those standards.
 - (5) The Coordinating Board shall continue review of its rules and regulations to ensure that they adequately address and, where appropriate, encourage developing trends in educational technology and instructional telecommunications.

In support of these recommendations, the Coordinating Board cited noteworthy uses of instructional telecommunications by state institutions, discussed obstacles to expanded use, and then offered guidelines for further development.

The Coordinating Board included the following examples of the use of instructional television in its report.

- (1) The Dallas County Community College District (DCCCD) has become one of the nation's largest producers of videotape courses for use in distance education. More than 160,000 students in Dallas County have earned credit through telecourses offered by the DCCCD. Hundreds of thousands of students across Texas and throughout the country have taken courses produced by DCCCD and offered by their local institution.
- (2) The University of Houston uses telecommunications to reach adult students for whom work and family commitments make traditional on-campus instruction difficult.
- (3) The Texas A&M University System, through its Trans-Texas Videoconferencing Network (TTVN), is one of the largest interactive networks in the country for the delivery of for-credit courses and videoconferences.



- (4) The Alliance for Higher Education and its cooperating institutions in the Dallas-Ft. Worth metroplex deliver graduate courses in science and engineering through the TAGER network (The Association for Graduate Education and Research) to professional employees of many of the area's high-technology companies.
- (5) The Texas Tech University Health Science Center, in conjunction with the Center for Rural Health Initiatives, delivers continuing education programs through its HealthNet satellite system to health care professionals at more than 75 rural hospitals throughout Texas.
- (6) The University of Texas Medical Branch at Galveston offers a graduate nursing program to Stephen F. Austin State University in Nacogdoches and a physician assistant program to The University of Texas-Pan American.

In considering the expansion of instructional telecommunications and its benefits throughout the state, the Coordinating Board cited five categories of obstacles and then proposed five concepts for guiding further development. Obstacles cited are costs, inadequate telecommunications infrastructure, compatibility, operational considerations, and lack of a statewide plan.

The following guiding concepts were offered:

- (1) Continue to develop telecommunications resources for two reasons: a) the potential they offer for education and care, and b) the financial leverage they offer for procurement.
- (2) Texas' size, diversity, and demographic imperatives present special needs. A "one size fits all" solution is unlikely.
- (3) The development of resources in educational technology is a continuing evolution and not a product with a clear beginning and end. The concept

of education must not be confused with its mode of delivery which traditionally has been classroom, teacher, and book.

- (4) With the rapid advancement of technology, challenges to further development are often human, political, administrative, and financial rather than technological.
- (5) While some institutions in Texas are national leaders in instructional technology, others lag far behind. Lack of funds, compatibility issues, and conservatism are contributing factors.

House Bill No. 85 directs the Coordinating Board to define a master plan for distance learning in Texas. A Distance Learning Master Plan Advisory Committee has been established, and charged with bringing forth a plan which provides for seamless communication and access to resources by April, 1996.

Coordinating Board rules governing the approval of distance learning for public colleges and universities have been simplified to encourage the expansion of instructional telecommunication and distance learning. Minimum standards are being established to facilitate connectivity among institutions. The impact of these two significant pieces of legislation, while still in various phases of implementation, will be significant.

House Bill No. 2128 provides a means to improve the State's telecommunication infrastructure for both K-12 and higher education. The Regional Education Service Centers, along with the Texas Center for Educational Technology (TCET), will be important sources of information as these programs unfold.

