

# More Legislators Question Idaho Education Network

**Contract may not go out for re-bid after it expires**

By Sharon Fisher, 2-10-10

The Idaho Education Network came under scrutiny for the second day this week, this time by the Senate Education Committee, as questions continue to arise about building duplicate infrastructure that could cut out local providers, as well as about the role of the Idaho Digital Learning Academy (IDLA).

As with the IEN's hearing on Monday in front of the Joint Finance-Appropriations Committee (JFAC), several Senators said they had heard from Internet providers in their district that they were concerned about being cut out in favor of Qwest, which was one of the three companies awarded the IEN contract in January, 2009.

"I need to know whether the IEN is going to push them aside and say 'sorry,'" said Senator Gary Schroeder, R-Moscow. (Democratic representative Shirley Ringo, also from Moscow, raised a similar issue in JFAC on Monday.) "There will no doubt be some displacement from some folks currently providing service," said Teresa Luna, chief of staff of the Department of Administration, which is overseeing the IEN project. She said it was because the local vendors often couldn't provide the additional services IEN requires, such as a managed secure network and high-speed fiber connections. In response to another question later, though, she noted that whenever possible the IEN used local providers.

Schroeder then asked for a technical analysis, "so I know whether they're being pushed out for technical reasons or other reasons," he said. "Otherwise, I can't make a judicious decision." Luna said such an analysis was available for every high school and committee chairman Senator John Goedde, R-Coeur d'Alene, asked her to make it available to the entire committee.

Senator Dean Mortimer, R-Idaho Falls, was concerned whether schools that already had broadband access were being hooked up over schools that did not have it, and asked about how the schools were prioritized. Luna noted that while the project could have gone for the "low-hanging fruit" of big districts such as Meridian and Boise, and brought a lot of students online quickly, the first phase of 56 schools was primarily in rural districts.

However, now that Qwest has the contract, it may be difficult for any other vendor to compete, even after the five-year contract period is over, committee members learned. "How does a new company compete against the existing contract?" Goedde asked. "Anyone who got it the first time is going to have a competitive advantage" due to the five years of infrastructure equity it had put into the project. Greg Zickau, chief technical officer, responded that while the contract was for five years, it actually might not go out for competitive bid again even after that period. "It is not a given that we would have to recompetete the contract," he said. There are three renewal options, and he indicated that a renegotiation would have to be for cause, such as more advanced technology, dissatisfaction with cost, or some other performance factor.

Senator Kate Kelly, D-Boise, asked Zickau about the lawsuit from Syringa Networks, which had been awarded a share of the IEN contract but which filed suit in December, claiming not only that its superior bid was rejected but that it is being shut out even of the portion of the contract it was awarded—including other contracts it had separately with other parts of Idaho state government. Zickau, who was named as a party in the lawsuit, said he could not comment without legal counsel. In addition, Syringa's winning bid was not mentioned in the discussion—only that of Education Networks of America (ENA); the two companies had partnered to provide their bid.

The committee also talked about the Idaho Digital Learning Academy (IDLA). The IDLA offers remote classes to middle- and high school students and is slated to have its state general funding phased out over the next four years. The Academy is fighting the perception by some in government that the IEN will make it unnecessary.

But they are different, Luna told the committee. "The IEN is the infrastructure, and the IDLA is the commodity that travels on that infrastructure," she said, likening it to the difference between a cable television network and the programming the network carries.

In addition, the IDLA is asynchronous, meaning that students can take classes at any time of the day or night at their convenience, while online classes offered by the IEN will be synchronous, meaning they will be scheduled at a specific time—which can cause problems when school schedules are not aligned. "That is the biggest challenge we'll have to face," said Superintendent of Public Instruction Tom Luna (who is the brother of Teresa Luna). "It is going to force our schools and districts to develop more common schedules to take advantage of IEN." Idaho is particularly complicated because it has two time zones to contend with, he said.

“IDLA is statutorily our state virtual school,” Goedde said. “Yet it is being treated as a content provider. Why is IDLA outside the network and not being treated as a school?” Teresa Luna said it would be brought into the network at a later point.

IDLA had also come up in JFAC earlier this week. First, the Department of Administration was asked by JFAC co-chair Representative Maxine Bell, R-Jerome, to report back in writing to a question by Representative Wendy Jaquet, D-Ketchum, regarding a memo from Administrator of the Division of Financial Management Wayne Hammon criticizing IDLA, suggesting that similar projects in other states don’t receive state funding. Second, JFAC co-chair Senator Dean Cameron, R-Rupert, also asked the department to respond in writing to rumors he said he had heard that Director of Administration Mike Gwartney had been involved in the recommendation to reduce IDLA funding.