

# SMART SCHOOLS BOND ACT FAQ - NERIC VIDEOCONFERENCE 10/27/2015

## General

- 1) What is the time line for expending the money? Can the Smart School Money appropriation be on an annual basis, or does it need to be encumbered the first year?

*A: There is no deadline for the expenditures under the SSBA.*

*Since these are one-time funds, districts are encouraged to take a thoughtful approach to their use. For technology projects, we would expect that the proposed uses will be aligned with the district's most recent Instructional Technology Plan, filed with the Office of Educational Design and Technology. The SSBA program developed for submitting SSIPs is structured around multiple submissions and amendments to implement multi-year or multi-phase plans. Particularly for projects that include different categories, such as classroom devices and longer-term construction projects. Districts should budget for the use of the funds in the year when they have approved SSIPs and plan to expend the funds.*

- 2) What is the time line for approval?

*A: This will depend on the local planning, public participation and school board approval process, the types of projects and the time they are submitted to the Department. Some projects will take more SED internal review, particularly major construction projects. Once each Plan is approved by the external Smart Schools Review Board, districts will be notified that they may begin making expenditures and submitting for reimbursement. The Department is committed to turn those reimbursement claims around within 90 days, assuming no issues that need resolution.*

- 3) Can the SSIP be modified after approval?

*A: Plans that have been approved by the SSBA Review Board would need to be resubmitted as an amendment and would be subject to additional review by SED and the Review Board. The degree of change that the amendment represents would be a factor in the amount of review and the time it takes.*

- 4) Who is the primary contact at NYSED for questions?

*A: Send an email to [smartschools@nysed.gov](mailto:smartschools@nysed.gov) or call the Office of Educational Management at 518-474-6541.*

- 5) Are there any sample Investment Plans available to look at?

*A: There are no SSIPs that have completed the review and approval process. Therefore, they are not available for public release.*

- 6) Regarding the SSIP Overview section, question #4: what do you mean by “engaged with those required stakeholders?” What would you consider appropriate engagement for each of the four stakeholder groups (parents, teachers, students, community members, non-public schools) listed?

*A: The districts should reach out specifically to the non-public schools in their districts if they are budgeting funds for classroom educational technology to ensure their students’ specific needs are met. They must also set aside time to consult with the other stakeholders regarding their SSIP. This can take place during a regularly scheduled public board meeting. In addition, the district must put information regarding their SSIP on their website and keep it posted for at least 30 days, so that stakeholders have time to comment and provide suggestions.*

### **BOCES Involvement**

- 7) Can school districts and BOCES work together or as a consortium to make purchases using the smart school bond money?

*A: We encourage BOCES to coordinate purchases to help districts take advantage of volume discounts. BOCES service costs are not eligible for reimbursement under Smart Schools.*

- 8) Can districts avail themselves of BOCES/Regional Information Center Installment Purchasing Programs that are already established?

*A: Districts need to take full ownership of items to be eligible for Smart Schools reimbursement. Lease programs are not eligible.*

- 9) If we go through BOCES for any projects, will the 10% fee be allowed as part of the costs in the bond?

*A: No, BOCES are not eligible for any direct payments with SSBA funds. Any fees should be handled through existing BOCES-District processes and agreements.*

- 6) Can Smart Schools bond monies be used to pay for equipment procured through a local BOCES or Regional Information Center?

*A: Smart Schools funds can be used **by a district** to pay for the devices procured by a BOCES through a shared purchasing agreement. **However, the district must take full ownership of the eligible devices. Administrative, lease or interest costs are not allowed to be supported with SSBA funds.***

### **Capital Projects and the SED Facilities Planning Office**

- 10) How do we know which projects require a review by the Office of Facilities Management and/or an architectural review?

*A: District Plans that include long-term capital projects, such as connectivity infrastructure investments in the school building, pre-kindergarten expansion space, replacement of portable classrooms, and high-tech security measures, **must** contact the Office of Facilities Management for an initial review. Some projects, or parts of projects, under the School Connectivity, Prekindergarten Classrooms or High-Tech Security categories may be eligible for a streamlined review if they do not involve wiring or construction. Community Connectivity or Classroom Educational projects do not need to be reviewed by the Office of Facilities Management.*

- 11) How do we go about applying for initial review and a project number from the Office of Facilities Planning?

*A: There is new guidance on the Facilities Planning process on that Office's website: <http://www.p12.nysed.gov/facplan/SmartSchoolsBondAct.html>*

- 12) I saw some guidance stating that infrastructure projects are considered Capital projects, but also some further notes about Capital project procedures, like voter approval, not being necessary if the District is not issuing capital debt.

*A: Capital projects financed solely with SSBA funds are not subject to voter approval, as voters have already approved the issuance of the State SSBA bonds for these purposes. However, if the district must use debt financing for any part of the project or if the Smart Schools Bond Act funds are used to fund a portion of a larger project, local voters in districts outside the Big 5 School Districts must approve the use of debt financing for the non- Smart Schools portion of the costs.*

13) If something has been previously approved as part of a non-SSBA capital project and then the District decides to pull it from the project and use Smart Schools Bond Act money, does it need to go through the Facilities Planning approval process again?

*A: No. But we would want to assign it a project number that indicates that it will be using Smart Schools funds for a portion of the costs – this is critical to the Building aid calculations. That means that you WILL need to contact the Office of Facilities Planning so that your project number can be adjusted.*

14) Do the Districts need to submit a Letter of Intent (LOI) if they are spending Smart funds on Classroom Learning Technology or a Community Connectivity Project?

*A: Generally, no, unless the Classroom Learning Technology or Community Connectivity Project is part of a larger project that does require the submission of an LOI to the Office of Facilities Planning and a Building Permit. No LOI is needed for a standalone equipment purchase of Classroom Learning Technology or a Community Connectivity Project.*

15) Can we include Engineering and Architectural Fees in the Professional Services section of the High Tech and School Connectivity SSIP?

*A: Yes.*

### **Internet/Connectivity**

16) Many schools will not meet the 100mb per 1000 student requirement for Smart School funding. What is the status of NYS providing information about the waiver process?

*A: Certain aspects of the minimum speed level are still under discussion. However, criteria for the Speed Waiver are shown on the Smart Schools website. A waiver will consider financial hardship, a lack of broadband providers that can provide the services or there is a limited demand due to a very small or large student body with multiple buildings, which would be eligible for an oversubscription adjustment. More to come on this one.....*

17) If a district has less than 1000 students is it still required to have the minimum e-rate recommendation or will they be allowed to use the formula to set their individual minimum? (Bandwidth per student x number of students)

*A: Yes, you should use a proportionate standard for schools (not districts, necessarily) that have less than 1000 students.*

18) Is burstable bandwidth allowed or does it have to be dedicated bandwidth available at all times?

*A: Yes, but it is necessary to put the infrastructure in place to ensure that your capacity meets the threshold, even if you do not subscribe to that level of service. Your district will need to complete a waiver application and demonstrate clearly that the infrastructure will be in place and your vendor can and will provide the burstable bandwidth when required.*

19) Do districts have to provide money to businesses in order to increase internet access for students who may participate in job sharing?

*A: No.*

20) For districts that have students in rural areas, does the Smart School money mean it can be used to build towers in order to provide Internet access to those homes?

*A: Towers for connectivity outside of school boundaries would fall under the Community Connectivity category for funding. These projects may only be performed on municipal or non-profit property. Please consult with your SED reviewer to design such projects.*

21) Are generators eligible for reimbursement?

*A. Only if they are primarily meant to provide back-up power to essential educational technology or building security systems.*

### **Classroom Learning Technology**

22) Are mounted interactive whiteboards considered end user devices which we will have to provide to private schools in the District or are they considered a facility upgrade?

*A: Interactive whiteboards are an allowable expenditure only under the Classroom Educational Technology category. If you don't include whiteboards in your nonpublic loan program, you would need to provide them with equipment of an equal value, up to the \$250 per pupil cap. We encourage all districts to work closely with their nonpublic schools to best meet the technology needs of those students,*

*consistent with the SSBA statute. If you provide the whiteboards, you do not need to support the costs of the associated wiring installation. That would be the responsibility of the nonpublic school.*

23) Can we include Data Plan service charges for devices we would like to add to our SSIP? If so, for how many years can we prepay and include in our SSIP?

*A: No. Service charges for devices are not eligible expenditures.*

24) Can we purchase warranties for technology that we are purchasing using Smart Schools Bond Act funds?

*A: No, warranties are not eligible expenditures.*

25) Would protective cases for purchased iPads be eligible?

*A: Yes.*

### **Nonpublic Loan Requirement**

26) If a district has a nonpublic school within the boundary and ten in-district students go the school, which has a total population of 150 students, is the district responsible to provide Smart School money for the 10 students, or for the school population of 150?

*A: All of the non-public students attending schools within the school district boundary. 150.*

27) What does the technical support for nonpublic school really mean? Providing a computer, or sending someone to the nonpublic school for computer repair?

*A: Similar to the Computer Hardware Loan Program, the lending school district would retain ownership of the devices and responsibility for maintenance and repair.*

28) Regarding the "loaning" of equipment to non-public schools as required by the Classroom Technology option of the SSBA. Why are non-public schools not required to demonstrate that they have the network infrastructure to support any additional equipment they receive from the bond act? The non-public schools in our district are not equipped to utilize the roughly \$100K worth of equipment they are entitled to under the rules of the SSBA.

*A: The State does not have the authority to require such capital investments of nonpublic schools. The SSBA statute only required the sharing of educational technology purchases. Device loans are allowable up to \$250/student, but the total loan amount depends upon the district's budget for classroom devices. A district that does not plan any expenditures on devices need not loan any amounts to the nonpublic schools. However, if the public school district budgets for devices in its SSIP, it must share these devices with the nonpublic schools located within its boundaries, up to the \$250/child maximum. For example, if a school district budgets \$100,000 for devices, and it has 1800 students who attend the public school and 200 students that attend a local nonpublic school, it would need to loan the nonpublic school \$10,000 worth of devices.  $\$100,000 / (1800 + 200) = \$100,000 / 2000 = \$50/\text{child} * 200 \text{ nonpublic school pupils} = \$10,000 \text{ in loaned devices.}$*

- 29) If we're using the funds to start a 1:1 program how are we supposed to loan equipment? What does loaning mean exactly? Does loaning really mean "giving" them equipment up to the \$250 per pupil limit with the expectation that they will just be keeping it?

*A: No, the school district retains ownership of the equipment. Generally speaking, you should follow the same approach you would use for the lending of hardware purchased with State Aid.*

### **High-Tech Security**

- 30) Can the Smart Schools Bond Act be used for installation of new telephone system such as the Voice Over IP (VOIP) for schools that currently have conventional systems? The VOIP system would require infrastructure improvements, i.e. wiring and switches that are considered allowable expenditures for expansion of the network connectivity.

A:

- *If the VOIP is being provided to improve student and teacher safety by providing a VOIP device in every classroom and integrating the devices with emergency communication systems, it is eligible under the Smart Schools Bond Act.*
- *If the VOIP is being provided to serve as the backbone for high speed broadband or wireless internet connectivity, the wiring/servers/etc. are eligible. The phones (except as noted above) would not be.*
- *If the purpose of the VOIP is simply to replace an existing telephone system, the costs would not be eligible for Smart School Bond Act funding*

## **Financial Issues**

31) Does the reimbursement process begin 90 days after an invoice or 90 days after a PO is issued?

*A: The 90 days begins with the district's claim for reimbursement being approved in the online system. However, I would note that we fully intend to reimburse districts in less than 90 days – the Department has invested significant technical resources in ensuring that reimbursement occurs more quickly than that.*

32) Can revenue anticipation notes be utilized to short term fund project cost until reimbursement is received?

*A: You can use RANs, but bond proceeds cannot support the interest costs for those RANs.*

33) Can districts purchase equipment using any kind of deferred payment plan? Are there any loan models that can be suggested to assist districts with the upfront costs associated with using Smart Schools funds?

*Yes, as long as the district has an irrevocable ownership of the equipment and there are no interest expenses submitted for reimbursement. We know that some of the major vendors are working hard to develop plans that bond counsel can approve as eligible for the program – we're facilitating those conversations.*

34) Are the Smart Schools related expenses exempt from the tax cap?

*A: Yes. Districts should not include SSBA-funded expenditures in their Tax Cap calculations.*

35) Can smart schools funds be used to cover the district portion of e-Rate projects (as long as the projects deal with infrastructure, etc?)

*A: Yes.*

36) What is the bandwidth requirement if districts have multiple pipes coming into district? Are the minimums created in totality of what is available into the district or per connection?

*A: Totality.*

37) Can bond monies be spent to conduct disaster prep and fund redundant Internet connections?

*A: Yes to redundant Internet connections;*

*No to disaster prep if that is training and drills, which are a normal operating expense of a school district and cannot be supported through tax exempt bonds. Please contact the Smart Schools office if you have further questions on this.*

38) How will SSBA funds be accounted for? In the General Fund, Special Aid Fund or Capital Fund?

*A: Revenue Account Code for School Districts for Smart Schools Bond Act funds*

*School districts will be required to separately identify these funds within their current financial accounting framework. The school district annual financial reporting document, the ST-3, will be updated with a new capital revenue code, H3297 – State Sources, Other (SSBA).*

*Existing Expenditure Account Codes for School Districts for Smart Schools Bond Act funds*

*School districts will be required to separately identify these expenditures within their current financial accounting framework. Existing Schedule G3 Capital Projects Fund codes should be used. Districts should create new account codes by adding 'SSBA' or a specific 4-digit code to the end of the expenditure's account code to distinguish SSBA from the rest of the Capital Fund's account code.*

39) What will be required from the districts to obtain the reimbursements? Will the districts need to submit invoices?

*A: Districts certainly need to have invoices maintained at the district for audit purposes. Districts will be asked to list the items they purchased in the on-line claiming system.*

### **Community Connectivity:**

40) Our district is considering establishing a community technology hub in our closed elementary or in the local public library. My understanding is that technology purchases for that type of setting is an allowable and reimbursable expense. If that is the case do we have to meet the connectivity requirement in that location?

*A: A Community Connectivity Project should increase connectivity and access at such facilities. Meeting the FCC minimum speed standard of 100 Mbps per 1,000 students is not required. If the building is still owned by the school district, construction work in that building must be approved by the Office of Facilities Planning at NYSED. You should contact that office for more information.*

41) Regarding the Community Connectivity section, question #5: who is eligible to be a partner for Community Connectivity Broadband Projects?

*A: Are for-profit entities, non-profit entities or local governments eligible? Yes, all of them are eligible as long as the project takes place in a municipally owned building. Non-profit facilities will need to be approved by the Office of Facilities Planning.*

### **Learning Technology:**

42) Would access points be devices or capital infrastructure?

*A: Since the installation may call for some wiring, districts should include this in their discussions with the Office of Facilities Planning. NYSED has determined that access point devices may be loaned to nonpublic schools, if they request them.*

43) Please confirm that interactive whiteboards and projectors are devices.

*A: Yes, they are.*

44) Please confirm that the installation of whiteboards is covered but the installation and configuration of laptops are not.

*A: Yes.*

45) Can projectors be replaced before end-of-life?

*A: Yes.*

46) Can we use Smart Schools funds for cabling (cat6)?

*A: Yes.*

### **Security/Surveillance:**

47) Can the funds be used to support a disaster recovery plan?

*A: The development of a disaster plan is a service – for which bond funds cannot be used. However, if a disaster plan calls for high tech security investments – bond funds may be used to support the costs of the high tech security investments.*

48) Is a unified telecomm system, phones coupled with security, an allowable expense?

*A: Yes.*

49) Main doors are indicated as priority review. Are classroom door lock systems eligible?

*A: May depend on the details – discuss with your project manager in the Office of Facilities Planning.*

50) If a district were to invest in security, are interior classroom doors covered?

*A: No, unless they are an integral part of an automated lockdown system tied to a central control location..*

### **Loaning/Sharing Non-Public Schools:**

51) Our district happens to be in a unique locale where there are a large number of non-public students located within our district boundaries when compared to our student population. Given this fact, if we choose to purchase classroom technology with a portion of our SSBA funds, the \$250 per private student threshold will result in our district having to set aside the majority of our purchase for potential loan to the non-public schools. Is there any relief for schools like ours, or any additional guidance that may help to mitigate this particular situation?

*A: Yes, and this is an opportunity for us to reiterate an important piece of guidance – the nonpublic loan amount language in the statute allows for loans UP TO \$250/nonpublic school child. The actual amount is to be calculated based on the amount of the SSBA funds that are budgeted for devices. If you have a Smart Schools allocation of \$1 million and you're planning to spend \$200,000 on devices – the nonpublics get a share of the \$200,000 equal to their share of the total number of children attending school in your district. If you have 900 kids and the nonpublics have 100, the per kid allocation is \$200.*

52) The SSBA guidance lists several technologies as being “classroom technologies” such as interactive whiteboards. Interactive whiteboards are typically an installed technology and are not easily “loanable.” Considering this example, can you clarify

which specific types of technologies will have to be loaned to non-public schools upon request?

*A: Interactive whiteboards are listed as a device in the statute. You can loan them. You don't need to pay for installation or removal.*

53) *Do non-public schools have to request the same equipment that the school district is purchasing for their schools?*

*A: No. Non-public schools can request any of the eligible devices listed in the Smart Schools Bond Act Guidance.*

**Other:**

54) Does the Investment Plan need to be reviewed by Attorneys?

*A: This is a district level decision. We would encourage the district to ensure that the Plan is consistent with the guidance – which was reviewed by MANY attorneys.*

55) Do we have access to the technology plan that we submitted?

*A: Yes.*

56) Is NYSED interested in building a K-12 NYSERnet like-pipe, or allocating I2, that can assist districts in meeting their bandwidth requirements?

*A: Smart Schools is an Executive initiative that the Department is implementing. The Executive has worked very closely with us in discussions about expansion of broadband – through the NYS Broadband Office and through other nonprofit groups whose work it is to facilitate broadband access. I believe we all want to assist districts in meeting the broadband requirements in the most cost-effective way. It isn't clear that we would be the best providers here.*

57) If a district approved a 15 million dollar capital construction project and you identify items to be paid with smart schools bond act money is that in addition to the 15 million that the voters approved?

*A: Voters approved \$15 million in debt. Smart Schools pieces don't need this approval, so SSBA-eligible pieces are separate from the \$15 million.*

58) Are Marquees (outdoor) eligible for reimbursement?

*A: Marquees are not considered an allowable expenditure under the Smart Schools Bond Act.*

**Modernization of facilities to accommodate Pre-K and replace classroom trailers:**

*No questions.*