



#172-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #172-21**

DATE: June 25, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Federal Communication Commission's Emergency Connectivity Fund (ECF)
Window Opens June 29, 2021, at Noon**

The purpose of this memorandum is to inform school division leaders of the Federal Communication Commission's (FCC) Emergency Connectivity Fund (ECF) program. The Emergency Connectivity Fund (ECF) is a new, \$7.1 billion initiative, included in the American Rescue Plan passed by Congress in March 2021. This program will provide funding for libraries, K-12 public, and nonpublic schools nationwide to purchase laptops, tablets, WiFi hotspots, data plans for WiFi hotspots, low-cost Internet programs, and broadband connections to help students and school staff access the Internet while **off-campus**. The Universal Service Administrative Company (USAC) will administer the ECF program under the direction of the FCC.

About the ECF program

The ECF program addresses the "Homework Gap" and any inequities that still exist by helping to provide *all* students and school staff with the basic tools they need to engage in online learning and in other aspects of digital life.

Who is eligible for the ECF program ?

Schools, school divisions, and libraries that are eligible for E-rate, will also be eligible for the ECF. These entities do not need to be currently participating in E-rate to apply for ECF.

Are school divisions obligated to apply for ECF ?

Applying for the ECF is a local decision based on needs and other factors. School divisions should evaluate their current needs to support remote learning and make decisions about applying based on these needs.

When should schools and divisions apply for funds ?

A division may apply for the funding they need for the upcoming school year. The first filing window will open from June 29, 2021 to August 13, 2021. This window will be open for 45 days, with applicants submitting requests for purchases made between July 1, 2021 and June 30, 2022 to meet the needs of students and school staff who would otherwise lack access to basic educational opportunities. If money remains from the first window, a retroactive window will be opened to reimburse eligible purchases that were made with local, not other federal funds, from March 1, 2020 through June 30, 2021. The FCC retained the option to open a second prospective filing window in lieu of a retroactive window should demand from the first window be much lower than expected.

Are there any competitive bidding rules for ECF ?

No separate ECF competitive bidding requirements will be imposed for retroactive or future purchases. **Schools or divisions must comply with state and local bidding requirements.**

What are the discount percentages for ECF purchases ?

The FCC will reimburse 100% of the costs associated with the purchase of eligible equipment or advanced telecommunications and information services, except that any reimbursement of a school for the costs associated with any eligible equipment may not exceed an amount that the FCC determines, with respect to the request by the school, is reasonable.

What equipment and services are eligible for the ECF ?

The following services and equipment are eligible under the ECF:

1. Computing devices including computer laptops and tablets
2. Components that are sold with equipment such as cords and chargers
3. WiFi hotspots, data plans for WiFi hotspots
4. Low-cost Internet programs
5. Routers, modems, equipment with modems and routers,
6. Satellite services and equipment, and
7. New construction of wired and wireless networks under the FCC's limited exception rule

What do I need to know about construction of new networks ?

Generally, Digital Subscriber Line (DSL), cable modem, leased lit fiber, wireless services (e.g. fixed wireless, microwave, satellite, and mobile wireless) are eligible. Installation, activation, and initial configuration costs, taxes, shipping charges, and other reasonable fees incurred are eligible.

Note: if school divisions decide to use the funding for wired or wireless networks under the FCC limited exception rule they should contact their local county or city government before proceeding to determine common need and combine any available funding sources. They should also contact VDOE for consultation.

Are there any equipment or services funding caps for the ECF ?

There is a \$400 cap on laptops or tablets and a \$250 cap on Wi-Fi devices. If equipment costs more than these caps, ECF will pay up to the cap. Applicants may request a waiver of the \$400 cap for laptops or tablets for students with disabilities if needed. All other equipment or services are proposed to be reimbursed at 100% (no funding caps or discount matrix applied). There is an expectation that Internet access service will generally cost between \$10 and \$25 per month.

What is the application and reimbursement process for the ECF ?

Applications for the ECF will be submitted in the E-rate EPC Portal and will use the FCC Form 471, Form 472 Billed Entity Applicant Reimbursement (BEAR) Form, or Vendor Form 474 SPI. There will be no separate FCC Form 486. To reiterate, the initial application window will open at noon on June 29, 2021 and close on Friday, August 13, 2021. USAC will review applications and issue Funding Commitment Decision Letters (FCDL's) after the initial window closes. Appeals must be submitted within 30 days.

After receiving an FCDL, applicants will pay for services/equipment and then submit reimbursement requests via the existing Form 472 BEAR system within 60 days of the FCDL date, or revised FCDL if there is a post-commitment change. Copies of detailed vendor invoices must be submitted with the BEAR Form.

If an applicant cannot afford to pay the vendor in full and then seek reimbursement from ECF they have two options:

- a) The school may request a prepayment through the BEAR process after which the ECF prepayment must be remitted to the vendor within 30 days. Applicants will be required to submit proof to USAC that the service provider has been paid.
- b) The school or division may request the service provider to seek reimbursement directly from the ECF fund using the Form 474 SPI Form. Service providers are not required to comply with this request. Applicants must specify on the Form 471 application whether the applicant or service provider will be doing the invoicing. If an applicant indicates that the service provider will be doing the invoicing, the applicant will have to submit evidence of the service provider's willingness to do so.

What are the Children's Internet Protection Act (CIPA) requirements for the ECF ?

CIPA applies to the use of any computer owned by a school or division if the school receives ECF or E-rate funding for Internet access or internal connections- off-campus or on-campus. CIPA does not apply if the school or division does not receive ECF or E-rate funding for Internet access or internal connections, even if the computers were purchased with ECF

funding. In addition, CIPA does not apply to computers not owned by the school, even if they receive ECF or E-rate funding for Internet or internal connections.

What if demand exceeds available funding for any ECF filing window ?

Should demand exceed available funds in any filing window, applications will be prioritized based on the applicant's E-rate discount, which is adjusted to be 5% greater in each discount band for rural applicants (see page 75 on the FCC Report and Order for more detail, link to the order given below). If there is not enough money to fund the entire discount band, then the applicants' NSLP % will be used to allocate funds until depleted.

What are the record keeping and inventory requirements for the ECF ?

Applicants must maintain a record of services purchased with ECF support which includes: type of service provided (i.e., DSL, cable, fiber, fixed wireless, satellite, mobile wireless) service plan details, including upload and download speeds and monthly data caps, the name(s) of the person(s) to whom the service was provided. For fixed broadband service only: the service address, the installation date of service, and the last date of service.

Applicants must retain all records related to ECF for at least **10 years** from the last date of service or delivery of equipment. Records include asset inventories, vendor invoices, proof of vendor payment, and contracts.

VDOE strategies for outreach and support to schools and divisions

The VDOE will release frequent information about the ECF via the E-rate Listserv and MS Teams Channel for Virginia School Division Technology Directors. School division technology leaders new to their role and not on either of these two communication channels should contact Dr. Susan M. Clair at the email or phone number given below. The VDOE will offer ECF program office hours for Q&A along with email and phone support. These open office hours will be announced on the VDOE E-rate Listserv over the coming weeks. The Virginia Information Technology Agency (VITA) is in the process of developing an ECF web page that contains information about state master contracts that can be used to support the ECF. The VITA web page link will be disseminated to divisions once it is finished. Divisions should e-mail

susan.clair@doe.virginia.gov, or call (804) 786-9281 for consultation, questions, and support for ECF.

ECF program resources

- [FCC Report and Order for the Emergency Connectivity Fund](#)
- [USAC ECF web site](#)
- USAC Emergency Connectivity Fund Customer Support Center, beginning June 23rd, 2021, call (800) 234-9781 for support. Hours: Monday through Friday, 8 a.m. to 8 p.m. ET
- [FCC ECF web page](#)

For more information

For more information about the ECF program, please contact Dr. Susan M. Clair, K-12 Information Technology Coordinator, by email at Susan.Clair@doe.virginia.gov, or by phone at 804-786-9281.

JFL/SMC/PC/cc