

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

The Emergency Connectivity Fund

DA/FCC #: DA-21-317

WC Docket No. 21-93

**COMMENTS OF THE CALIFORNIA DEPARTMENT OF EDUCATION REGARDING
THE EMERGENCY CONNECTIVITY FUND**

The State of California serves over 6.2 million students in over 11,000 public schools. The California Department of Education (CDE) provides support and leadership to over 1,100 school districts, with 28% small schools or schools in rural areas. The CDE is providing comments in support of the Federal Communications Commission's (FCC) implementation of the Emergency Connectivity Fund (ECF). While there are many aspects of the ECF where comments were solicited, the CDE is prioritizing the following: getting support out to schools quickly, similarly to the 2020 COVID-19 Telehealth Program; establishing clear rules and guidelines delineating the relationship of the ECF program and the existing E-Rate program; and, finally, establishing clear guidelines relating to the relationship of these funds to other supplementary state and federal fund support during the COVID-19 pandemic.

STREAMLINE THE APPLICATION PROCESS

In April of 2020, the FCC announced a \$200M COVID-19 Telehealth Program and by July of 2020, the funds had been allocated and were providing a direct impact to our Nation's health providers. Since it is critical to provide timely support to schools and libraries, the ECF application and funding processes should be modeled after the successful Telehealth processes. The Telehealth application was developed by stakeholders to avoid bureaucracy and red-tape that exists, for example, in the E-Rate process. In that way, applications could be processed in days, and funds distributed in weeks, rather than months, or even years. The ECF application process must incorporate these same simplicity and speed attributes. It must be streamlined and clear enough so that even schools who that have not previously participated in E-Rate will be able to apply and benefit from ECF. USAC's approval process should be simple:

- a. Verify eligibility of the LEA (which should be very quick)
- b. Verify eligibility of expenditures
- c. Commit funds

In addition, the ECF audit requirements should be minimized as much as possible, while still being effective, because, again, many schools did the right thing at the time of the COVID-19 crisis, but were not thinking about reimbursement potential. It would be unfair to penalize them for being aware of the documentation and record-keeping requirements the FCC might impose a year or more after their purchases. Requiring schools to have asset registers and tracking of usage for those previous purchases is an unfair penalty, contradicts the legislative intent and violates the spirit of the statute. The unique circumstances of the Pandemic on our schools justifies relaxing audit requirements, in order to incentivize the public good.

TIMEFRAME FOR PURCHASES

The CDE supports the timeframe of eligible purchases made between January 27, 2020 to June 30, 2021 for the first cycle. It is important that schools who did the right thing in response to COVID be reimbursed, and not penalized, for taking early and decisive action in support of their students and public health.

Should there be remaining funds, the CDE requests that a second application window be immediately opened, for the July 1, 2021 to June 30, 2022 time period. Schools have been devastated operationally and financially by COVID and will experience significant unanticipated expenses in beginning to reopen their schools. This second window is critical to help these schools begin recovery, help with partial re-opening, and prepare for recurring COVID outbreak or other COVID consequences that require a shift or continuation of distance learning.

ELIGIBLE EQUIPMENT AND SERVICES

The CDE understands the essence of the program to be directed to Equipment and Services that are currently providing students support during the ongoing pandemic “emergency period.” The eligible equipment and services must be for immediate use. Equipment and services should not be stockpiled for long-term buildouts that won’t immediately impact students.

ELIGIBLE USES/CHILDREN’S INTERNET PROTECTION ACT (CIPA)

The CDE supports the safe internet use by students. The FCC must clarify how the ECF will relate to current E-Rate rules and guidelines requiring cost allocation for ineligible off campus traffic. For example, many districts are providing connectivity to students via vendor provided LTE solutions. If a provider does not provide CIPA-compliant filters / system, the

school must then direct the traffic back to the schools CIPA-complaint system via E-Rate funded circuits. The FCC must clarify this use and either allow it temporarily during the period of the ECF program or permanently allow off campus use of E-Rate networks for Educational purposes.

CONCLUSION

The CDE appreciates the significant efforts on behalf of the FCC to support schools specifically during the Covid Emergency program. E-Rate is an essential program that, even with its “bumps”/challenges, has connected students to the world beyond the four walls of their classroom. The CDE looks forward to continuing to work with the FCC and other states to connect all students.



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