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

In the Matter of Emergency Connectivity Fund	WC Docket No. 21-93

COMMENTS OF THE STATE EDUCATIONAL TECHNOLOGY DIRECTORS ASSOCIATION REGARDING THE EMERGENCY CONNECTIVITY FUND ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021

The State Educational Technology Directors Association ("SETDA") respectfully submits these comments responding to the Federal Communications Commission's ("Commission") request for public comment regarding the agency's implementation of the Emergency Connectivity Fund ("ECF) established by the American Rescue Plan Act of 2021 (P.L.117-2). SETDA's members serve as the senior technology leaders and advisors in State Education Agencies for states and territories. They work to ensure that schools, students, and educators have access to the high capacity broadband and devices required for all students to engage in high quality digital learning opportunities both on and off campus. In some states, this includes coordinating or directly administering statewide use of the Universal Service Fund's Schools and Libraries Program ("E-Rate"). Our members also play leading roles in state decisions about how to use other available state and federal funds to promote equitable access to digital learning of which includes closing the Homework Gap.

SETDA's members encourage the Commission to adopt an implementation strategy for the ECF that emphasizes state and local responsibility and leadership, including: (1) using a predictable per-student budget cap model that favors rural school districts and districts serving large numbers of students eligible for free and reduced-price meals; (2) using a minimally burdensome and understandable application process; (3) permitting applicants to deploy additional network facilities if such deployment represents the most cost effective alternative to connect students to the broadband speeds required for video and other routine remote learning practices; and (4) prioritizing meeting students' and educators' connectivity needs first while also providing latitude to local school leaders about the best connections and devices suited for their students and educators. Our comments address these and other questions presented by the Commission in the ECF public notice.

THE COMMISSION SHOULD ADOPT A PER-STUDENT BUDGET CAP MODEL THAT FAVORS RURAL SCHOOL DISTRICTS AND DISTRICTS SERVING LARGE NUMBERS OF STUDENTS ELIGIBLE FOR FREE AND REDUCED-PRICE MEALS. THE PROGRAM APPLICATION SHOULD BE MINIMALLY BURDENSOME AND UNDERSTANDABLE

The E-Rate Category 2 budget system works effectively for states and school districts and a similar model would support the ECF's successful implementation. A capped budget system is equitable, efficient, and predictable, and SETDA's members strongly support adopting a similar model for the ECF. This approach would provide incentives for cost effective purchasing, while also empowering local leaders to make decisions about the connectivity options and devices that best meet the needs of their students and educators. A capped model also lends itself to a less burdensome and less time-consuming application process. A capped system must, however, provide extra funding for geographically isolated rural and other unusually high-cost areas served by school districts. Funding provided through the capped model

should be available for use across the school districts consistent with the similar flexibility provided by the E-Rate. ECF applicants should be called on to prioritize unconnected students and teachers.

The ECF should rely on a simple application drawing from the COVID-19 Telehealth Program's successful structure. Applicants should be called on to: (1) demonstrate their eligibility; (2) provide evidence estimating their connectivity and device gaps; and (3) describe the services and technology required to meet their estimated need. The application process must be simple enough to facilitate participation by applicants that have not previously participated in the Universal Service Fund's Schools and Libraries Program and enable the filing of applications without the assistance of E-Rate experts.

The Commission should seek to balance this simplified application process with appropriate protections against waste, fraud, and abuse. Such protections could include requesting certification that the applicant will only use the funding for ECF purposes; requiring public reporting and open data about services and devices acquired; and selectively using appropriately designed audits. For example, applicants should certify that they will not receive funding for equipment already funded through other state or federal programs. Audits should be timely and not extend beyond the length of time required to maintain documentation. The Commission's existing enforcement powers are sufficient, and these funds should be subject to program violation consequences, including suspension and debarment of applicants or providers.

THE FCC SHOULD PERMIT ECF RECIPIENTS TO DEPLOY ADDITIONAL NETWORK FACILITIES IF THE FACILITIES SERVE AS THE MOST COST-EFFECTIVE ALTERNATIVE

SETDA agrees with the Commission's proposal to exclude dark fiber based on the nature of this emergency but urges the agency to permit ECF funding to be used for new network facilities

if they represent the most cost-effective approach to meeting a school district's connectivity needs as measured over an appropriate period. Such projects often provide dramatic costs savings over time. Districts are adopting reliable and innovative strategies for meeting their students and educators needs including through the provision of hotspots and associated wireless service, DSL and cable modems with Wi-Fi and associated services, Wi-Fi on buses., mobile Wi-Fi towers, satellite services, and more. Furthermore, use of existing E-Rate funded networks should be eligible for ECF support.

If the Commission does not adopt a flexible budget cap model, SETDA urges the Commission to ensure that the ECF prioritizes connectivity, while also providing local flexibility to select appropriate devices. Applicants should be able to select tablets, Chromebooks, laptops, and even desktop computers to meet unique local needs. For example, desktop computers may be required to serve special needs students, or even for other students given the global supply chain shortage caused by the semi-conductor crises and other pandemic impacts. If the Commission does not adopt a flexible budget cap model, eligible equipment categories should be general and non-specific, only providing for minimum specifications required for remote learning, including sufficient household connectivity and devices (routers and connected devices) to deliver video and to support accessibility by special populations. One supported device per student is good; one device per household may be inadequate.

THE FCC SHOULD ADOPT SIMPLE PERFORMANCE MEASURES, ENABLE SERVICE TO ALL LOCATIONS WHERE STUDENTS LIVE, ALLOW SUPPORT FOR BACKUP EQUIPMENT, RELY ON LOCAL COMPETITIVE BIDDING RULES, AND ADOPT OTHER PRACTICAL ADMINISTRATIVE RULES FOR THE PROGRAM

SETDA agrees that the ECF's impact should be measured. The Commission should seek meaningful but achievable data collection requirements. Our membership recommended that the

program's measures focus on the estimated number of students and educators who were unserved or underserved at the date from which ECF will be applied and the comparable number of students unserved or underserved after the ECF investments are used.

The Commission should not limit the locations that could receive ECF supported wireline and fixed wireless services. Students in homeless shelters and other temporary locations, for example, must be provided connectivity just like a student in a longer-term home. Schools, state agencies, regional educational service units, and libraries should remain – consistent with E-Rate – the only permitted ECF applicants, but ECR recipients should be encouraged to partner with organizations to support attainment of the ECF's goals. Such partner organizations might include community centers, daycare centers, preschools, learning pods, or even fire departments. This community level collaborative approach should include allowing and encouraging bulk purchasing programs designed to promote cost effectiveness and program success. Likewise, State Education Agencies or state library organizations are also capable of providing wide level procurement to support cost savings and program effectiveness.

To ensure that no student is left offline due to equipment failure or sudden changes in economic status if a parent loses their job and previously existing home connectivity, SETDA supports allowing ECF participants to invest in and reserve spare devices and hotspots (5-10% reserve). This reserve range is consistent with best practices used by school districts across the country. The E-Rate program currently states that activities occurring on school or library property are considered primarily educational purposes. This general rule should also apply to off-site equipment utilization since the home is becoming the classroom in these scenarios, but the Commission should defer application of this concept to ECF supported equipment to local practices and norms. Schools and libraries should be permitted to use eligible equipment for any

purpose that the school or library considers appropriate after the emergency period, then disposed of in the regular process utilized by their district, consistent with the five-year equipment retention policy in E-Rate.

SETDA encourages the Commission to provide two filing windows that are approximately 45 days each, funds permitting. This approach will provide applicants needed flexibility including an additional opportunity to address any required changes in the second filing window. Our members support using a flexible method of reimbursement. Service provider invoicing and discounted billing should be afforded to applicants. ECF participants should be able to pay in full up front and then be reimbursed by the program. Lack of available budgets to cover services may necessitate that discounted billing and a service provider invoice may be the only way some applicants could meet their population's connectivity needs. Document retention rules should be consistent with the E-Rate regulations. Lastly, SETDA urges the Commission to extend the Gift Rules Waiver for the duration of the pandemic and throughout the duration of this emergency program.

CONCLUSION

SETDA urges the Commission to adopt rules for the Emergency Connectivity Fund that: (1) feature a per-student budget cap model that favors rural school districts and districts serving large numbers of students eligible for free and reduced-price meals; (2) use a minimally burdensome and understandable application process; (3) permit applicants to deploy additional network facilities if such deployment represents the most cost-effective approach; and

(4) prioritize meeting students' and educators' connectivity needs first, while also deferring to

local school leaders about the connections and devices that will best help their students and

educators.

Respectfully submitted,

Julia Fallon
Executive Director
State Educational Technology Directors Association
P.O. Box 10
Glen Burnie, Maryland, 21060