<u>0124</u>
Policy No.

BOARD OF EDUCATION POLICY

BASIC COMMITMENTS

<u>E-Rate Management</u>

The Board of Education recognizes that the Federal E-Rate Program supports bringing technology to the classroom. Under E-Rate, schools may receive discounts for eligible telecommunications products, services, Internet access and internal connections and basic maintenance for internal connections. Overall, nationwide, E-Rate annually provides $2.25 billion in technology discounts based on the percentage of students eligible for the National School Lunch Program at the school. The purpose of this policy is to: (a) require district-wide application(s) for E-Rate funding in lieu of various individual school applications; (b) identify a central point of management and accountability for E-Rate applications and compliance; (c) identify protocols for Prince George's County Public Schools' (PGCPS) participation in the Federal E-Rate program; (d) optimize funding opportunities and maximize participation in the E-Rate program to address the technology needs of PGCPS; (e) ensure that the school district satisfies the complex rules and compliance requirements associated with E-Rate funding.

NOTE: The Federal E-Rate Program provides reimbursement to schools and libraries for E-Rate eligible products and services. New and modified rules occur regularly. This document contains numerous links to Universal Service Administrative Company (USAC) websites. It is possible that some links may change as E-Rate evolves. USAC is designated by the Federal Communications Commission (FCC) as the administrator of the federal Universal Service Fund. The Schools and Libraries (SLD) Program of the Universal Service Fund, commonly known as "E-Rate", is administered by USAC. An Overview of the Schools and Libraries Program may be found at https://www.usac.org/e-rate/. The USAC website http://usac.org is the definitive resource for E-Rate.

Administrative Procedure 0709 addresses reimbursement from USAC, all the detailed steps to be performed, and specific additional requirements that must be accomplished by PGCPS in order to receive reimbursement from USAC.

A listing of all the steps in the USAC process with links to additional detail is found at https://www.usac.org/e-rate/service-providers/ .

IMPORTANT RULES AND COMPLIANCE REQUIREMENTS PERTINENT TO THE FEDERAL E-RATE APPLICATION PROCESS IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS:

Step 1   Determine Eligibility

Federal and State laws determine eligibility of schools, school districts, and libraries.

A. The school or organization must be eligible for E-Rate funding. Reference link:
    https://www.usac.org/e-rate/service-providers/before-you-begin/ .

B. There are eligibility requirements for traditional schools, and also for non-traditional facilities
    such as Head Start, Pre-Kindergarten, Juvenile Justice, and Adult Education.

*PGCPS are eligible for Schools and Libraries support in accordance with USAC/SLD select
criteria; e.g., district schools meet statutory definitions of elementary and secondary schools found
in the **No Child Left Behind Act of 2001**, 20 U.S.C. §§ 7801 (18) and (38), that do not operate as
for-profit businesses, and do not have endowments exceeding $50 million, etc.*

*The eligibility of individual schools is determined by PGCPS. PGCPS will assure eligibility of each
and every initiative by consulting the SLD web site or by personal contact with SLD personnel.*

*According to FCC rules, USAC looks at state laws to determine eligibility of non-traditional
schools, e.g., Head Start, Pre-Kindergarten, Juvenile Justice, and Adult Education. Under
Maryland law, Head Start students and facilities are eligible if the school is part of a public school
district or a stand-alone facility recognized by the state. Maryland recognizes facilities and students
for Pre-kindergarten; Juvenile Justice; and Adult Education (GED) programs as well.*

Step 2   Develop a Technology Plan

The application process for Schools and Libraries support begins with a technology assessment and
a technology plan.

A. A technology plan must be approved by a USAC-certified technology plan approver before
    discounted (E-Rate) services can begin.
    a. Reference link https://www.usac.org/wp-content/uploads/e-
        rate/documents/Tools/USAC-SL-Technology-Planning.pdf.
B. Page 65 of the "FCCs Sixth Report And Order" released on 09/28/10 shows required elements
    of the technology plan were reduced to four (§54.508 – Technology Plans):

    1. a clear statement of goals and a realistic strategy for using telecommunications and
        information technology to improve education or library services;
    2. a professional development strategy to ensure that the staff understands how to use these
        new technologies to improve education or library services;
    3. an assessment of the telecommunication services, hardware, software, and other services
        that will be needed to improve education or library services;
    4. an evaluation process that enables the school or library to monitor progress toward the
        specified goals and make mid-course corrections in response to new developments and
        opportunities as they arise.

*The Division of Information Technology shall maintain the district's technology plan with the
Maryland State Department of Education. Schools shall maintain up-to-date school improvement*

plans, which shall include school technology plans, and other necessary documentation in order for schools to benefit from E-Rate subsidies.

Step 3   Open a Competitive Bidding Process

Reference link: https://www.usac.org/e-rate/applicant-process/competitive-bidding/

PGCPS must ensure an open and fair competitive bidding process to receive Schools & Libraries support. The goal is to have as many bidders as possible respond to the Form 470, RFP, or other solicitation method to obtain better service and lower cost. To be "fair", all bidders must be treated the same with no bidders receiving advance knowledge of project information. To be "open", means there is transparency, no secrets in the process, e.g., information being shared with one bidder and not the other.

PGCPS must wait 28 days after the Form 470 is posted to the USAC website or after public availability of Request for Proposals (RFP), whichever is later, before selecting a vendor or executing a contract. All applicable FCC, state and local procurement laws must be followed.

All PGCPS employees responsible for E-Rate related duties are required to sign an Annual E-Rate Disclosure Statement by June 30 of each year; prior to submittal of the Form 470, RFPs or IFBs.

Step 4   Select a Service Provider

PGCPS must select the most cost effective provider of desired products or services eligible for support, with price of the eligible goods and services as the primary factor. Selection may not be made until the conclusion of the 28-day waiting period from the time the *Description of Services Requested and Certification Form* (Form 470) is posted on the USAC website or after public availability of the RFP, whichever is later. All documentation pertaining to the competitive bidding process and vendor selection must be saved for five years from the last date to receive service.
   a.   Reference link: https://www.usac.org/e-rate/applicant-process/

PGCPS procurement rules and policies are found in the PGCPS procurement manual. Reference link: Purchasing and Supply Services Manual. The guidelines in the manual adhere to State of Maryland procurement governance and authority rules derived from Maryland Education Code, Section 5-112 and Annotated Code of Maryland, Education Article 7-106.

Prince George's County Board of Education Policy #3323 governs the procurement of goods and services in the Prince George's County Public Schools.
Reference link: https://www.pgcps.org/offices/general-counsel/board-policies

Step 5   Calculate the Discount Level

PGCPS must calculate the discount percentage that the schools are eligible to receive.

Schools may only be reimbursed according to the appropriately calculated E-Rate discount level.
   a.   Reference link https://www.usac.org/e-rate/learn/faqs/calculating-discount-rates/
   b.   The discount is determined using the discount matrix.

     c. The matrix is usually based on the school's participation in the National School Lunch Program.

     d. Alternative methods for calculating the E-Rate discount level for a school may also be used, e.g., a survey.

Step 6   Determine Your Eligible Services

PGCPS may request discounts for eligible products and services delivered to eligible entities for eligible purposes. The FCC has established four categories of eligible services:

1. Telecommunications Services,
2. Internet Access,
3. Internal Connections,
4. Basic Maintenance of Internal Connections.

Schools may only be reimbursed for services on the "Eligible Services List".
Reference link: https://www.usac.org/e-rate/applicant-process/before-you-begin/eligible-services-list/

Eligibility is based on criteria established by statute and FCC Rules. Only certain products and services, used in certain ways, are eligible for E-rate funds.
The eligible products and services must be put to an eligible use, by an eligible school. This is known as the "Eligible Services Framework".

The FCCs Sixth Report and Order (paragraph 20), gives schools the flexibility to allow their communities to use E-Rate funded broadband after school, but specific criteria apply.

     a. The school may not charge for broadband usage occurring after school hours.

     b. The school is permitted, however, to charge for extra heating, cooling, etc. that may be needed for these activities.

     c. The school may not request additional broadband just to cover the needs of the community but is limited the needs of the school.

Step 7   Submit Your Application for Program Support

The FCC Form 471 is the key form used to assure schools and libraries receive appropriate USF support, comply with eligibility requirements and take steps to use support service effect. Forms must be submitted by the close of the application window in order to receive funding.
Reference link: https://www.usac.org/e-rate/applicant-process/applying-for-discounts/fcc-form-471-filing/

Step 8   Undergo Application Review

USAC reviews each application to ensure that Universal Service Fund support is committed only for eligible products and services as well as eligible uses by eligible entities and complies with all program rules.

     a. Reference link: https://www.usac.org/e-rate/applicant-process/application-review/

Step 9   Receive Your Funding Decision

Following application review, USAC issues one or more Funding Commitment Decision letters to both PGCPS and the service provider(s). Telecommunications and Internet access services are considered Priority One and are fully funded first. The next funding priority is Eligible Internal connections and basic maintenance of internal connections which are considered Priority Two. Priority Two are generally only funded to applicants with the highest discount levels.

PGCPS should review their technology plan and the Children's Internet Protection Act (CIPA) during this step prior to the start of USF funded services.
      a. Reference link: https://www.usac.org/e-rate/applicant-process/starting-services/cipa/

Step 10   Begin Receipt of Services

Before USAC pays invoices, billed entities must confirm: the start day of service, approval of the technology plan, and compliance with CIPA by filing the FCC Form 486.
      a. Reference link: https://www.usac.org/e-rate/applicant-process/starting-services/fcc-form-486-filing/

Step 11   Invoice USAC

After eligible services have been delivered, service providers and PGCPS may submit invoices for Universal Service Fund Support. FCC rules require USAC to pay universal service support to service providers and not directly to PGCPS. Two invoice methods and program forms (Service Provider Invoice filed by the service provider(s) and Billed Entity Applicant Reimbursement Form filed by Billed Entity) exist. Invoices must be postmarked no later than 120 days after the last date to receive service, or 120 days after the date of the Form 486 Notification Letter, whichever is later.
      a. Reference link: https://www.usac.org/e-rate/applicant-process/invoicing/

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS PROCEDURAL NOTES:

The Division of Information Technology shall be the District's central point of management for all E-Rate related applications and processes for products and services that are designated as E-Rate eligible by SLD/USAC. The cost associated with the central administration of the E-Rate Program is assumed by the Division of Information Technology.

Applications for E-Rate benefits shall be filed on a district-wide basis. No school or unit shall submit an independent application for E-Rate requests directly to SLD/USAC.

The Division of Information Technology shall periodically evaluate each school's technology initiatives and services in order to optimize funding opportunities and maximize participation in the E-Rate program.

The Division of Information Technology, Purchasing Office, Food & Nutrition Services, Budget, Accounting/Accounts Payable Offices, and Treasurer's Office shall be responsible for establishment and maintenance of an equitable E-Rate request process. All requests for E-Rate funding are subject to approval by SLD/USAC.

The Purchasing Department will ensure an open, fair, competitive, and advertised bidding process, is conducted. The department will oversee the selection of service provider(s).

The Food & Nutrition Services Office will prepare and supply the Division of Information Technology with the Official District Eligibility Report to facilitate calculation of discount rates.

The Budget Office will secure funding for the non-discounted portion of costs for required eligible products and services.

The Accounting and Accounts Payable offices will manage recordation of E-Rate revenue, initiate payments to service providers and apply payments from USAC support.

The Treasurer's Office will issue payments to service providers.

The Division of Information Technology will provide schools with regular information, instructions and guidelines that outline the various protocols and compliance requirements associated with the implementation of E-Rate projects and initiatives. Schools, with the assistance of the Division of Information Technology, shall ensure that E-Rate funded products and services comply with E-Rate requirements, rules, regulations and procedures, as well as applicable Board policies and rules. In particular, under the federal Children's Internet Protection Act ("CIPA") no school may receive E-Rate discounts unless it certifies that it is enforcing a policy of Internet safety that includes the use of filtering or blocking technology. Schools must protect students from accessing any obscene, child pornography, or other materials harmful to minors on the Internet. The Division of Information Technology shall monitor school compliance with this requirement and shall certify for the District, whom is the recipient of E-Rate funding, that all schools within the District utilize filtering or blocking technology on any computers used by minors in compliance with CIPA and the Board's Policy on the Student Acceptable Use of the Prince George's County Public Schools' Network, as amended from time to time.

Policy Adopted
02/25/10

Policy Amended
06/20/11