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## Funding Status for E-Rate and ECF

### *E-Rate for FY 2023:*

USAC issued Wave 31 for FY 2023 on Thursday, November 23<sup>rd</sup>, for \$41.3 million including \$9 thousand for one North Carolina library. Total funding is now \$2.42 billion including \$87.0 million for North Carolina. At this point, USAC has funded 96.3% of the originally submitted applications representing 84.5% of the dollars requested.

### *ECF for 2021-2023:*

Total commitments for all three ECF windows remain at \$6.46 billion including \$191 million for North Carolina.

### *E-Rate for FY 2024:*

The EPC administrative window opened on October 24<sup>th</sup>. This allows applicants to update their entity profiles (including student counts and NSLP percentages) in advance of the FY 2024 application window. USAC will close the administrative window shortly before the Form 471 application window opens in mid-January, at which point EPC entity profiles will be locked during the window.

## Misguided “Eyes on the Board” Act

The following [article](#) from the Electronic Frontier Foundation (“EFF”) is reprinted with permission and with the hope that this proposed legislation is going nowhere.

### **The Eyes on the Board Act Is Yet Another Misguided Attempt to Limit Social Media for Teens**

Young people’s access to social media continues to be under attack by overreaching politicians. The latest effort, Senator Ted Cruz’s blunt “[Eyes on the Board](#)” Act, aims to end social media’s use entirely in schools. This heavy-handed plan to cut federal funding to any school that doesn’t

block all social media platforms may have good intentions—like ensuring kids are able to focus on school work when they’re behind a desk—but the ramifications of such a bill would be bleak, and it’s not clear that it would solve any actual problem.

Eyes on the Board would prohibit any school from receiving any federal E-Rate funding subsidies if it also allows access to social media. Schools and libraries that receive this funding are already required to install internet filters; the Children’s Internet Protection Act, or CIPA, requires that these schools must block or filter Internet access to “visual depictions” that are obscene, child pornography, or harmful to minors, as well as requiring the monitoring of the online activities of minors for the same purpose. In return, the E-Rate program subsidizes internet services for schools and libraries in districts with high rates of poverty.

First, it’s not clear that there is a problem here that needs fixing. In practice, most schools choose to block much, much more than social media sites. This is a problem—these filters likely stop students from accessing educational information, and many tools flag students for accessing sites that aren’t blocked, endangering their privacy. Some students’ only access to the internet is during school hours, and others’ only internet-capable device is issued by their school, making these website blocks and flags particularly troubling.

So it’s very, very likely that many schools already block social media if they find it disruptive. In our recent research, it was common for schools to do so. And according to the American Library Association’s last “School Libraries Count!” survey, conducted a decade ago, social media platforms were the *most likely* type of content to be blocked, with 88% of schools reporting that they did so. Again, it’s unclear what problem this bill purports to solve. But it is clear that Congress requiring that schools block social media platforms entirely, by government decree, is far more prohibitive than necessary to keep students’ “eyes on the board.”

In short: too much social media access, via school networks or devices, is not a problem that teachers and administrators need the government to correct. If it is a problem, schools already have the tools to fix it, and twenty years after CIPA, they know generally how to do so. And if a school wants to allow access to platforms that an enormous percentage of students already use—to help guide them on its usage, or teach them about its privacy settings, for example—they should be allowed to do so without risking the loss of federal funding.

Second, the broad scope of this bill would ban any access to a website whose primary purpose is to allow users to communicate user-generated content to the public, including even those that are explicitly educational or designed for young people. Banning students from using *any* social media, even educational platforms, is a massive overreach.

Third, the bill is also unconstitutional. A government prohibition on accessing a whole category of speech—social media speech, the vast majority of which is fully legal—is a restriction on speech that would be unlikely to survive strict scrutiny under the Supreme Court’s First Amendment precedent. As we have written about other bills that attack young people’s access to content on social media platforms, young people have First Amendment rights to speak online and to access others’ speech, whether via social media or another channel. The Supreme Court has repeatedly recognized that states and Congress cannot use concerns about children to ban them from expressing themselves or accessing information, and has ruled that there is no children’s exception to the First Amendment.

Though some senators may see social media as distracting or even dangerous, it can play a useful role in society and young people’s lives. Many protests by young people against police brutality and gun violence have been organized using social media. Half of U.S. adults get news from social media, at least sometimes; likely even more teens get their news this way. Those students in lower-

income communities may depend on school devices or school broadband to access valuable information on social media, and for many, this bill amounts to a flat-out ban.

People intending to limit access to information are already challenging books in schools and libraries in increasing numbers around the country. The author of this bill, Sen. Cruz, has been involved in these efforts. It is conceivable that challenges of books in schools and libraries could evolve into challenges of websites on the open internet. For now, students and library patrons can and will turn to the internet when books are pulled off shelves.

This bill is a brazen attempt to censor information and to control how schools and teachers educate, and it would harm marginalized communities and children the most. No senator should consider moving this bill forward.

We note that similar criticism has come from the same Congressional quarter about the FCC’s plan to make school bus Wi-Fi eligible for E-rate funding. Fortunately, the critics are in the minority.

## Updates and Reminders

### *Upcoming Dates:*

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|-------------|--|
| November 30 | Due date for comments on the proposed Eligible Services List (“ESL”) ( <a href="#">DA 23-1011</a> ) for FY 2024 regarding the eligibility of Wi-Fi on school buses. There is no provision for additional reply comments.               |
| December 1  | The Form 486 deadline for FY 2023 Wave 15. More generally, the Form 486 deadline is 120 days from the FCDL date or from the service start date (typically July 1 <sup>st</sup> ), whichever is later. Upcoming Form 486 deadlines are: |
|             | Wave 16                      12/08/2023  |
|             | Wave 17                      12/15/2023  |
|             | Wave 18                      12/22/2023  |
|             | Wave 19                      12/29/2023  |

## USAC E-Rate News Brief Dated November 22 – Missed Deadlines and PQAs

[USAC’s E-Rate News Brief dated November 22, 2023](#), discusses what applicants should do if they missed their October invoicing or Form 486 deadlines. Specifically, October 30<sup>th</sup> was the deadline for:

- Most program participants with FY 2022 monthly recurring services to file their invoices or to request 120-day invoice deadline extension requests; and
- Applicants funded in FY 2023 waves 1-10 (with services beginning on July 1<sup>st</sup>) to file their Form 486s. Applicants funded in later waves have sequential Form 486 deadlines almost every week thereafter. The dates for December’s rolling Form 486 deadlines are shown in the *Upcoming Dates* section above.

This year, for the first time, applicants with zero disbursements on their FRNs, were sent warning notices by USAC three weeks in advance. The only recourse for applicants missing their invoice

deadlines is to file waiver requests with the FCC. Be warned, however, that barring “extraordinary circumstances”, such waiver requests are routinely denied.

Applicants who miss their Form 486 deadlines, by contrast, get a second chance. Beginning October 31<sup>st</sup>, USAC began sending Form 486 Urgent Reminder Letters to account administrators and Form 471 contacts giving them 15 additional days to submit their Form 486s without penalty. Urgent Reminder Letters can be seen in an organization’s EPC News tab and in the Notification section of the applicant’s EPC landing page.

Last week’s News Brief also noted that the 2024 Payment Quality Assurance (“PQA”) assessment program is underway. PQA is an audit-like program designed to check that E-rate payments issued within the past 12 months were properly made. Selected applicants will be asked to provide specific documentation (e.g., supporting invoices) to verify that BEAR or SPI payments were properly received. Requests for payment information are being sent from the domain name [PQA@USACcms.i-sight.com](mailto:PQA@USACcms.i-sight.com).

The News Brief also discusses:

- New EPC features permitting the canceling of certified Form 470s and a new Form 470 certification for Tribal libraries.
- A brief summary of Tribal applicant updates.
- A list of Fall 2023 training recordings available online.

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*Additional North Carolina specific E-rate information is available through our Web site — <http://www.e-ratecentral.com/us/stateInformation.asp?state=NC>. Note that this site provides easy access to formatted North Carolina applicant E-rate histories via the Billed Entity Number (“BEN”) search mechanism in the upper left-hand corner. Detailed information can be obtained by “drilling down” using the links for specific funding years and individual FRNs.*

*If you have received this newsletter from a colleague and you would like to receive your own copy of the North Carolina E-Rate Forum, send an email to [join-ncerate@lists.dpi.state.nc.us](mailto:join-ncerate@lists.dpi.state.nc.us). Please include your name, organization, telephone, and e-mail address.*

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