



West Virginia Purchasing Division

2019 Washington Street, East
Charleston, WV 25305
Telephone: 304-558-2306
General Fax: 304-558-6026
Bid Fax: 304-558-3970

The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at wvOASIS.gov. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at WVPurchasing.gov with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

Header 4

Procurement Folder: 1181103

Procurement Type: Central Master Agreement

Vendor ID: VS0000042386

Legal Name: Sutherland Consulting Group, Inc

Alias/DBA: Sutherland Consulting Group, Inc

Total Bid: \$2,533,756.00

Response Date: 03/08/2023

Response Time: 11:27

Responded By User ID: bsutherland

First Name: Beverly

Last Name: Sutherland

Email: bsutherland@edtechnologyf

Phone: 6262966284

SO Doc Code: CRFQ

SO Dept: 0402

SO Doc ID: EDD2300000001

Published Date: 3/1/23

Close Date: 3/8/23

Close Time: 13:30

Status: Closed

Solicitation Description: E-Rate Training and Advisory Services

Total of Header Attachments: 4

Total of All Attachments: 4

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Year 1 -E-Rate and ECF Training & Advisory Services	12.00000	MO	10000.000000	120000.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: Unit Pricing is for 1 month. 12months would be \$120,000

Extended Description:

Year 1 -E-Rate and ECF Training & Advisory Service
750 Hours Per Year - Annual Rate Billed Monthly

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Year 2 -E-Rate and ECF Training & Advisory Services	12.00000	MO	63333.000000	759996.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: Unit Pricing is for 1 month. 12months would be \$76,000

Extended Description:

Year 2 -E-Rate and ECF Training & Advisory Services
475 Hours Per Year - Annual Rate Billed Monthly

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
3	Year 3 -E-Rate and ECF Training & Advisory Services	12.00000	MO	4000.000000	48000.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: Unit Pricing is for 1 month. 12months would be \$48,000

Extended Description:

Year 3 -E-Rate and ECF Training & Advisory Services
300 Hours Per Year - Annual Rate Billed Monthly

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
4	FTF Fall 2-Day Training	1.00000	EA	3200.000000	3200.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: unit price is for 1-day training. Total for 2 days would be \$6400

Extended Description:

Face To Face (FTF) Fall Two (2) Day Training

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
5	Virtual Fall 2-Day Training	1.00000	EA	1600.000000	1600.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: unit price is for 1-day training. Total for 2 days would be \$3200

Extended Description:

Virtual Fall Two (2) Day Training

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
6	Half-Day Virtual Training	1.00000	EA	960.000000	960.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: unit price is for 1 half-day training**Extended Description:**

Half-Day Virtual Training (Per Training Meeting)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
7	Additional Hours	100.00000	EA	16000.000000	1600000.00

Comm Code	Manufacturer	Specification	Model #
80101508			

Commodity Line Comments: unit price is for annual total.**Extended Description:**

Additional hours per 4.1.1.4.8 is specifications.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: CRFQ EDD23*01

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Sutherland Consulting Group, Inc.

Company



Authorized Signature

March 7, 2023

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012

REQUEST FOR QUOTATION
E-Rate Training & Advisory Services

10.1.4. Failure to remedy deficient performance upon request.

10.2. The following remedies shall be available to Agency upon default.

10.2.1. Immediate cancellation of the Contract.

10.2.2. Immediate cancellation of one or more release orders issued under this Contract.

10.2.3. Any other remedies available in law or equity.

11. MISCELLANEOUS:

11.1. Contract Manager: During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager: Beverly Sutherland
Telephone Number: 626-296-6284
Fax Number: 323-908-9622
Email Address: bsutherland@edtechnologyfunds.com



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
 Centralized Request for Quote
 Service - Prof

Proc Folder: 1181103			Reason for Modification:
Doc Description: E-Rate Training and Advisory Services			
Proc Type: Central Master Agreement			
Date Issued	Solicitation Closes	Solicitation No	Version
2023-02-21	2023-03-08 13:30	CRFQ 0402 EDD2300000001	1

BID RECEIVING LOCATION

BID CLERK
 DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION
 2019 WASHINGTON ST E
 CHARLESTON WV 25305
 US

VENDOR

Vendor Customer Code: Vendor Name :
 Sutherland Consulting Group, Inc.

Address :
 Street :5800A Hannum Ave , Suite 230
 City : Culver City Country : USA Zip : 90230
 State :Ca

Principal Contact : Beverly Sutherland
 Phone: 626-296-6284 Extension:

FOR INFORMATION CONTACT THE BUYER
 Joseph E Hager III
 (304) 558-2306
 joseph.e.hageriii@wv.gov

Vendor: Sutherland Consulting Group, Inc.
Signature X **FEIN# 27-4258189** **DATE March 7, 2023**

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION

The West Virginia Purchasing Division is soliciting bids on behalf of the West Virginia Department of Education, Office of Data Management & Information Systems to establish a contract for E-rate and ECF Training and Advisory Services to include: information resources, leveraging the vendor's experience and resources, providing expertise and advice to reduce risk and maximize results of the state's participation in the E-rate program per the attached specifications and terms and conditions.

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E CHARLESTON WV US		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550 CHARLESTON WV US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Year 1 -E-Rate and ECF Training & Advisory Services	12.00000	MO	\$10,000	\$120,000

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:
Year 1 -E-Rate and ECF Training & Advisory Service
750 Hours Per Year - Annual Rate Billed Monthly

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E CHARLESTON WV US		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550 CHARLESTON WV US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Year 2 -E-Rate and ECF Training & Advisory Services	12.00000	MO	\$6,333	\$76,000

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:
Year 2 -E-Rate and ECF Training & Advisory Services
475 Hours Per Year - Annual Rate Billed Monthly

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550	
CHARLESTON	WV	CHARLESTON	WV
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
3	Year 3 -E-Rate and ECF Training & Advisory Services	12.00000	MO	\$4,000	\$48,000

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:

Year 3 -E-Rate and ECF Training & Advisory Services

300 Hours Per Year - Annual Rate Billed Monthly

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550	
CHARLESTON	WV	CHARLESTON	WV
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
4	FTF Fall 2-Day Training	1.00000	EA	\$3200	\$6,400

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:

Face To Face (FTF) Fall Two (2) Day Training

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550	
CHARLESTON	WV	CHARLESTON	WV
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
5	Virtual Fall 2-Day Training	1.00000	EA	\$1,600	\$3200

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:
Virtual Fall Two (2) Day Training

INVOICE TO		SHIP TO	
DEPARTMENT OF EDUCATION BLDG 6, RM 700 1900 KANAWHA BLVD E		DEPARTMENT OF EDUCATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 6 RM 550	
CHARLESTON	WV	CHARLESTON	WV
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
6	Half-Day Virtual Training	1.00000	EA	\$960	\$960

Comm Code	Manufacturer	Specification	Model #
80101508			

Extended Description:
Half-Day Virtual Training (Per Training Meeting)

SCHEDULE OF EVENTS

<u>Line</u>	<u>Event</u>	<u>Event Date</u>
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	Document Phase	Document Description	Page
EDD230000001	Final	E-Rate Training and Advisory Services	5

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

2023

CRFQ 0402 EDD2300000001 QUOTATION

WEST VIRGINIA PURCHASING DIVISION

REQUEST FOR QUOTE
FOR E-RATE AND ECF TRAINING AND ADVISORY

Prepared For: **Joseph E. Hager III**
Office: (304) 558-2306
joseph.e.hageriii@wv.gov
Department of Administration



Prepared By: **Beverly Sutherland, CEMP***
*Certified E-rate Management Professional
President, Sutherland Consulting Group, Inc.
Office: (626) 296-6284
Email: bsutherland@edtechnologyfunds.com



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SECTION 1 – COVER LETTER

March 7, 2023

Mr. Joseph E. Hager III
Department of Administration
Purchasing Division
2019 Washington Street East
Charleston, WV 25305-0130

Dear Mr. Hager:

Sutherland Consulting Group, Inc. (SCG) is pleased to provide a quotation to West Virginia Purchasing Division's Request for Quote, CRFQ 0402 EDD2300000001, for E-Rate Training and Advisory Services.

Sutherland Consulting Group, Inc. (SCG) fully meets the qualifications as a full-service E-rate consultancy with more than 12 years of experience providing application support, training, and advisement to a diversity of entities including statewide initiatives, school districts, charter schools, library systems, and cooperatives. Sutherland Consulting Group is also a member of the E-Rate Management Professionals Association (E-MPA).

Our highly trained, technically savvy, and qualified staff includes a Certified E-rate Management Professional and is comprised of individuals from the education, local government, USAC compliance, and technology sectors. SCG's team brings the knowledge, dedication, and tenacity required for success in the E-rate program and combines it with a deep understanding of technology to build network infrastructures that prepare students and communities for a digital-based economy.

SCG has the requisite staff, qualifications, experience, resources, and the capacity to provide comprehensive services to the West Virginia Department of Education. We appreciate your consideration of our proposal.

Company Name: Sutherland Consulting Group, Inc.

Address: 5800S Hannum Avenue, Suite 230, Culver City CA 90230

Telephone: 626-296-6284

Authorized Representative: Beverly Sutherland

Email: bsutherland@edtechnologyfunds.com

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly E. Sutherland", is written over a light blue circular background.

Beverly Sutherland, President & Founder - Sutherland Consulting Group, Inc.

SECTION 2 - EXECUTIVE SUMMARY

The West Virginia Department of Education (WVDE) is invited to consider a proposal from the Sutherland Consulting Group for E-rate and ECF Training and Advisory services. The Sutherland Consulting Group is a recognized leader in the field, having been established in 2010 by Beverly Sutherland, a highly experienced consultant and advisor in E-rate and ECF matters.

Our team of highly trained and qualified staff includes a Certified E-rate Management Professional and individuals with extensive backgrounds in education, local government, USAC compliance, and technology sectors. We are committed to providing hands-on E-rate and ECF advisement, training, and consulting services that leverage our knowledge of E-rate rules & FCC precedence, network topologies, network infrastructures, and broadband services.

The Sutherland Consulting Group has been a member of the E-Rate Management Professionals Association (EMPA) since 2014, and our commitment to the industry has been further demonstrated by our role as a member of the Schools, Hospitals & Libraries Broadband (SHLB) Coalition Board of Directors since 2021. Additionally, in 2022, our founder, Beverly Sutherland, was a Co-Chair of the SHLB E-rate Group, further demonstrating our commitment to the industry.

Our team has extensive experience in statewide E-rate funding initiatives as a technical consultant to the California Public Library Broadband Project Grant Program, as well as an E-rate advisor & consultant to the Southern California Libraries Consortium, the San Joaquin Valley Libraries System, and the Sanger Unified School District. We have conducted trainings and webinars on the E-rate program and co-authored a brief on the Children's Internet Protection Act (CIPA) (Exhibit A). Our experience in the education sector makes us uniquely qualified to provide training and advisory services to the West Virginia Department of Education.

Recognizing the high number of failed audits and associated funding returns that were caused by organizations not being able to locate critical E-rate records, Sutherland Consulting Group developed the industry's first widely available E-rate records and compliance system - ErateSync. This secure cloud-based audit and documentation management system (DMS) is used by entities nationwide to ensure that all their E-rate records are centralized and that files are accessible by many, even with staff changes.

In summary, the Sutherland Consulting Group is an experienced and trusted partner in the field of E-rate and ECF training and advisory services. We are confident that our hands-on approach, technical expertise, and commitment to the industry will enable us to provide the West Virginia Department of Education with the training and advisory services they need to succeed.

Company Name: Sutherland Consulting Group, Inc.

Headquarters: 5800 Hannum Avenue, Culver City CA 90230

Telephone: 626-296-6284 **Website:** www.edtechnologyfunds.com

Name and email of main contact: Beverly Sutherland bsutherland@edtechnologyfunds.com

Federal Tax I.D. Number: 27-4258189 **Articles of Incorporation Number:** 3328867

Type of organization: S Corporation

SECTION 3 – CAPABILITIES, QUALIFICATIONS AND RELEVANT EXPERIENCE

Sutherland Consulting Group is the ideal partner for the West Virginia Department of Education (WVDE) in need of E-rate and ECF training and advisory services. With over a decade of experience in the field, our consultancy has worked with a wide range of clients across the country, including statewide initiatives, large consortiums, and school and library systems.

Below is an overview of the advisory and consulting services provided:

- Ensuring the accuracy and reliability of NSLP data through verification and validation
- Ensuring compliance with CIPA regulations through verification and validation
- Conducting assessments to identify technology needs and requirements
- Providing assistance with broadband topology and connectivity issues
- Developing RFPs for procurement of technology and services
- Managing and supporting competitive bidding processes
- Submitting E-rate forms on behalf of clients
- Responding to inquiries from USAC (Universal Service Administrative Company)
- Reconciling invoices for accuracy and completeness
- Maintaining comprehensive documentation of all processes and activities
- Facilitating service substitutions when necessary
- Conducting heightened reviews and audits to identify areas for improvement
- Preparing USAC appeal and FCC waiver requests as needed
- Providing training on forms, CIPA, NSLP, competitive bidding, invoicing, appeals, and audits
- And more.

We have provided E-rate technical advisory services to statewide libraries in California, where we helped more than 900 library systems upgrade to 1Gbps fiber-based broadband services. Our training and support work with the Southern California Library Cooperative (SCLC) resulted in more than \$20M in E-rate Category 2 funding awards for library systems in FY2016 and continued \$10M+ in funding through to present. Additionally, we have worked with the San Joaquin Valley Library System (SJVLS) libraries, which services more than 105 libraries in rural California.

Our team has also successfully assisted Los Angeles County Library System in obtaining over \$7M in E-rate funding to support a complete network infrastructure upgrade project. Similarly, we advised Sanger Unified School District on E-rate regulations and oversaw the application process and compliance for a 28-site district, which resulted in broadband upgrades from fixed point wireless to fiber services as well as district-wide Wi-Fi upgrades.

Our team has also been instrumental in helping school districts obtain Emergency Connectivity Fund (ECF) program awards. We assisted Madera Unified School District in obtaining more than \$6M in ECF program awards to support students in underserved rural and urban regions, and we helped San Benito County Library System in obtaining more than \$11M in ECF program awards to support patrons located in migrant camps and rural locations.

We are confident that Sutherland Consulting Group's experience and expertise make us the perfect partner for West Virginia Department of Education, Office of Data Management & Information Systems. Our highly trained and qualified staff, coupled with our extensive track record of success, positions us well to provide hands-on E-rate and ECF advisement and consultancy services that meet and exceed your needs.

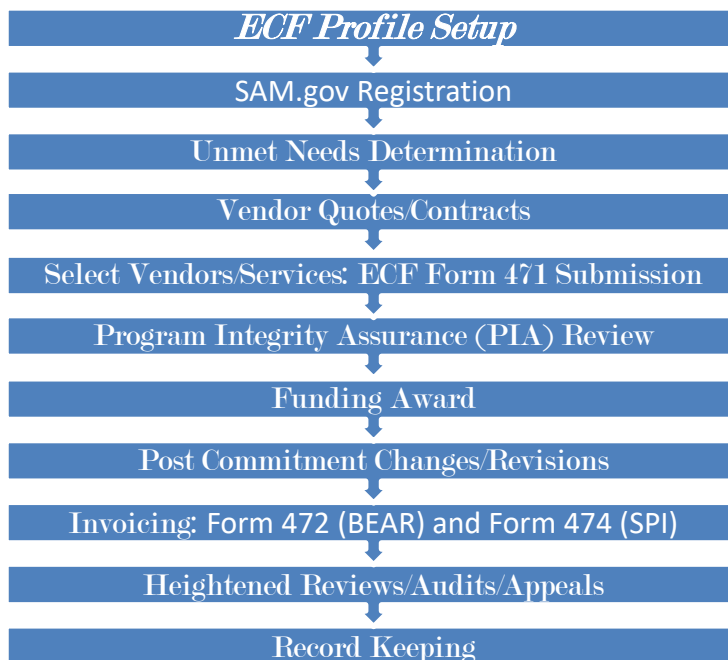
SECTION 4 – STATEMENT OF WORK

Upon contract award, West Virginia Department of Education will be assigned a Contracts Manager to oversee the responsibilities of this contract and who is also a Sr. E-rate consultant and Certified E-rate Management Professional (CEMP). The Contracts Manager will be accessible via email or phone Monday through Friday, 8:00 a.m. – 5:00 p.m., Eastern Standard Time (EST). The Contracts Manager is supported by our Director of Operations and full staff.

Sutherland Consulting Group's (SCG) experienced, hands-on approach provides our clients with a knowledgeable resource that goes beyond "filing applications." Our advisory and consulting structure was developed to help entities navigate the many hurdles that schools and libraries face in onboarding the critical funding needed to support 21st Century learning environments.

A. E-RATE & ECF FUNDING PROCESSES

SCG's processes and organizational structure was developed to provide advisement, support, and training based on the E-rate and ECF funding on processes as detailed below. Revisions to this process and our structure will be made as needed in support of rule, goods/services eligibility, and overall program changes.



B. E-RATE AND ECF TRAINING/ADVISORY SERVICES

Sutherland Consulting Group, Inc., at our own expense, participates in annual Schools and Library Division (SLD) training at national levels both virtual and in-person, and will track new E-rate developments through E-rate related website monitoring, E-rate/ECF specific webinars and teleconferences, listservs mailing lists, and memberships in E-MPA and SHLB. Leveraging our knowledge of E-rate rules, regulations, and interpretations - we will furthermore provide the following E-rate and ECF Training and Advisory Services to the WV E-rate Coordinator and personnel:

1. Assistance in navigating the USAC website and EPC.

Our advisory and training for navigating USAC website and EPC portal will include but is not limited to the following activities:

- i. Adding/deleting users**
- ii. Account administration**
- iii. Entity enrollment and NSLP data**
- iv. Adding/deleting consulting firms**
- v. Viewing entity funding details and data**
- vi. Responding to reviews and inquiries**
- vii. Locating Funding Commitment Decision Letters (FCDL) and other notices**
- viii. Filing Customer Service Cases**
- ix. Filing USAC appeals**
- x. Downloading forms**
- xi. Filing Reimbursement requests**
- xii. Submitting forms**
- xiii. Tracking deadlines**
- xiv. Use of Open Data Portal**

Note that a repository of short < 1minute loom videos will be created that can be made available to WVDE applicants.

2. Assistance in the review, filing, audit, and appeals related to the USAC.

SCG will aid in the review and filing of audits and appeals relating to funding submissions. Those services will include but are not limited to the following:

- i. Advisement on initial confirmation response and setting the appropriate response timeline**
- ii. Help with gathering data from vendor or internal departments**
- iii. Research of USAC and FCC precedence as may be needed to draft audit response or appeal**
- iv. Review of drafts**
- v. Review of questions around submitting responses to audits or heightened reviews**
- vi. Review of questions around submitting USAC and FCC appeals**
- vii. Review of how to track status of audit responses and appeals**

3. Assistance in filing an FCC Form 470 (this will include an RFQ/RFP and using WV Purchasing procedures and/or Policy 8200).

SCG will assist with filing Forms 470 and the alignment of WV purchasing procedures with E-rate program requirements. Services will also include but are not limited to the items below:

- i. Review of RFP/RFQs
- ii. Using EPC portal to file Form 470
- iii. Uploading RFPs/RFQs and addendum
- iv. Navigating Form dropdown menu
- v. Completing Form
- vi. Review of certification requirements

4. Assistance in determining the discount rates using enrollment data and percent needy data and creation/review of the Valid File.

SCG will assist with determining the discount rates for the various entity types using calculations based on enrollment data, National School Lunch Program (NSLP) data, Income Surveys, Community Eligibility Provision (CEP) or alternative calculation methods. SCG will also assist with the creation/review of the Valid File.

5. Assistance with filing any and all FCC Forms as needed. This includes but is not limited to FCC Form 471, FCC Form 472, FCC Form 486, and FCC Form 500.

SCG will assist with filing all Forms including FCC Form 471, FCC Form 472, FCC Form 486, and FCC Form 500. Services will also include but are not limited to the items below:

- i. Review of RFP/RFQs
- ii. Using EPC portal to file Forms
- iii. Uploading contracts and Item 21 attachments
- iv. Navigating Form dropdown menu
- v. Completion of Forms
- vi. Review of contracts and deadlines for extensions, substitutions, and service delivery
- vii. Review of certification requirements

6. Assistance with checking the status of WV schools E-rate funding requests.

SCG will assist with checking funding request status for WV Schools. Services will also include but are not limited to the items below:

- i. Use of USAC tools such as EPC and Open Data to retrieve funding status
- ii. Use of 3rd party tools to retrieve funding status
- iii. Use of internal databases to retrieve funding status

7. Assistance with checking for regulatory and program change proposals, USAC key decision, and other critical information that would impact WV filings.

SCG will assist with checking for regulatory and program change proposals, USAC key decision, and other information that would impact WV filings leveraging knowledge of program along with SHLB, E-MPA, and related WV initiatives.

8. Assistance in the coordination of WV specific E-rate and ECF issues among other state E-rate Coordinators and USAC.

SCG will assist with the coordination of WV specific E-rate and ECF among other state coordinators and USAC.

9. Assistance with filing appeals to USAC on behalf of the WVDE.

SCG will aid in the filing of USAC and FCC appeals relating to funding submissions. Those services will include but are not limited to the following:

- i. **Advisement on deadlines and initial timeline**
- ii. **Research of USAC and FCC precedence as may be needed to draft appeal**
- iii. **Review of drafts**
- iv. **Review of questions around submitting USAC and FCC appeals**
- v. **Review of how to track status of appeals submitted**

10. Assistance with the coordination of documents required for filing the State Internet Access E-rate applications.

SCG will assist with the coordination of documents required for the State Internet Access E-rate application. Those services will include but are not limited to the following:

- i. **Advisement on USAC/FCC document retention policy**
- ii. **Advise on creation of E-rate/ECF documentation retention procedures and process**
- iii. **Advisement on documents needed for audits or heightened reviews such as Beneficiary and Contributor Audit Program (BCAP), Payment Quality Assurance (PQA), Selective Review Information Request (SRIR), and others.**
- iv. **E-rate documentation retention best-practices**
- v. **Use of 3rd party tools to retain funding year records**

11. Assistance with the review of all documents prior to submission by the WV State E-rate Coordinator to USAC or to the vendor(s).

SCG will assist with the review of all documents prior to submission by the WV State E-rate Coordinator to USAC or to the vendors (s). Those services will include but are not limited to the following:

- i. **Review of all forms prior to posting or submission**
- ii. **Review of RFPs/RFQs prior to posting or submission**
- iii. **Review of Contracts and addendums prior to posting or submission**
- iv. **Review of responses to PIA reviews, heightened reviews, and audits, appeals prior to submission**

12. Assistance with E-rate and ECF audits.

SCG will aid in response to E-rate and ECF audits/heightened reviews. Those services will include but are not limited to the following:

- i. Advisement on initial confirmation, deadlines, and establishment of a response timeline**
- ii. Help with establishing communications protocols with USAC/FCC auditors**
- iii. Help with gathering data from vendor or internal departments**
- iv. Assistance with research of USAC and FCC precedence as well as prior WV responses to similar matters**
- v. Review of response drafts**
- vi. Assistance with use of EPC, email, and other USAC tools such as box.com to submitting responses**
- vii. Support for tracking status of audit rulings**

13. Assistance with PIA application review

SCG will aid in response to E-rate and ECF PIA reviews. Those services will include but are not limited to the following:

- i. Advisement on initial confirmation, deadlines, and establishment of a response timeline**
- ii. Help with establishing communications protocols with E-rate and ECF reviewers**
- iii. Help with gathering data from vendor or internal departments**
- iv. Assistance with research of prior WV responses to similar matters**
- v. Review of response drafts**
- vi. Assistance with use of EPC and email for submitting responses**
- vii. Support for tracking PIA review status**

14. Assistance with CIPA Compliance

SCG will provide assistance with compliance with the Children’s Internet Protection Act (CIPA). Those services will include but are not limited to the following:

- i. Advisement/review of Internet Safety Policy**
- ii. Advisement/review of technology protection measure (filters)**
- iii. Advisement/review of Public Notice and Hearing or Meeting**
- iv. Advisement on completion of Form 479 from consortium members**
- v. Advisement on certification/documentation options including “Undertaking Actions”**

15. Provide monthly Status Reports summarizing the work performed during the reporting period, work to be accomplished in subsequent reporting periods, and a summary of any issues or problems (real or anticipated).

SCG will provide monthly status reports summarizing the following:

- i. Overview of tasks performed**
- ii. Monthly Timesheets with detailed work performed entries.**
- iii. List of open and potential issues**
- iv. List of work items to be completed in subsequent periods**

16. Email and telephone support for designated WVDE personnel must be available Monday through Friday, 8:00AM – 5:00PM EST, with a response within the next business day

SCG will have email and telephone support for WVDE personnel available M-F 8am-5pm EST. The assigned SCG Contract manager will respond to all communications within 24hours.

C. DELIVERY OF TRAINING

SCG will provide the following Training Services with the WV E-rate Coordinator to the 57 Districts:

1. Attend Fall E-rate training with the E-rate Coordinator for district training (2 days). This training may be held either face to face (FTF) or virtually depending on funding and approval by State Superintendent. (Pricing page has separate commodity lines for the option FTF or Virtual).

SCG will attend Fall and all training with the E-rate Coordinator for district training either virtually or in person.

2. Provide assistance with developing training materials to support districts participating in the E-rate program.

SCG will assist in the development of training materials to support districts in the E-rate program.

3. Provide guidance for items to include/discuss.

SCG will provide guidance on E-rate training content and materials

4. Provide assistance with preparing and reviewing materials and documents.

SCG will provide assistance with the preparation and review of training materials and documentation.

5. Provide information assistance for related needs/questions for the trainings

SCG will provide assistance for related needs and questions as needed for trainings.

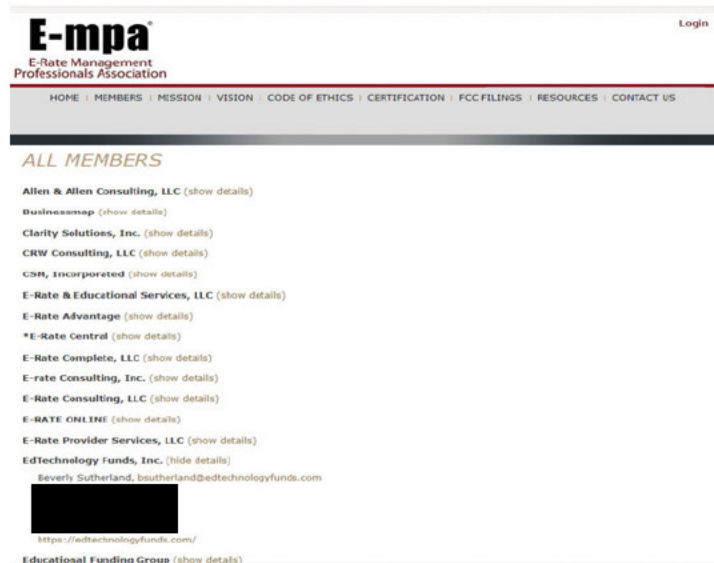
6. Provide assistance to the E-rate Coordinator to provide resources and support for the application of E-rate funding and compliance for the districts.

SCG will provide assistance to the E-rate Coordinator in support of the application of E-rate funding and compliance for districts.

7. Provide assistance to the E-rate Coordinator for optional half day virtual trainings to current and potential E-rate participants.

SCG will provide assistance to the E-rate Coordinator for optional half day virtual trainings to current and potential E-rate participants.

D. E-RATE MANAGEMENT PROFESSIONALS ASSOCIATION (E-MPA) MEMBERSHIP AND CERTIFICATE



SECTION 5 – FEE SCHEDULE & EXPENSES

Below is our pricing schedule based on an hourly rate for advisory and training services.

E-Rate Training and Advisory Services

Service	Hourly Rate	Annual Hours	Monthly Total	Annual Total
Year 1 -E-Rate and ECF Training & Advisory Services	\$160	750	\$10,000	\$120,000
Year 2-E-Rate and ECF Training & Advisory Services	\$160	475	\$6,333	\$76,000
Year 3 -E-Rate and ECF Training & Advisory Services	\$160	300	\$4,000	\$48,000
Additional Hours*	\$160	100	\$1,333	\$16,000

Training	Total
Face to Face Fall 2-Day Training	\$6400
Virtual Fall 2-Day Training	\$3200
Half-Day Virtual Training	\$960

Notes:

- 1) WVDE will be invoiced monthly based on hours rendered . WVDE will be provided with a detailed timesheet of services performed, planned tasks, and outstanding issues with monthly invoices.
- 2) Additional hours will not exceed a total of 100 hour per year. Additional hours will only be rendered if approved by WVDE if it requires additional training/advisory hours in excess of 750 hours for year 1, 475 hours for year 2, and 300 hours for year 3. Additional hours for training/advisory services and billing rates will stay within the scope of the services as listed in this contract.

SECTION 6 –REFERENCES AND LETTERS OF RECOMMENDATION

For each of our California Library references, Sutherland Consulting Group provides comprehensive FCC E-rate and Emergency Connectivity Fund Program Management including services below:

- Advisement and conducted webinars on USAC rules and FCC orders for E-rate and ECF programs
- Advise, support, & trainings broadband topology & connectivity
- Support technology needs assessment
- RFP Development Support
- CIPA Compliance advisement, support, & trainings
- Forms submission support
- USAC and USAC Appeal advisement and support
- USAC inquiries response support
- Management and advisement on vendor invoice reconciliation
- Advisement on Documentation management procedures
- Preparation of Service Substitutions
- Support for Selective Review and Invoice audits
- Advisement Competitive Bidding processes

<p>Southern California Library Cooperative (SCLC, \$10M E-rate+Grant Funding)</p> <ul style="list-style-type: none"> • E-rate advisor and technical support for California Library Broadband Upgrade project • Advised SCLC with assisting 943 library systems with alignment of state funding with E-rate for delivery of broadband services • Tracked funding, issues, and technology needs for participants. 	<p>Service Dates: FY2015-2019 Contact: Wayne Walker, Deputy Director Email: wwalker@socallibraries.org Telephone: (626) 427-3353</p> <p>Contact2: Diane Satchwell, Former Executive Director (oversaw statewide projects) Email: diane@librarysolutions.net Telephone: (209) 500-7272</p>
<p>Southern California Library Cooperative (SCLC, \$20M+ E-rate Funding)</p> <ul style="list-style-type: none"> • Advise SCLC Library Systems on USAC/FCC rules and procedures • E-rate Application Support for Category 2 • Advisement on Competitive Bidding and integration of local requirements into the RFP process • Webinars and training on CIPA Compliance • Vendor Contract Management 	<p>Service Dates: FY2015-2022 Contact: Wayne Walker, Deputy Director Email: wwalker@socallibraries.org Telephone: (626) 427-3353</p> <p>Contact2: Diane Satchwell, Former Executive Director (oversaw statewide projects) Email: diane@librarysolutions.net Telephone: (209) 500-7272</p>

<p>Sanger Unified School District (\$8M E-rate and ECF Funding)</p> <ul style="list-style-type: none"> • Advise staff on USAC/FCC rules and procedures • Complete Application Support for E-rate and Emergency Connectivity Fund • Documentation Retention Management • Vendor Contract Management • Selective Review Support 	<p>Service Dates: FY2015-Present Contact: Chris Goulart, Director -Technology Support Services Email: chris_goulart@sangerusd.net Telephone: (559) 524-7904</p>
<p>Los Angeles County Public Library (\$15M E-rate & ECF Funding)</p> <ul style="list-style-type: none"> • Advise library and City staff on USAC/FCC rules and procedures • Complete E-rate Application Support for Category 2 and Emergency Connectivity Fund • CIPA Compliance • Documentation Retention • Vendor Contract Management • Selective Review Support 	<p>Service Dates: FY2014-Present Contact: Binh Le, Chief Information Officer Email: ble@library.lacounty.gov Telephone: 562/940-8418</p>
<p>San Diego County Library (\$10M+ E-rate and ECF Funding)</p> <ul style="list-style-type: none"> • Advise library staff on USAC/FCC rules and procedures • Application Support for E-rate and Emergency Connectivity Fund programs • Advisement on Competitive Bidding process and integration of local requirements into the RFP process • CIPA Compliance support and advisement • Documentation Retention Management • Reimbursement Support 	<p>Service Dates: FY2017-Present Contact: Migell Acosta, Library Director Email: migell.acosta@sdcountry.ca.gov Telephone: (858)694-2389 Address: 5560 Overland Avenue Suite 110 San Diego, CA 92123</p>
<p>San Joaquin Valley Library System (110 sites, 10 Library System \$8M E-rate and ECF Funding)</p> <ul style="list-style-type: none"> • Advise library and county staff on USAC/FCC rules and procedures • Complete E-rate Application Support for Category 1, Category 2, and Emergency Connectivity Fund 	<p>Service Dates: FY2019-Present Contact: Christopher Wymer, Administrative Librarian Email: christopher.wymer@sjvls.org</p>

- Trainings and support for CIPA Compliance requirements
- Documentation Retention
- Manage vendor invoice reconciliation
- Advisement and management of USAC BCAP, PQA Audit responses
- Advisement and management and USAC & FCC Appeals

Telephone: (559) 600-6256

Address: 2420 Mariposa Street Fresno, CA 93721



To Whom It May Concern:

This letter is intended to acknowledge the high-level of satisfaction the Southern California Library Cooperative (SCLC) has experienced with EdTechnologyFunds, Inc.. SCLC has had the benefit of receiving services that has consistently exceeded our expectations. As a partner in the California Library Broadband Initiative Grant, EdTechnologyFunds has secured the highest level of E-Rate funding leveraging their technical, business, and regulatory expertise for 9 of our library systems which are comprised of nearly 100 branches. EdTechnologyFunds has also served in an advisory capacity to educate libraries and California State administrators on the E-Rate program. The funding from the E-Rate program coupled with grant funds through the state has enabled many of our library systems to begin the process upgraded to 1 Gigabit broadband internet access speeds with robust WiFi network infrastructures. We, furthermore, appreciate the "hands-on" approach that EdTechnologyFunds has given our libraries with timely responses to questions, regular meetings, and assigned technical resources.

Below is a highlight of the program services that we have received from EdTechnologyFunds:

- Timely engagement process with libraries to gather data necessary to comply with USAC/SLD application requirements and meet filing deadlines for eligible Category 1 and Category 2 services.
- Develop best-in-class Category 2 Requests for Proposals (RFPs) leveraging knowledge of broadband grant as well as equipment, cabling, and library performance needs.
- Manage competitive bidding process for Category 1 and Category 2 services.
- Proactive in providing timely responses to all Program Integrity Assurance (PIA) reviews and other reviews by working directly with vendors with minimum Library personnel involvement.
- Work with business/accounting teams to ensure timely reconciliation of E-Rate discounts and CTF credits.

In summary, EdTechnologyFunds has provided our libraries with consistent and comprehensive E-Rate program support which has added tremendous value to our efforts to modernize the network infrastructures throughout the State of California. Please contact me directly should you have any questions.

Sincerely

Diane R. Satchwell
Executive Director

SOUTHERN CALIFORNIA LIBRARY COOPERATIVE

248 East Foothill Boulevard • Suite 101 • Monrovia, California 91016
(626) 359-6111 • Fax (626) 359-0001

Website: <http://www.socallibraries.org> • E-mail: sclicq@socallibraries.org



SANGER UNIFIED SCHOOL DISTRICT

1905 SEVENTH STREET • SANGER, CA 93657
(559) 524-6521 FAX (559) 875-0311

MATTHEW J. NAVO, SUPERINTENDENT
"Dream Big, Work Hard and Believe!"

To Whom It May Concern:

The Sanger Unified School District has been highly satisfied with the services and support of EdTechnologyFunds, Inc.

EdTechnologyFunds has exceeded our expectations in providing support for Selective and Program Integrity Assurance (PIA) reviews. In addition to working directly with vendors, they have been able to leverage their technical, business, and regulatory expertise to keep Sanger Unified eligible for critical funding. With the assignment of an account manager, we have been especially pleased with the responsiveness that EdTechnologyFunds has given our district.

In summary, EdTechnologyFunds has provided our District with consistent and comprehensive E-Rate program support, which has added tremendous value to our efforts to build a 21st century educational program focused on student learning using technology.

Please contact me directly should you have any questions.

Sincerely

Kim Jacobsen
Director of Technology
559-524-7001

----- *Every Child, Every Day, Whatever it Takes!* -----

Trustees: Peter R. Filippi Ismael (Mike) Hernandez James D. Karle Kenneth R. Marcantonio
Marcy Masumoto Jesse Vasquez Tammy Wolfe



This letter is intended to acknowledge the high-level of satisfaction the Pixley Union School District (DISTRICT) has experienced with EdTechnologyFunds, Inc.

Over the years, the District has had the benefit of receiving services that has consistently exceeded our expectations. EdTechnologyFunds has secured the highest level of E-Rate funding leveraging their technical, business, and regulatory expertise. We, furthermore, appreciate the "hands-on" approach that EdTechnologyFunds has given our District with timely responses, regular meetings, reporting, and an assigned account manager. This, combined with the time that they have invested in learning our technology environment, has better enabled us to strategically align our network infrastructure to the needs of our schools.

Below is a highlight of the program services that we have received from EdTechnologyFunds:

- Timely engagement process with District to gather data necessary to comply with USAC/SLD application requirements and meet filing deadlines for eligible Category 1 and Category 2 services.
- Develop best-in-class Category 2 Requests for Proposals (RFPs) leveraging knowledge of equipment, cabling, and District performance needs.
- Conduct pre-bid site walk-throughs to properly document existing environment and details needed to receive quality proposals.
- Manage competitive bidding process for Category 1 and Category 2 services each year.
- Proactive in providing timely responses to all Program Integrity Assurance (PIA) reviews and other reviews by working directly with vendors with low District involvement.
- Work with business/accounting teams to ensure timely reconciliation of E-Rate discounts and CTF credits.

In summary, EdTechnologyFunds has provided our District with consistent and comprehensive E-Rate program support which has added tremendous value to our efforts to build a 21st Century. Please contact me directly should you have any questions.

Sincerely

Joel Munoz

Director of Operations and Technology

SECTION 6 – KEY PERSONNEL

SUTHERLAND CONSULTING GROUP KEY PERSONNEL

SCG consultants are hardworking, tech-savvy, and knowledgeable professionals, who operate with the utmost integrity. SCG is a member of the E-rate Management Professionals Association (E-MPA) and abides by its code of ethics. SCG also has consultants that are Certified E-rate Management Professionals (CEMP), a certification given by the E-MPA after rigorous testing and demonstrated commitment to ongoing education.

SUMMARY

Beverly Sutherland - President and CEO

Culver City, California

- Certified E-rate Management Professional (CEMP)
- Board Member for Schools, Libraries & Healthcare Broadband Coalition (SHLB)
- 2022 Co-Chair SHLB E-rate group
- 16+ Years of experience with the E-rate Program
- Lead advisor on USAC rules and FCC Orders for E-rate and ECF Programs
- 11 years+ experience with advisement and support for BCAP, PQA, & onsite audits
- Co-inventor on patent for automatic image convergence
- Advisor on network topology/infrastructure design
- Former technology consultant to the California Division Broadband Grant program for upgrades to the Cenic's CalRen network
- Authors E-rate, technology papers, and marketing materials.
- Founder and manager of ErateSync, cloud-based E-rate Documentation Management SaaS app

Ingrid Goodman – Director of Operations

Reno, Nevada

- 16+ years of experiences working with technology procurement and competitive bidding for Los Angeles County
- Extensive experience in USAC/FCC Reviews, BCAP/PQA Audits and Appeals
- Manages client relationships and engagements nationwide
- Currently oversees companywide E-rate application processes
- Manages/oversees E-rate process for special accounts
- Manages daily activity of Account management team
- Manages companywide discount activation and telecommunication reconciliations
- Experience in supporting BCAP and PQA audits

Cindy Perez

Sr. E-rate Consultant/Account Manager

Culver City, California

- 15+ years of the management of Federal funding sources
- 8+ years of experience with the E-rate Program

- Manages/oversees statewide California school district and library accounts
- Lead consultant on discount validations
- Lead consultant on invoice reconciliations
- Extensive experience in supporting PQA Audits and heightened USAC reviews
- Experience in supporting BCAP audits

Reginald Myers – Sr. E-rate Consultant, Account Manager

North Brunswick Township, New Jersey

- Strategic account manager for large E-rate entities
- Manages/oversees E-rate process for charter school and small district accounts
- Generates company newsletters regarding E-rate industry information and updates
- Coordinates company webinars
- Oversees/manages E-rate marketing and training related materials
- Company representative for the E-rate Management Professionals Association (E-MPA)

EXHIBIT A – CIPA COMPLIANCE WHITE PAPER



CIPA and Libraries: Challenges and Opportunities

Introduction

Libraries are evolving as rapidly as the technology that has transformed how we discover new information, learn and connect with each other. In cities and counties throughout the nation, public libraries are becoming the central hubs of access to not just books and the internet, but also community-based services and other resources for young people, families and those in need. But as their responsibilities expand, libraries face resource challenges that make serving these growing needs more difficult.

Libraries' role as hubs of internet connectivity for those who may not otherwise have access has created a fundamental challenge: providing information to all while protecting patrons – particularly children – from illegal and harmful content. Striking the right balance has philosophical, technological and legal implications for libraries and those who work in them, particularly since the introduction of a landmark piece of legislation nearly two decades ago.

The Children's Internet Protection Act (CIPA), which became law in 2001, essentially requires all public libraries – whether school or community-based – to filter

or block certain material if they receive federal funding through several avenues, including the E-rate program. Many public libraries have resisted, arguing that complying with these provisions violates the First Amendment and their missions as providers of information to all.

Nearly two decades later, CIPA still poses a challenge for libraries: compliance with the law must be balanced against the need for open access to the internet. But the evolution of technology has made this easier. And there's a potential opportunity within CIPA: compliance can open doors for federal funding opportunities that can help libraries be better community anchors.

"Libraries can be ethical in the way they filter and take advantage of the funding," says Beverly Sutherland, Founder of EdTechnologyFunds, Inc., and an experienced E-rate consultant to libraries. "They don't have to compromise on their stance."

This issue brief outlines what CIPA says and means for libraries, offers strategies for compliance and details funding opportunities through the federal E-rate program.

CIPA, Explained

Enacted by Congress in 2000 to address concerns about children’s access to “obscene or harmful content” on the internet, CIPA imposes requirements on schools and libraries that receive discounts for internet access or internal connections through the federal E-rate program, which is administered by the Federal Communications Commission (FCC). (For more on the E-rate program and libraries, see the box “E-rate Primer”.) CIPA also involves funding through federal and state grant programs overseen by the Library Services & Technology Act, or LSTA. Academic and college libraries are not covered by the law, according to the American Library Association.


CIPA requires libraries to certify they have an internet safety policy that includes technology protection measures. These measures must block or filter internet access to images that are obscene, child pornography or harmful to minors.


Libraries’ broader internet safety policies must address:

- Access by minors to inappropriate matter
- The safety and security of minors when using electronic mail chat rooms and other forms of direct electronic communications
- Unauthorized access such as hacking or other unlawful activities by minors
- Unauthorized disclosure, use and destination of personal information regarding minors
- Measures restricting minors’ access to harmful materials

Libraries also are required to hold at least one public meeting about their internet safety policy before enacting it.¹

However, there are two important clarifying points for libraries under CIPA, both of which have been reinforced by court challenges and new provisions:

 An “authorized person” can disable blocking or filtering to allow unfettered use by adults for “bona fide research or other lawful purposes,” according to the FCC.

 The law doesn’t require libraries to track internet use by either minors or adults.

CIPA was challenged in 2001 in district federal court by the American Library Association, which, in partnership with the American Civil Liberties Union (ACLU), argued the law infringed on First Amendment rights and that the filtering technology of the time

“ Libraries can be ethical in the way they filter and take advantage of the funding. They don’t have to compromise on their stance.

Beverly Sutherland, Founder, EdTechnologyFunds, Inc.

“wrongly blocked” thousands of web pages containing protected speech. The court agreed, ruling that libraries complying with CIPA would be violating First Amendment protections and that mandatory filtering wasn’t the least restrictive option.²

The ruling also reinforced the idea that libraries play an important role as providers of access to the internet. “By providing internet access to millions of Americans to whom such access would otherwise be unavailable, public libraries play a critical role in bridging the digital divide separating those with access to new information technologies from those that lack access,” the ruling stated.

In 2003, however, the U.S. Supreme Court narrowly overturned the ruling, stating that internet filtering does not violate First Amendment rights and affirming the ability of Congress to connect funding to policy objectives. “The decisions by most libraries to exclude pornography from their print collections are not subjected to heightened scrutiny; it would make little sense to treat libraries’ judgments to block online pornography any differently,” the high court’s ruling states.³ “Concerns over filtering software’s tendency to erroneously ‘overblock’ access to constitutionally protected speech that falls outside the categories software users intend to block are dispelled by the ease with which patrons may have the filtering software disabled.”

CIPA was updated in 2011 by the Protecting Children in the 21st Century Act. While the majority of the new provisions impacted school libraries, the new law and subsequent FCC guidance also reaffirmed the high court’s ruling that filtering and other technology protections can be disabled for adults by libraries, and that local communities have wide leeway in determining the guidelines for doing so.⁴

Filtering has faced additional legal challenges. In the years since CIPA became law, a number of school districts and libraries have been sued over their own policies, including a successful case against a Missouri school district that blocked websites focused on support for lesbian, gay, bisexual and transgender (LGBT) people while not blocking those which oppose protections for these groups.

These rulings “put a lot of fear into libraries,” says Sutherland. Beyond philosophical disagreements about blocking access, she says, “they were afraid they might also get sued for filtering information.”

Strategies for CIPA

CIPA has been challenging for public libraries for many reasons, but arguably the most difficult aspects are connected to their mission.

Libraries see themselves as champions of digital equity. Many are becoming community hubs, including housing social workers and providing community programs, from helping patrons apply for public services to offering resources for workforce development. The ALA calls this broader vision the “Es of libraries,” including education, employment, entrepreneurship, employment and engagement.⁵

For these reasons, many libraries have foregone E-rate and other federal funding. But even those that have avoided CIPA certification have contended with issues involving inappropriate and illegal content being accessed through their computers and systems. And, experts say, filtering technology has improved since CIPA’s passage at the beginning of the century, and the law provides broad leeway in how it is used.

CIPA’s provisions requiring internet filtering don’t specify the technology to be used, according to the ALA. “Although the law clearly requires the use of filtering or blocking technology, it does not require the use of specific filtering software or services. Instead, CIPA requires schools or libraries covered by the new requirements to certify they are using technology that blocks or filters access to visual depictions of the type specified in the legislation.”⁶ And the word “visual” is important – according to the ALA, setting library web browsers to a “text-only” setting may address the requirements.

As mentioned earlier, filtering technology can be turned off by library staff for adults, so long as what they are accessing doesn’t meet the legal definition of obscenity or involve child pornography. That’s an approach reinforced by the 2003 Supreme Court ruling, which states that “the statute contains an important exception that limits the speech-related harm: It allows libraries to permit any adult patron access to an ‘overblocked’ website or to disable the software filter entirely upon request.”⁷ Following that ruling, the FCC clarified that libraries don’t have to determine if adults are pursuing “bona fide research” but can simply turn off filtering at an adult’s request.⁸

Among the options libraries have considered:

- Instead of blocking entire pages, blocking only the images on the page

- Identifying patrons as adults or minors when they log in by verifying their library credentials and giving adults the option of filtered or unfiltered internet access
- Opting adult patrons in to filtering when they first access library systems and allowing them to later opt out
- Providing centralized filtering or maintaining a common whitelist across branches to simplify the management of internet filtering

All these strategies have been enabled by technology. While court rulings assert that filtering technology on its own will never be completely effective in ensuring protected materials aren’t blocked, new tools make it easier for library staff to manage filtering for individual

E-rate Primer

Mandated by the 1996 Telecommunications Act, the federal E-rate program is intended to provide affordable access to telecommunications for both public libraries and K-12 schools. In the decades that have followed, libraries across the nation have leveraged the federal funding, overseen by the Federal Communications Commission, to upgrade networks and provide public access to the internet and other vital services.

In 2014, the FCC modernized the E-rate program, increasing the annual spending cap and emphasizing broadband capacity and Wi-Fi. According to the ALA, the changes were beneficial to libraries. “For the first time in over 15 years, our libraries are assured of receiving funding,” the organization stated in written comments to the FCC.⁹ “The result is that all libraries, whether in remote rural areas or urban centers, have access to much-needed funding for their in-building network requirements.”

New changes for funding year 2021 provide uniform funding for urban and rural libraries at \$4.50 per square foot over the five-year funding cycle, a move expected to benefit rural libraries, since the previous amount set for rural schools in 2014 was \$2.30 per square foot.¹⁰ Changes also allocate funding at the library system and school district level, not to individual buildings. Doing so allows libraries and districts to use their funding in the buildings or locations that need it the most, according to the ALA.

CIPA requires libraries and schools which receive E-rate funding to be compliant with its regulations as a condition of receiving funding.

patrons. Filtering software also is frequently updated by providers and has grown more sophisticated in the years since CIPA's passage.

"What may have once taken a lot of manpower and IT love and care is now really easy to implement and simplify for the end user," Sutherland says.

Conclusion

Nearly two decades after CIPA became law, libraries often fall into one of two extremes. Many have chosen not to comply with the law, forfeiting thousands or even millions of dollars in federal funding. On the other extreme, those complying with CIPA may have enacted policies more restrictive than the law requires.

Too often, argues a brief by the Electronic Frontiers Foundation, "libraries go beyond the legal requirements of CIPA when implementing content filters. ... Libraries across the country are routinely overblocking content, censoring far more than is necessary under the law.

This means library patrons are cut off from whole swaths of the World Wide Web, hampering their access to knowledge."¹¹

While striking the correct balance is challenging, it is possible to do in ways that can serve the needs of

patrons and protect them from accessing harmful and illegal content.

"You can do both – be respectful of people's needs for information, but also be respectful of our children and build a community in the library that is safe and healthy," Sutherland says.

CIPA Resources for Libraries

FCC CIPA Guidelines

www.fcc.gov/consumers/guides/childrens-internet-protection-act

E-rate

www.usac.org/e-rate/

American Library Association (ALA) CIPA resources

www.ala.org/advocacy/advleg/federallegislation/cipa

Libraries and E-rate (ALA)

www.ala.org/advocacy/sites/ala.org/advocacy/files/content/telecom/erate/Libraries%20and%20E-rate%20-%20January%202018%20Brief.pdf

Texas State Library and Archives Commission resources on Internet filtering

www.tsl.texas.gov/ld/pubs/filters/filtering.html

This piece was developed and written by the Center for Digital Education Content Studio, with information and input from Cisco. The information provided in this paper does not, and is not intended to, constitute legal advice; instead, all information is for general informational purposes only.

Endnotes

1. www.fcc.gov/consumers/guides/childrens-internet-protection-act
2. <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/advleg/federallegislation/cipa/internet.pdf>
3. <https://www.supremecourt.gov/opinions/boundvolumes/539bv.pdf>
4. <https://www.in.gov/library/files/2011-sf-fall-CIPA-Update.pdf>
5. <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/telecom/erate/Libraries%20and%20E-rate%20-%20January%202018%20Brief.pdf>
6. <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/advleg/federallegislation/cipa/cipaqa-1.pdf>
7. <https://www.supremecourt.gov/opinions/boundvolumes/539bv.pdf>
8. http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-188A1.pdf
9. <https://ecfsapi.fcc.gov/file/10816028233870/ALA%20Category%20Two%20comments%2008162019.pdf>
10. <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/telecom/erate/ALA%20C2%20Order%20Summary%2012.9.pdf>
11. <https://www.eff.org/deeplinks/2013/09/cost-censorship-libraries-10-years-under-childrens-internet-protection-act>

Produced by:

CENTER FOR
DIGITAL
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The Center for Digital Education is a national research and advisory institute specializing in K-12 and higher education technology trends, policy and funding. The Center provides education and industry leaders with decision support and actionable insight to help effectively incorporate new technologies in the 21st century. www.centerdigitaled.com

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Digital education is making it possible for students to learn more, in new ways, in new places, with new connections to resources around the globe. Cisco is leading this new digital world in education, including with solutions for Safer Schools, which support students as they learn without limits. www.cisco.com/go/education