

With many schools and libraries now closed, and schools moving to online classes, questions have arisen as to the E-Rate implications of continuing to operate Wi-Fi systems to provide community access to Internet services in parking lots or other nearby locations. In 2010, the FCC's Sixth Report and Order (FCC 10-175) specifically authorized the use of E-Rate funded services to "community members who access the Internet while on a school's campus" during "non-operating hours."

On March 23rd, the FCC confirmed that community use of E-Rate-supported Wi-Fi networks is permitted during school and library closures due to the COVID-19 pandemic. The full language is provided below. The FCC's confirmation explicitly expressed the "hope that this reminder will promote connectivity to Americans impacted by the disruption caused by the coronavirus pandemic."

As a means of providing access during this crisis, you may want to consider allowing and encouraging the community to use the school's/library's Wi-Fi in the parking lot, in the safety of their cars.



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU CONFIRMS THAT COMMUNITY USE OF E-RATE-SUPPORTED WI-FI NETWORKS IS PERMITTED DURING SCHOOL AND LIBRARY CLOSURES DUE TO COVID-19 PANDEMIC

WC Docket No. 02-6
WC Docket No. 13-184

The federal E-Rate program provides support for “all public and nonprofit elementary and secondary school classrooms, . . . and libraries” to receive discounted connectivity services, such as high-speed broadband, Internet access service, and Wi-Fi access points.¹ The State Educational Technology Director Association has asked the Commission to clarify “that schools may allow their Wi-Fi networks to be used by the community without losing E-rate funding.”² And the Schools, Health & Libraries Broadband (SHLB) Coalition has asked the Commission to “[c]larify that schools and libraries can allow their Wi-Fi networks to be shared with the community without losing E-rate funding.”³

By this Public Notice, the Wireline Competition Bureau reminds schools and libraries that are closed due to the coronavirus COVID-19 outbreak that they are permitted to allow the general public to use E-Rate-supported Wi-Fi networks while on the school’s campus or library property. Specifically, libraries may offer access to E-Rate funded services on their premises as well as services that are “integral, immediate and proximate to the provision of library services to library patrons”⁴—and because the mission to serve the public is ongoing, libraries are permitted to allow the public to access E-Rate funded services even when they are closed to the public due to the coronavirus pandemic. Similarly, closed schools may allow access to E-Rate funded services “to community members who access the Internet while on a school’s campus” so long as they do not charge for the use of the service.⁵ We hope

¹ 47 U.S.C. § 254(h)(2)(A); 47 CFR Part 54, Subpart F. Under the E-Rate program, eligible schools, libraries, and consortia (comprised of eligible schools and libraries) may request universal service discounts for eligible services, including connections necessary to support broadband connectivity to eligible schools and libraries. *See generally* 47 CFR §§ 54.500-.523.

² Letter from Candice Dodson, Executive Director, State Educational Technology Director Association (SETDA), to Chairman Pai and Commissioners, FCC (Mar. 20, 2020).

³ Letter from John Windhausen, Jr., Executive Director, Schools, Health & Libraries Broadband (SHLB) Coalition, to Chairman Pai and Commissioners, FCC (Mar. 17, 2020).

⁴ 47 CFR § 54.500.

⁵ *See Schools and Libraries Universal Service Support Mechanism*, Sixth Report and Order, WC Docket No. 02-6, 25 FCC Rcd 18762, 18775-76, paras. 25-26 (2010) (*E-Rate Sixth Report and Order*). Additionally, schools that choose to allow the community to use their E-Rate funded services “may not request funding for more services than are necessary for educational purposes to serve their current student population.” *Id.* at 18775, para. 24.

that this reminder will promote connectivity to Americans impacted by the disruptions caused by the coronavirus pandemic.

We leave it to individual schools and libraries to establish their own policies regarding use of their Wi-Fi networks during closures, including hours of use.⁶ And we remind all parties that health and well-being are paramount, and to follow any applicable health and safety guidelines, including those on social distancing, as may be set out by relevant federal, state, local, and Tribal authorities.

For further information, please contact Joseph Schlingbaum, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or (202) 418-0829 (TTY), or at Joseph.Schlingbaum@fcc.gov.

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⁶ *Cf. id.*, 25 FCC Rcd at 18775-76, para. 25 (finding that “the decision about whether to allow community access rests with the school, and we thus leave it schools to establish their own policies regarding specific use of their services and facilities, including, for example, the hours of use”); *id.* at 18776-77, para. 27 (“We emphasize that the revision of our rules [to allow community use of school’s E-Rate funded services] creates an opportunity for schools, but not an obligation.”).