

Before the Federal Communications Commission

Washington DC 20554

In the Matter of)
)
Addressing the Homework Gap) WC Docket No. 21-31
Through the E-Rate Program)

**Comments of the Education & Libraries Networks Coalition (EdLiNC) and
Other Education and Library Organizations**

I. INTRODUCTION

The Education and Library Networks Coalition (EdLiNC)¹, a group comprised of the leading public and private education associations and the American Library Association that was formed in 1995 to advocate for the interests of schools and libraries in the Telecommunications Act of 1996, and other education and library organizations² (hereinafter collectively referred to as EdLiNC) are pleased to provide these comments to the Wireline Competition Bureau’s Public Notice of Proposed Rulemaking (Notice) on Addressing the Homework Gap Through the E-Rate Program³.

Since the enactment of the E-Rate as part of the Telecommunications Act of 1996, EdLiNC has pursued a mission of promoting and improving the E-Rate to fulfill its mission of accelerating the deployment of advanced telecommunications and information services in schools and libraries, and has filed in nearly every Commission rulemaking related to the program. EdLiNC also filed comments in the Commission’s 2016 Lifeline Modernization proceeding, focusing our

¹ See Appendix A for a complete list of EdLiNC members.

² See Appendix B for list of additional school and library organizations supporting this filing

³ *Notice of Proposed Rulemaking, WC Docket No. 21-31 (2023) (Notice).*

proposals on elements of this rulemaking related to bridging the homework gap, on the Bureau's Public Notice from February 2021 that sought comment on petitions for emergency relief to allow the use of E-Rate funds to support remote learning during the COVID-19 pandemic, and on the Commission's 2021 Emergency Connectivity Fund (ECF) implementation rulemaking.

EdLiNC continues its support for closing the homework gap by filing today's comments which support the inclusion of Wi-Fi hotspots and home connectivity services into the E-Rate program. As detailed more fully below, EdLiNC also supports the following regulations in conjunction with this inclusion: 1) the continued application of E-Rate's priority rules in funding scarcity situations; 2) the continued application of the ECF's rule allowing only one Wi-Fi hotspot per individual eligible user; 3) the institution of a per device + services cap of \$294 per user per year, adjusted annually for inflation; 4) the categorization of WiFi hotspots and home connectivity services into Category 1 of the E-Rate's eligible services list; and 5) the establishment of reasonable, non-burdensome implementation rules, including annual data collection by school eligible applicants of student and educator home connectivity data, the execution of additional eligible applicant certifications where warranted, and the annual dissemination of eligible applicants' acceptable or Internet use policies to adult parents or guardians of school-age students.

II. EDLINC SUPPORTS THE INCLUSION OF WI-FI HOTSPOTS AND SERVICES INTO THE E-RATE PROGRAM, BELIEVES THAT THE COMMISSION HAS THE AUTHORITY FOR THAT INCLUSION, AND BELIEVES THAT THE E-RATE PROGRAM HAS AMPLE FUNDS AVAILABLE FOR THIS PROPOSED EXPANSION OF ELIGIBLE SERVICES.

Even before the pandemic, millions of K-12 students lacked any home connectivity, preventing them from completing homework assignments, conducting research, communicating with their teachers and peers, applying for colleges, jobs and government services. Unsurprisingly, the most affected by the lack of home connectivity were from low-income and/or minority

households or resided in rural and remote areas. Common Sense Media’s 2020 report, which is based on 2018 data, found that 37% of rural students and 21% of urban students lacked home Internet access. Additionally, the report stated that 35% of Native American students, 30% of Black students, and 26% of Latinx students had inadequate Internet access at home compared to only 18% of White students.⁴ A second report from the Alliance for Excellent Education revealed that one in three families who earn between \$25,000 and \$50,000 do not have high speed home Internet.⁵ A third report from the National Education Association, issued in 2020, found that 25% of all school-aged students live in households without broadband access or web-enabled devices (such as a computer or tablet).⁶

The advent of the COVID 19 pandemic and the confinement of nearly all students to their homes, brought the home connectivity crisis to a head, with unconnected students unable to actually go online and attend class, thereby depriving them of their education. Common Sense Media’s study showed that it was not only students that lacked access to the Internet at home: between 300,000 and 400,000 K–12 teachers lived in households without adequate internet connectivity, which translated into roughly 10% of all public school teachers.⁷ For those educators, it became impossible for them to teach online courses when the pandemic hit.

The home connectivity gap endured by K-12 students and educators is reflective of a larger Digital Divide that America’s public libraries have been on the front lines in addressing for many years – initially by providing access to computers and connectivity within their buildings and more recently by lending Wi-Fi hotspots and computing devices to their patrons.

⁴ Common Sense Media, “K–12 Student Digital Divide Much Larger Than Previously Estimated and Affects Teachers, Too, New Analysis Shows,” (June 2020) at https://www.commonsensemedia.org/press-releases/k-12-student-digital-divide-much-larger-than-previously-estimated-and-affects-teachers-too-new-analysis?overridden_route_name=entity.node.canonical&base_route_name=entity.node.canonical&page_manager_page=node_view&page_manager_page_variant=node_view-panels_variant-csm_press_release&page_manager_page_variant_weight=-5 (2020 Common Sense Media Study)

⁵Alliance for Excellent Education, “Students of Color Caught in the Homework Gap” (Alliance for Excellent Education, National Indian Education Association, National Urban League, and Unidos US, 2020).

⁶National Education Association “The Digital Divide and the Homework Gap,” (October 2020) at <https://www.nea.org/resource-library/digital-divide-and-homework-gap-your-state>

⁷ 2020 Common Sense Media Study.

The enactment and implementation of ECF supercharged efforts to bridge the home connectivity gap by providing \$7.17 billion dollars over the past two years to public and private schools and public libraries to help connect America’s public and private K-12 students and educators as well as public library patrons to broadband services in their homes. This program has proven to be an unqualified success as evidenced by the more than 20 million individuals connected through it and studies showing a significant reduction in those unconnected at home.

More recent reports show that, while significant progress had been made in connecting students and educators at home, the homework gap remained a pressing issue and more needed to be done to fully close it and to keep it closed. Common Sense Media’s 2021 report⁸ estimated that permanently closing this gap will require between \$6 billion and \$11 billion in the first year and between \$4 billion and \$8 billion annually thereafter, to address affordability and adoption gaps. In addition, closing the digital divide for teachers will cost approximately \$1 billion in its first year.” CoSN’s 2022 Home Connectivity Study found:

- Addressing insufficient home internet connectivity must continue to be a priority for educators and policymakers; although students returned to school, there was more internet traffic outside of school hours than there was during school hours.
- Students experience significantly slower network speeds outside of school hours than during school hours.
- There remain ongoing gaps in network performance and internet speeds at all grade levels for students connecting from outside the school, with approximately one-third of high school students experiencing Far Below or Below Guidelines for connectivity from home.

⁸ Common Sense Media, “Looking Back, Looking Forward: What It Will Take to Permanently Close the K–12 Digital Divide,” (January 2021) at https://www.common Sense Media.org/sites/default/files/uploads/pdfs/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vfeb3.pdf

- Large disparities persist among student subgroups around home connectivity, particularly by ethnicity and socioeconomically disadvantaged students.⁹

Today, the Commission has now committed virtually all of ECF's funds and applicants have a deadline of June 30, 2024 to spend the remaining ECF dollars they have been allocated. Efforts to find additional funding through the Congressional appropriations process have thus far come to naught. As a result, millions of students, educators and library patrons that have relied on ECF funds to provide broadband connectivity services in their homes may find themselves on the wrong-side of the home connectivity gap unless additional funding is found to keep their home connections operating. The proposal advanced in this Notice to make Wi-Fi hotspots and broadband services eligible for E-Rate is a much needed pathway out of this predicament.

As to the threshold issue of the Commission's authority to expand E-Rate connectivity beyond the four walls of public and private schools and public libraries, we agree with the Notice's conclusion that ample precedent exists. Just recently, the Commission approved an order that makes Wi-Fi on school buses eligible for E-Rate support. In making that decision, the Commission relied on a 2003 order that had allowed E-Rate to support cellular service for school bus drivers.¹⁰ Even more directly on point, in 2011 the Commission initiated and operated a \$10 million pilot program, known variously as the Leaning on the Go Program or E-Rate Deployed Ubiquitously program, that allowed schools and libraries to use E-Rate connectivity to support home connections.¹¹ In all of these cases, the Commission found that extensions of E-Rate supported services beyond school and library buildings were appropriate so long as for "educational purposes" – as mandated by the statute¹² that established the E-Rate program – and met the Commission's definition of "educational services" – "activities that are integral, immediate, and proximate to the education of students" – as elucidated in one of the

⁹ CoSN, "CoSN Releases Findings of 2022 Home Connectivity Study," (July 2022) at <https://www.cosn.org/cosn-news/cosn-releases-findings-of-2022-home-connectivity-study/>

¹⁰ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9208-089, para. 19 (2003)

¹¹ *Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, Sixth Report and Order, 25 FCC Rcd 18783-87, paras. 21-50 (2010)

¹² 47 U.S.(1)(B)C. § 254(h)

Commission's original E-Rate implementation orders¹³. Allowing E-Rate to defray the costs of Wi-Fi hotspots and home connection services is a natural outgrowth of the Commission's earlier decisions that extended E-Rate support beyond schools and libraries to ensure that students continue learning.

Beyond precedent, allowing E-Rate support for home connectivity would be reflective of much broader trends in K-12 education, with education no longer confined to classrooms and libraries. Even with the pandemic's end, students continue to rely on home connectivity for a variety of educational needs and educators increasingly go online from their homes to access professional learning courses, networks and materials.

In our estimation, the E-Rate program has adequate funding available to extend eligibility to Wi-Fi hotspots and home connectivity services. In the program's early years, when funds were capped at \$2.25 billion, many schools and libraries at or below 60% discount rates saw their Priority II (now Category 2) applications rejected for lack of available funds. Since the E-Rate's modernization in 2015, which extended the E-Rate's cap to approximately \$4.7 billion today (with annual inflationary adjustments), all eligible E-Rate applications have received their full funding commitments. Currently, annual demand for the E-Rate is approximately \$3 billion, leaving up to \$1.7 billion in funding available. As the Commission estimates that it has committed through ECF "more than \$123 million for the purchase of Wi-Fi hotspot devices and nearly \$1.3 billion for the associated services to provide off-premises broadband connectivity" over the course of two-years¹⁴, we believe that the E-Rate program can more than bear the additional expense of these proposed eligible services, particularly if the additional discount structure is applied to these costs.

¹³ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9208, para. 17 (2003) (*Schools and Libraries Second Report and Order*) (clarifying the meaning of educational purposes); 47 CFR § 54.500 (defining "educational purposes").

¹⁴ Notice, para. 4.

Relatedly, EdLiNC reminds the Commission that not every household has access to sufficient broadband infrastructure to benefit from the proposed E-Rate support of Wi-Fi hotspots and related services. We urge the Commission to acknowledge that for many isolated rural areas, additional policy and investment will be required to close the Homework Gap, including by ensuring BEAD funding and other resources are targeted appropriately to expand the infrastructure for learning.

III. EDLINC BELIEVES THAT THE E-RATE’S REGULAR DISCOUNT PERCENTAGE AND FUNDING SCARCITY PRIORITY RULES SHOULD BE FOLLOWED IN CONJUNCTION WITH WI-FI HOTSPOT AND SERVICE APPLICATIONS.

The Notice seeks comment on how funds for Wi-Fi hotspots and associated services should be prioritized, specifically asking whether the E-rate should prioritize support for students, school staff and library patrons “who would otherwise lack access to Internet access services.”¹⁵

On this question, as on most questions related to implementing Wi-Fi hotspots and services as part of the E-Rate program, we believe that the existing rules and regulations of the current E-Rate program should continue to govern.

On the topic of prioritization in the event of insufficient funds, EdLiNC supports maintaining the current E-Rate rules, which require the Commission to rank and award E-Rate funds based on the discount percentage rate of the applying schools, school districts, libraries or library systems. We believe that this existing system would make a great deal of sense when applied to the homework gap because it is based on a poverty measure – the Federal Free and Reduced Price Lunch Program, which ensures that low-income students receive school meals. As studies described above show, the homework gap disproportionately affects students and library patrons from low-income families.

¹⁵ Notice, para. 29.

Additionally, we believe that the Commission should allow the current E-Rate application process to apply to E-Rate Wi-Fi hotspots and services and not to alter it to prioritize funding for those who lack connectivity currently or even to ensure that those who have received home Internet access through ECF can maintain their connectivity without interruption or cut-off when ECF funds end. We do not believe that it would be administratively practical for the Commission to attempt to reorder its existing system, which is based on providing funds to applicant institutions and not individual students, educators or library patrons, just for these proposed new components.

However, we are most concerned at the prospect of forced disconnections of students, educators and library patrons when ECF funding expires next June. Therefore, we urge E-Rate applicants to prioritize the provision of E-Rate supported Wi-Fi hotspots, services or both to maintain live home connections for those categories of individuals.

IV. EDLINC AGREES THAT THE COMMISSION SHOULD CONTINUE TO FOLLOW THE ECF RULE THAT ALLOWS FOR ONLY ONE WI-FI HOTSPOT PER INDIVIDUAL ELIGIBLE USER.

The Notice states: “With respect to wireless Internet access services, we propose to limit the use of services to those that can be supported by and delivered with Wi-Fi hotspots provided to an individual user (as opposed to multi-user hotspots). Pursuant to this proposal, schools and libraries would be able to seek E-Rate support for commercially available Internet access services (e.g., a data plan) that will be used on any individual user Wi-Fi hotspot, including E-Rate- or ECF-funded hotspots, previously purchased hotspots, and/or student-, staff member-, or patron-owned hotspots.”

This proposal tracks with the ECF rule that permits only one Wi-Fi hotspot per individual user and, by and large, we support this extension of current ECF policy to the E-Rate. However, we ask that the Commission consider an exception to this rule for households with multiple eligible

users, in which case it should allow multi-user hotspot devices so long as they would not provide degraded connectivity services.

V. EDLINC SUPPORTS THE INSTITUTION OF A PER DEVICE + SERVICES CAP of \$294 PER DEVICE/SERVICES PER YEAR, ADJUSTED ANNUALLY FOR INFLATION.

The Notice seeks comment on adopting “a cap on the amount of costs that will be considered cost-effective for Wi-Fi hotspots and/or monthly services, and if so, should we rely on ECF program data to establish a cap for a Wi-Fi hotspot provided to an individual user?... If the Commission adopts caps on the amounts considered cost-effective for monthly services, should those caps be regularly updated, and if so, what mechanism should the Commission use to make those updates?”¹⁶

EdLiNC understands that E-Rate is a finite resource and supports reasonable measures to preserve its assets. Currently, the program operates under an existing overall cap of approximately \$4.7 billion, which is annually adjusted based on inflationary measures. While there is indeed sufficient funding available under that cap to support the addition of hotspots and connectivity services to the E-Rate, any new eligible service will lead to universal service fund collection increases which will be borne by telecommunications consumers. Thus, it is important that any E-Rate expansion be carefully calibrated.

One step that the FCC can take – and has taken before – to ensure that new E-Rate services do not become an unsustainable burden is to establish a cap on that service. Under the expiring ECF, the FCC placed a limitation on hotspot device purchases of \$250. Although the FCC did not place a cap on monthly or annual service costs in ECF, Congress did institute a monthly Internet access service costs cap of \$30 per month (\$75 per month for Tribal lands residents) in the Affordable Connectivity Program.

¹⁶ Notice at para. 23.

According to the Notice, during the 2021-22 school year, which saw 4.5 million students, educators and library patrons participating in ECF, the average cost of a Wi-Fi hotspot and 12 months of Internet service was \$294.¹⁷ As the Commission notes in the NPRM, this estimate does not include other costs such as taxes. As this is a relatively large sample, we believe this cost estimate should be accorded significant weight and should be used to formulate an initial annual per device + services cap. With that said, we recognize that hotspot and service costs may fluctuate. For that reason, we suggest that the cap be annually adjusted based on the same inflationary measure that is used for the overall E-Rate program.

VI. EDLINC RECOMMENDS THAT THE COMMISSION DEEM WI-FI HOTSPOTS AND HOME CONNECTIVITY SERVICES AS PART OF THE E-RATE PROGRAM'S CATEGORY 1.

The Notice seeks comment on “what category of services should these devices and services be? Under the current Eligible Services List, wireless Internet services are category one services and are eligible under limited circumstances. Should we therefore consider Wi-Fi hotspots to be network equipment necessary to make category one wireless Internet services functional? If we determine that Wi-Fi hotspots are comparable to internal connections as the State of Colorado suggests, should these devices be considered category two services?”¹⁸

EdLiNC believes that Wi-Fi hotspots and home connectivity service, which are portable in nature, are more akin to Category 1 wireless services than Category 2 internal connections. Therefore, we argue that they are more appropriately located in Category 1.

Moreover, EdLiNC's first mission is and has always been to ensure that school and library buildings have ample broadband and Wi-Fi connections. To that end, we have no interest in pitting the addition of new services designed to connect students, educators and library patrons in their homes against existing school and library internal connections and attendant equipment. We are concerned that adding Wi-Fi hotspots into Category 2, an option provided in

¹⁷ Notice at para. 25.

¹⁸ Notice, para. 28.

the Notice, would have that effect. Specifically, it would force schools and libraries to decide how much of their limited Category 2 internal connections budgets they should allocate for their bricks and mortar facilities versus the home connectivity of their students, educators and library patrons. We do not think it fair or necessary to create this difficult choice.

Instead, we think it makes more sense to deem WiFi hotspots network equipment and allow them plus their connectivity services to become eligible for Category 1 support. This allows both school/library buildings and student/educator/library patron homes to receive the support they need, unconstrained by a Category 2 formula which many schools and libraries are already maxing out. It is also consistent with how the E-Rate treats bookmobiles in the E-Rate program currently and with the Commission's proposal on how to categorize Wi-Fi on school bus costs.

Finally, EdLiNC believes that, even if inserted into Category 1, Wi-Fi hotspot and services costs will be well contained by other measures. Specifically, cost containment will be achieved through:

- 1) our proposal to continue the limitation of one device per user;
- 2) our proposal and to cap annual per user costs at \$294 (adjusted by inflation);
- 3) the E-Rate's continuing competitive bidding requirements; and
- 4) the E-Rate's continuing requirement that all applicants will pay a non-discounted share of the Wi-Fi hotspot and services.

VII. EDLINC BELIEVES THAT THE COMMISSION SHOULD REQUIRE THAT ALL ELIGIBLE SCHOOL OR SCHOOL DISTRICT APPLICANTS FOR WI-FI HOTSPOTS AND/OR SERVICES SHOULD COLLECT HOME CONNECTIVITY DATA ANNUALLY, THAT LIBRARIES SHOULD DETERMINE ANNUALLY HOME CONNECTIVITY DATA BASED ON APPROPRIATE MEASURES OF THEIR SERVICE AREAS, AND THAT ALL APPLICANTS FOR THESE DEVICES AND SERVICES SHOULD MAKE ADDITIONAL OR AUGMENTED CERTIFICATIONS REGARDING THEIR USE AND DISTRIBUTION.

The Notice raises a number of concerns about how to determine who needs E-Rate supported Wi-Fi hotspots and connectivity services and how they may be misused, or insufficiently used, in

student, educator and library patron homes. To redress these concerns, the Notice offers a number of possible requirements – everything from annual surveys, to upgraded Acceptable Use Policies, to annual data surveys, to data usage reports, to extensive recordkeeping for each device.

EdLiNC has always supported reasonable efforts to prevent waste, fraud and abuse in the E-Rate program but insisted that requirements not be so onerous that they deter program participation. Indeed, we understand that many school districts elected not to participate in ECF because they felt unable to meet the documentation of unmet need and/or device equipment log requirements instituted by the Commission. We do not want the same to occur here. Therefore we suggest the following reasonable and effective new requirements that we believe strike the appropriate balance:

Unmet Needs: The Notice asks “whether the Commission should adopt more stringent unmet needs requirements for the E-Rate program than it adopted for the ECF program. For example, should we require schools and libraries to conduct and submit as part of their funding requests a survey or other documentation that substantiates their student and school staff, or patron population who has current unmet needs?”¹⁹ It also asks: “should we restrict the support of off-premises use of Wi-Fi hotspots and services to students whose parent or guardian certifies that they lack broadband at home and who are eligible for the free or reduced-price lunch program (also known as the National School Lunch Program or NSLP)?”²⁰

EdLiNC thinks it important that schools and school districts annually collect home connectivity data for students and parents in order to help determine overall need for E-Rate supported Wi-Fi hotspots and home connectivity services. Similarly, we agree that public libraries should use appropriate socioeconomic data each year as a proxy for home connectivity needs to inform their E-Rate requests for those devices and surveys. We believe that schools and school districts should use their own data collection processes to obtain home connectivity data and that the

¹⁹ Notice, para. 30.

²⁰ Notice, para. 32.

Commission should not impose the requirement of a specific, annual survey. However, we believe that it would be extremely helpful if the Commission were to provide E-Rate applicants with suggested home connectivity data items for schools and school districts to use as appropriate.

Additionally, we echo concerns raised within the Notice itself that any data collection should protect participants' privacy rights and personally identifiable information. To address those issues, we recommend that schools and school districts should only make available publicly aggregate data on home connectivity, and withhold any personally identifiable information. The Commission and its agents should also be careful not to expose personally identifiable information during any Wi-Fi hotspot and services purchase audits.

EdLiNC also believes that rather than mandating that all parents of school-age children receiving Wi-Fi hotspots and/or connectivity through the E-Rate execute some form of certification, the Commission should encourage schools, school districts and libraries to abide by the normal sign-off processes they use when disseminating related technology, such as laptops or tablets.

Educational Purpose: The Notice seeks comment on “how to ensure that the off-premises use of Wi-Fi hotspots and services is primarily for educational purposes,” “what safeguards should be imposed to mitigate the risk of off-premises non-educational use of E-Rate-supported Wi-Fi hotspots and services” and whether to mandate the updating and distribution of acceptable use policies to parents.

The E-Rate program's rules require that all E-Rate supported connectivity be used primarily for an educational purpose but leaves that definition purposefully vague to allow for extensive use. We urge the Commission to maintain the current expansive view of that definition in order to ensure that students, educators and library patrons can make the fullest possible uses of E-Rate supported home connectivity for items as varied and important as homework, research, applications for jobs and higher education, telehealth appointments, and requests for

government services. We do not believe that E-Rate connectivity should be used for illicit purposes or to operate a business.

We understand the concern that the use of E-Rate connectivity will become harder to monitor when support is extended to connectivity off school or library grounds. To ensure that parents and library patrons are aware of the special requirements around E-Rate supported home connectivity, EdLiNC endorses schools, school districts and libraries providing parents, patrons, and educators with copies of AUPs every year. This distribution of material should obviate the need for any additional requirements around requiring parents and library patrons to sign new parental certifications. Such an additional requirement would not only place a needless obstacle in the path of students gaining access to home connectivity but also would create a significant burden on schools and school districts to collect and store these certifications each year.

Finally, we have significant concerns with the notion of the Commission requiring changes to all acceptable or Internet use policies that would create a requirement, “as a condition of receiving E-Rate support for off-premises use, to include certain minimum requirements in their eligible use policies, or limit the duration of time a student, school staff member, or library patron can use the hotspot at home.”²¹ This would place a significant burden on all applicants to go through a process to review, revise and approve such policies. We are concerned that this type of requirement would deter many from even applying for the program.

Usage: As noted above, EdLiNC takes seriously the importance of not squandering limited E-Rate resources. Therefore, we are concerned when purchased or distributed services go unused. The Notice homes in on instances where schools and libraries overbought equipment and were forced to warehouse it and where students, educators and library patrons received services but failed to use them.²² While we believe that such things only occur occasionally, we agree that every effort should be made to prevent them from occurring at all. To that end, we believe that annual data collections will be important for ensuring that schools and libraries do

²¹ Notice, para. 36.

²² Notice, para. 38.

not purchase more Wi-Fi hotspots and services than they need. We also support the addition of a new certification for E-Rate applicants that they work to ensure adequate usage of hotspots and home connectivity services, including the removal of Wi-Fi hotspots when they become aware of prolonged and persistent non-use. We do not believe it necessary to require schools and libraries to monitor usage reports as that would be a time-consuming activity. We also do not support limiting home connectivity services to just in-school months because learning occurs even in the summer, particularly with the growing need for summer school classes, guided online learning experiences, and the rising popularity of summer enrichment programs.

Duplicative Funding: The Notice seeks comment on “what safeguards are necessary to prevent duplicative funding for the same off-premises Wi-Fi hotspots and/or services across the federal universal service programs and other funding programs, including federal, state, Tribal, or local programs.”²³

EdLiNC agrees that schools and libraries should be careful not to double dip amongst different federal programs to support connectivity. For instance, we agree that individuals receiving Affordable Connectivity Program support should not also be receiving E-Rate home connectivity support, and vice versa, unless different family members are only able to receive support from but one of those options. It may make sense for school, school districts and libraries to include a question on this subject in their annual data collection. Additionally, to further ensure compliance with this reasonable standard, we recommend that the Commission develop an additional certification that will require schools and libraries to ensure that double-dipping amongst federal home broadband programs does not occur.

Recordkeeping: The Notice seeks comment on whether the existing ECF recordkeeping requirements should be applied to Wi-Fi hotspots if they become eligible for E-Rate support.²⁴ While we understand the importance of schools and libraries keeping track of devices purchased with E-Rate funds, we remain concerned that extensive bookkeeping – as required

²³ Notice, para. 42.

²⁴ Notice, para. 43

under ECF – is both burdensome and unwieldy for all involved. Therefore, we propose modified recordkeeping requirements that simply involve schools and libraries keeping a log of devices purchased (serial number included), who they were signed out to, and when and if they were returned. We request that the Commission provide a simplified template for schools and libraries to use.

Children’s Internet Protection Act (CIPA): The Notice asks about the advisability of making alterations to the existing CIPA rules to require that the law apply even to non-school owned end-user devices, such as computers and tablets.²⁵ It also seeks “comment on whether we can and should require or encourage filtering and other technology protection measures to be implemented at the network-level to ensure that minors are not accessing harmful content through E-Rate-funded Internet access, Internet service, or internal connections.”²⁶

As CIPA remains the law of the land and the Commission has already ruled on its application to home devices (through its ECF implementation), EdLiNC sees no reason to revisit the Commission’s recent conclusions. We also see no merit to mandating a particular filtering solution such as network level filtering for all schools and libraries that participate because: 1) some schools already do this, while others have invested in device level filtering; 2) the Commission may lack authority to mandate a specific filtering solution; and 3) such a solution may actually negatively impact the performance of the Wi-Fi hotspots by reducing their bandwidth capabilities. Finally, we do not support an additional blocking and filtering certification for just the Wi-Fi hotspot and home connectivity portion of E-Rate because we believe that the current E-Rate certification on this subject is sufficient.

VIII. Conclusion

EdLiNC appreciates the opportunity afforded by this Notice to provide its views on using the E-Rate program to address the Homework Gap. We look forward to continuing to work with you on this important issue.

²⁵ Notice, para. 54.

²⁶ Notice, para. 55

Appendix A

EdLiNC Member Organizations:

AASA, The School Superintendents Association
American Federation of School Administrators
American Federation of Teachers
American Library Association
Association of Educational Service Agencies
Association of School Business Officials International (ASBO)
Consortium for School Networking
Council of Chief State School Officers
National Association for School Transportation
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of Independent Schools
National Association of Secondary Schools
National Association of State Boards of Education
National Catholic Educational Association
National Education Association
National Rural Education Association
National Rural Education Advocacy Consortium
National School Boards Association
State Educational Technology Directors Association (SETDA)
United States Conference of Catholic Bishops, Committee on Catholic Education

Appendix B

Other Education and Library Organizations Supporting These Comments:

All4Ed

American Psychological Association

Common Sense

Consortium of State School Boards Associations (COSSBA)

Council of Administrators of Special Education

EducationSuperhighway

Family Centered Treatment Foundation

National Council of Teachers of Mathematics

Project Tomorrow

Public Advocacy for Kids (PAK)