

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Deputy Superintendent, Business Services and Operations

Austin Beutner
Superintendent of Schools



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February 12, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: EMERGENCY RELIEF TO ALLOW THE USE OF E-RATE FUNDS TO SUPPORT REMOTE LEARNING DURING THE COVID-19 PANDEMIC, WC DOCKET NO. 21-31

Dear Ms. Dortch:

On behalf of the Los Angeles Unified School District (Los Angeles Unified), we appreciate the ongoing conversations with the Federal Communications Commission (FCC) about transformative systems of support for schools across the nation. As a follow-up to a conversation we had several months ago with then-Commissioner Jessica Rosenworcel whom President Biden recently appointed as Acting Chair, we write to lend our input on the recently announced proposal to leverage E-rate funds to support remote learning. As Chairperson Rosenworcel understands well, the very nature of how we teach and how students learn has evolved rapidly over the last two decades as the importance of reliable internet connectivity has increased exponentially. And, now, with nearly a year of unprecedented challenges brought on by the global COVID-19 public health crisis, we've seen the need to re-evaluate and re-shape the role technology in education in ways we could not even have imagined.

The Los Angeles metro area has been exceptionally affected by the unprecedented COVID-19 crisis. In January, Los Angeles County became the first in the nation to top 1 million confirmed cases of the virus. In Los Angeles Unified communities, where over 80 percent of students live in poverty and over 85 percent are black or Latino, groups that reports find are nearly three times as likely to suffer illness or death due to COVID, families struggle at disproportionately high rates to survive. As health officials urge the population to socially distance and stay home as much as possible, many of our students' families do not have those options as they live in densely populated urban areas, have jobs that are deemed essential, and must rely on members of intergenerational households to care for their children as they go out into the world to make ends meet. We estimate that 75 percent of such households have at least one member who has experienced job loss during the pandemic.

Given these circumstances, Los Angeles is a poignant case study for exploring how federal support can make a critical difference in ensuring every student has the chance to succeed in a world that has changed rapidly, unexpectedly, and irreversibly.

Our district has already engaged in monumental efforts to keep children connected and learning in the face of a growing crisis. Even before the pandemic, nearly 20 percent of our students lacked adequate access to the internet, either because of geography or the inability to afford it. When the health crisis forced the closures of our 1,413 campuses in early March 2020, we developed and executed a complex plan to implement district-wide distance learning having minimal planning time. Within weeks, every one of nearly half a million students had access to a functional learning device, a solution to connect to the internet, and timely technology support.

Yet the work to keep students connected to learning — particularly those hit hardest by the public health crisis — has only just begun. Conversations now focus on sustainability and adequacy. Los Angeles Unified has already invested over \$100 million in student learning and connectivity devices since the start of pandemic, which are costs that would otherwise directly fund classrooms. With these investments comes the ongoing costs of refreshing inventory, maintenance and repair, and telecommunications subscriptions. This also does not factor in the cost of professional development for educators and technology support to employees, students, and families.

Continuing to spend at this level is not only an unsustainable solution to a growing problem, reports from our schools indicate that current levels of connectivity via hotspots alone are also inadequate as students struggle to stay connected to their teachers and peers with frequent slow and dropping connections. Even as we have hope on the horizon for the pandemic crisis to eventually begin to fade, and we work to reopen our schools in the safest manner possible, we estimate that the landscape will have been changed fundamentally and that students will struggle for years to meet their academic goals. Now is the time to address the digital divide and close the equity gap affecting so many students. We ask for your help.

Working in continued close partnership with the FCC is more important than ever before. With the real and immediate relief the federal E-rate program can provide by broadening the program for education needs, we can continue to steer the course of household connectivity in promising directions and begin to reduce widening opportunity gaps affecting our most vulnerable youth. We respectfully submit our comments on multiple issues raised in the petition for emergency relief to allow the use of E-rate funds to support remote learning during — and beyond — the COVID-19 pandemic.

Issue 1: Open an additional E-rate filing window and allow for schools to request funding for off-campus services necessary for remote learning for FY 2020 and 2021. Use uncommitted E-rate funds for this purpose and prioritize funding by discount.

Los Angeles Unified believes opening a separate “Remote Learning Application Filing Window” to allow applicants to file new or revised requests for additional E-Rate funds for off-campus services and equipment that facilitate remote learning during funding years 2020 and 2021 will help tremendously in keeping our students connected and improving their learning environments. The FCC should provide unused E-Rate funds to support these Remote Learning applications and use the existing E-Rate discount methodologies to prioritize funding.

As a member of the Schools, Health, and Libraries Broadband Coalition (SHLB), Los Angeles Unified firmly believes it is appropriate to allocate unused E-rate dollars to support one-time costs and ongoing costs to support remote learning.

For reasons outlined above, there is an immediate need to allow for E-rate funding as a resource to pay for sustained off-campus broadband connectivity to offset costs our district has had to prioritize from funding in

other areas due to the COVID-19 pandemic. This re-prioritization of costs continue as we prepare to re-open schools as quickly and in the safest manner possible. These costs will continue beyond this pandemic into the future.

Issue 2: Eligible equipment and services should include all hardware and software necessary to support safe and appropriate remote teaching and learning.

While providing computing and connectivity equipment to all teachers and students is fundamental to sustain on- and off-campus learning, it is incomplete without the services necessary to ensure reliable connectivity, student safety, and minimal disruption to instruction. These services include, but are not limited to, web content filtering solutions, modems, routers, and/or mobile hotspots as well as monthly subscription costs for broadband services. It is our firm belief that all the aforementioned should qualify as Category 1 services, and that the discount rate – or subsidy – assigned should therefore apply without limitation.

Furthermore, we believe the current minimum standard of 25 Mbps download and 3 Mbps, is inadequate for supporting uninterrupted teaching and learning, particularly in households in densely populated urban areas where multiple students are often struggling to stay connected. Reports from our schools and communities indicate competition for broadband signals is a key barrier to successful learning, particularly when there is heavy reliance on Zoom, WebEx and other video conferencing software for teachers and students to interact.

We are additionally concerned with the challenge of providers’ prioritization of traffic, data caps, and throttling, all of which have a direct and negative impact on online collaboration systems such as Zoom and Webex and other tools necessary for remote teaching and learning. We therefore strongly urge the FCC to prohibit providers from deprioritizing web traffic used for educational purposes, data caps, and/or throttling. It is imperative that students and educators have access to no less than the highest quality broadband connections available to maximize the return on our collective investment.

Issue 3: Program participants should do all they can to ensure purchases are cost effective and should be prepared to provide documentation as necessary for accountability purposes.

Current FCC rules state that E-rate service providers must comply with the Lowest Corresponding Price Requirement¹, meaning service providers cannot charge applicants more than similar, nonresidential customers. Thus, there is already an initial cost safeguard in effect.

In addition, Los Angeles Unified has successfully negotiated low-price contracts with broadband service providers to maximize household connectivity while minimizing costs. As an example, our district’s unprecedented agreement with Verizon, a contract on which districts across California have piggybacked to keep hundreds of thousands of households connected, and which provides exceptional low-cost pricing and has served as a blueprint for organizations across the nation.²

¹ The Universal Service Administrative Co. defines the Lowest Corresponding Price Requirement as “the lowest price that a service provider charges to nonresidential customers who are similarly situated to a particular applicant (school, library, or consortium) for similar services.” www.usac.org/e-rate/service-providers/step-2-responding-to-bids/lowest-corresponding-price/

² In May 2020, Los Angeles Unified and Verizon jointly announced they had modified their original agreement to allow other school districts in California to piggyback on the original agreement so they could provide internet access to their students. [achieve.lausd.net/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=4466&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=97980&PageID=1](https://www.achieve.lausd.net/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=4466&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=97980&PageID=1)

In response to the FCC's request for comment on any applicable documentation retention and audit period for the purpose of the "Remote Learning Application Filing Window," Los Angeles Unified recommends that the FCC be consistent with the guidelines established for the COVID-19 Telehealth Program. Due to the unprecedented strain experienced by schools during the COVID-19 pandemic, we assert that the three-year documentation retention and audit period as prescribed for the COVID-19 Telehealth Program is more appropriate than the typical 10-year requirement that applies for the traditional E-rate program.

Issue 4: Funding should be prioritized and approved according to the existing Category 1 discount matrix.

Los Angeles Unified asserts that schools with a discount at the maximum 90 percent level, as determined by the discount matrix, should receive the highest priority. We contend that prioritization of support should be reflective of need, and particularly for the most disadvantaged and at-risk populations, which — as outlined above — comprise the majority of students and families we serve.

Issue 5: The timeframe for relief should start January 1, 2021 and service providers should use the invoice method to avoid duplicate discounts.

Los Angeles Unified supports a timeframe for relief to begin as of the start of the current calendar year. Additionally, in order to avoid duplication of federal discounts we recommend the following: If Los Angeles Unified, by acting as a purchasing agent on behalf of low income families, receives the Emergency Broadband Benefit, we will use the Service Provider Invoice (SPI) method of billing for the additional E-rate discount on the same service. This means that only the cost net of the EBB subsidy will be eligible for the E-rate discount, thus eliminating the risk of duplicative federal discounts. By using the SPI method, the service provider will act as an additional safeguard to ensure that the federal benefits do not overlap. Furthermore, using the SPI method will ensure that additional federal funding resources, such as CARES funding, would only be applied on the non-discounted share of cost, net of all EBB and E-rate discounts.

Issue 6: No cost allocation requirement for schools that somehow enable access to existing E-rate funded services during the pandemic either by opening campuses to the public even while school is in session and/or broadcasting WiFi/LTE for the purpose of remote learning.

Los Angeles Unified believes the Bureau, on delegated authority, should declare that during the pandemic, remote learning meets the standard of serving an “educational purpose” and thus, any off-campus use does not need to be removed from funding requests. We support a waiver of: (1) the prohibition on the use of E-Rate funds and E-Rate-funded facilities and services to allow schools to extend their broadband Internet connectivity to students who lack adequate Internet connectivity at home, and (2) the requirement to cost allocate such off-campus use.

Los Angeles Unified agrees with the SHLB that the Commission should declare that remote learning meets the standard of serving an “educational purpose” as defined under program rules. We support the State of Colorado’s petition for waivers to provide broader coverage to students at home. Broadband services used by students and teachers who participate in remote learning are effectively being used for an educational purpose.

We further assert that modernization of practices will not only improve transparency and accountability, they will align with fundamental shifts in public education as we know it. As referenced above, Los Angeles Unified, aimed to invest in infrastructure in a way that supported an expanse of anywhere, anytime learning, that is learning that takes place long before and after a student is present in a traditional classroom. This notion manifests itself in particular when students without adequate access to the internet at home, are increasingly disadvantaged when schoolwork and assignments require such access beyond the time and location boundaries of school. Furthermore, we estimate that the severity of the pandemic has caused us to re-examine how we learn, teach, work, and collaborate on a global level. Our chief concern is that current E-rate rules are inconsistent with this commonly held notion and must be re-examined to support the rapidly changing face of public education.

We have no doubt that even as the crises related to the COVID-19 pandemic fade, the realm of public education will never be the same as it was before. In the face of such a monumental crisis, we assert that the very nature of public education will be changed fundamentally and permanently in the years to come, and for the sake of our youth and future generations, we must invest accordingly. As such, we respectfully ask the Commission to consider making a permanent “Homework Gap” program for qualifying households and continue to make unused E-rate funds available for this purpose until Congress makes available additional funding resources to help schools close this gap.

The disproportionate rate at which these challenges affect our most disadvantaged students and families coupled with the unprecedented circumstances created by the global pandemic have accelerated the urgency of facilitating real and rapid change. So long as the rules for investing in public education remain stagnant, the harm caused to our most vulnerable populations increases exponentially in severity.

On behalf of the children and families of Los Angeles, we thank you for your consideration and look forward to our continued partnership.

Sincerely,



Megan K. Reilly
Deputy Superintendent of Business Services and Operations