

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Wireline Competition Bureau
Seeks Comment on

Petitions for Emergency Relief to Allow
the Use of E-rate Funds to Support
Remote Learning During the COVID-19
Pandemic, Public Notice

WC Docket No. 21-31

COMMENTS OF KAJEET INC.

Kajeet Inc. (“Kajeet”) respectfully submits these comments in response to the Wireline Competition Bureau’s Public Notice¹ seeking comments on a number of petitions asking that the Commission permit the use of E-rate to support the remote educational needs of students and school staff during the ongoing public health emergency. Kajeet strongly supports these petitions.

Kajeet is a leading provider of on-campus and off-campus educational internet connectivity. We serve over 2,500 school districts in all 50 states plus DC today, connecting nearly half a million students to distance learning—in schools, on school buses, and remotely—through secure and controlled wireless technologies. Some of the services Kajeet provides are currently funded through the E-rate program, while others are not. Because of our experience and expertise in providing all of these services, however, we understand the importance of educational connectivity—and ways to make it safe and secure.

The relief requested by the petitions is critically needed during this time of national crisis, falls firmly within the Commission’s and the Bureau’s authority, and will go far towards helping

¹ *Wireline Competition Bureau Seeks Comment on Petitions for Emergency Relief to Allow the Use of E-rate Funds to Support Remote Learning During the COVID-19 Pandemic*, Public Notice, DA 21-98 (WCB rel. Feb. 1, 2021) (“Public Notice”).

to address the nation’s homework gap.² In these brief comments we offer a few suggestions in response to the Public Notice based on Kajeet’s experience providing off-campus education connectivity. In particular, we believe that the program should cover the full range of network equipment and services needed to ensure that students have full access to much-needed connectivity; but that limiting the equipment covered to that required for network connectivity (modems, routers, hotspots, etc.), rather than also covering laptops, tablets, and the like, is consistent with past precedent and will help ensure that E-rate dollars stretch as far as possible. Similarly, requiring that connectivity providers comply at the network or provided-equipment level with the same CIPA filtering requirements that apply to on-campus connectivity will help ensure that covered access is used for educational purposes.

I. REQUIRING SERVICE PROVIDERS TO FILTER CONTENT AT THE NETWORK LEVEL FOR REMOTE CONNECTIVITY WOULD PROVIDE AN ADDITIONAL SAFEGUARD AGAINST WASTE, FRAUD AND ABUSE AND EXPAND SCHOOLS’ OPTIONS FOR END USER DEVICE SOLUTIONS

As the Bureau notes in the Public Notice, Section 254 of the Communications Act requires E-rate funding to be used for “educational purposes.”³ The Commission has established a presumption that activities occurring in a classroom or other school property serve an educational purpose,⁴ but has also permitted E-rate funding to support off-campus services to schools in certain

² In fact, the same legal and policy reasons for permitting the E-rate program to support off-campus educational internet connectivity during the emergency period would likely support the extension of funding to such connectivity on a permanent basis—though permanent coverage might raise budgetary or other issues not present with the short-term coverage addressed by the Public Notice or the underlying petitions. The extension of funding during the emergency period could thus serve as a pilot program for the Commission’s future consideration of a permanent solution to closing the homework gap.

³ 47 U.S.C. § 254(h)(1)(B); Public Notice at 2.

⁴ See Public Notice at 2 & n.9; see also *id.* at n.10 (discussing need for program participants generally to cost allocate out of funding requests the portion of services used off campus).

instances upon a showing that the services were integral, immediate, and proximate to the education of students.⁵

The petitions argue persuasively that, given the current pandemic, broader off-campus coverage is critical for students' educational needs and that the current prevalence of remote learning means that the presumption against covering off-campus services is not currently necessary for purposes of Section 254. Kajeet agrees, but—mindful of the Commission's historic concerns about off-campus usage—believes there is an easy and effective way to ensure that expanding coverage to encompass at-home remote learning remains consistent with Section 254: The Bureau should require content filtering at the service provider network level to ensure that all E-rate funded off-campus connectivity solely provides access to educationally appropriate content. This would guarantee that scarce E-rate dollars are used in a manner consistent with the statutory mandate and alleviate any need for burdensome cost-allocation measures while at the same time allowing schools to provide connectivity to students and educators where they currently are engaged in school.

Currently, most content filtering of E-rate supported services provided to schools is done by the school itself, not by the connectivity provider. It is usually done through a school-supplied VPN solution, or by a content-filtering solution housed on a school-owned student computing device. These traditional solutions pose multiple problems for off-campus connectivity solutions. First, this approach restricts schools' ability to permit a "bring your own device" ("BYOD") solution because logistically (and in some cases, technically) such devices cannot be configured to connect to the school VPN or to otherwise work with the selected on-device filtering solution. At the very least, locally based filtering significantly increases the logistical and technical complexities

⁵ See Public Notice at 2

of administering a BYOD solution. The problem is further exacerbated when the filtering happens via VPN in an off-campus environment because then all traffic from students and teachers must be routed through the school's network before connecting to the broader internet.

One easy solution to this would be to mandate filtering by the provider at the network level, *i.e.*, before the signal ever reaches the school, teacher, or student. This is technically feasible: Kajeet has been offering this type of filtering for nearly a decade in collaboration with all major wireless carrier networks, and since the pandemic began Verizon and AT&T have also repurposed similar business and enterprise filtering products for distance learning. And requiring such filtering would have two significant advantages: First, it would mean that no non-educational content ever reaches any student, regardless of the device used, thus supporting Section 254's goals. Second, mandating network-level filtering would provide an additional safeguard against waste, fraud, and abuse in the E-rate program by ensuring that the supported services can only be used to access content that the school determines supports remote learning, regardless of the device used. This would allow precious E-rate dollars to be stretched further to address more pupils' needs.

II. ALL NECESSARY NETWORK EQUIPMENT, SUCH AS MODEMS, ROUTERS, AND HOTSPOTS SHOULD EXPLICITLY BE ELIGIBLE FOR FUNDING

In the Public Notice, the Bureau asked what specific equipment should be covered, assuming the petitions were granted.⁶ This again is an issue about which Kajeet has on-the-ground expertise given its history of providing off-campus connectivity solutions to schools. Providing connectivity to the homes of students and their teachers generally requires *both* network connectivity to those homes (a wireless or wireline broadband internet access service), *and* network terminal equipment—such as modems or hotspots—to allow students and educators to connect to

⁶ See Public Notice at 5.

that network.⁷ The Bureau should make such equipment explicitly eligible for E-rate funding because the connectivity that the E-rate program is designed to support generally cannot be provided without the presence of such equipment.

For these purposes, such equipment should not be considered end-user equipment, but rather, network equipment without which the connectivity itself is not possible. In the context of remote-learning, end-user equipment not covered by the E-rate program should more properly be considered to be the tablets or computers teachers and students use, not the services and network equipment needed to allow them to access their virtual classrooms remotely. While covering the network terminal equipment necessary to provide connectivity to remote virtual classrooms might at first blush seem to add expense, we believe that if it is tied to a mandate that the connectivity provider filter all content—as discussed above—this would ensure that funding network connectivity equipment will be a responsible use of public funding. Such filtering would facilitate BYOD solutions for true end user equipment, thereby lessening overall funding needs to create a complete remote learning solution.

CONCLUSION.

As noted at the outset, Kajeet believes that it is critical that the petitions addressed in the Public Notice be granted as rapidly as possible. Doing so will help the E-rate program accomplish its primary goal of facilitating educational connectivity especially during the pandemic when so many students and teachers are participating in virtual classrooms, and all too many are being left behind because of a lack of connectivity. In these brief comments we have provided a few specific suggestions to consider in addressing the petitions, but our primary goal here is to reiterate what the petitioners have said so forcefully: Many of our Nation’s most vulnerable students are suffering

⁷ A modem or hotspot would not be necessary, of course, in instances where the end user device has built-in cellular modems.

from a critical lack of connectivity that is interfering with their ability to participate meaningfully in schooling, and granting these petitions as rapidly as possible would do much to help address that crisis.

Respectfully Submitted,

Michael M. Flood

Michael Flood
Senior Vice President & General Manager
Kajeet Inc.