



February 16, 2021

The Honorable Jessica Rosenworcel, Acting Chairwoman;
The Honorable Brendan Carr, Commissioner;
The Honorable Geoffrey Starks, Commissioner; and
The Honorable Nathan Simington, Commissioner
Federal Communications Commission
45 L Street NE
Washington, DC 20554

re: WC Docket No. 21-31; DA 21-98; FRS 17466

Dear Acting Chairwoman Rosenworcel and Commissioners Carr, Starks and Simington:

The AFT strongly supports petitions for emergency relief asking the Federal Communications Commission to permit the use of E-rate program funds to support remote learning during this unprecedented public health emergency. As schools and libraries have closed across the country to prevent transmission of the coronavirus, far too many students have been unable to engage in distance learning because of limited access to broadband and functional devices.

The E-rate program has, for close to a decade, given schools and libraries funding to provide internet connectivity through broadband and devices. Traditionally this has been limited to connection and devices for school or library campuses and has not funded at-home internet use. During this pandemic, however, when library and school campuses are closed to prevent transmission of the coronavirus, these rules must be reworked to meet the needs of the moment. The petitions filed by Colorado and Nevada show a sound understanding of the purpose of the Communications Act, are consistent with the spirit of the E-rate program and describe innovative efforts to meet student connectivity needs during the COVID-19 pandemic.

The restrictions on off-campus use of E-rate-funded services are onerous and prevent students and educators from using the internet. As schools and libraries close, being able to use E-rate services on school or library campuses becomes incredibly difficult, if not impossible. Students and educators who, for many reasons, lack adequate internet connection at home, would benefit greatly if the rules on E-rate did not limit it to on-campus use. Forcing students, their families and educators to sit in school or library parking lots for hours so they can complete homework assignments or prepare lessons, in the dead of winter, is both cruel and irrational.

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Nurses and Health
Professionals

555 New Jersey Ave. N.W.
Washington, DC 20001
202-879-4400
www.aft.org

Randi Weingarten
PRESIDENT

Fedrick C. Ingram
SECRETARY-TREASURER

Evelyn DeJesus
EXECUTIVE VICE PRESIDENT

VICE PRESIDENTS

J. Philippe Abraham
Shelvy Y. Abrams
Frederick Albert
Elba L. Aponte Santos
Barbara Bowen
Vicky Rae Byrd
Zeph Capo
Donald Carlisto
Larry J. Carter, Jr.
Kathy A. Chavez
Donna M. Chiera
Melissa Cropper
Amanda Curtis
Jolene T. DiBrango
GlenEva Dunham
Marietta A. English
Francis J. Flynn
Jeffery M. Freitas
Lisa Gourley
David Gray
Ron Gross
Anthony M. Harmon
David Hecker
Karla Hernandez-Mats
Jan Hochadel
Jerry T. Jordan
Frederick E. Kowal
Stephanie Ly
Terrence Martin, Sr.
John McDonald
Daniel J. Montgomery
Michael Mulgrew
Andrew Pallotta
Donna Phillips, RN
Juan Ramirez
Jesse Sharkey
Andrew Spar
Denise Specht
Wayne Spence
Jessica J. Tang
Adam Urbanski
Debbie White, RN
Carl Williams



We believe the commission should issue a declaratory ruling and the necessary waivers to allow E-rate-funded services and equipment to be used off campus. Specifically, the Wireline Competition Bureau, a division of the commission, on delegated authority, should declare that during a public health emergency remote learning meets the standard of serving an “educational purpose” and therefore any off-campus use of E-rate-funded services and devices does not need to be removed from funding requests. A separate application window, as described in the Schools, Health & Libraries Broadband Coalition petition, should also be opened to allow E-rate applicants to file a new or revised request for funding to accommodate remote learning needs. Tapping into unused E-rate funds using existing E-rate discount methodologies to prioritize funding requests, and waiving time-consuming E-rate program rules, are measures that should be taken to expedite responses to the acute digital needs during the pandemic.

The need for greater broadband access is urgent. Long before the COVID-19 pandemic, lack of affordable internet service was a pressing problem for many students and educators. Outside of school hours, far too many students fell into the “homework gap”: Without adequate internet connection at home, they were unable to complete homework assignments before and after school. How could a ninth-grader with only a cell phone and no internet or laptop at home research and write a term paper? Since COVID-19 has closed brick-and-mortar school campuses—often the only places with reliable broadband and computers that students could go—what was a homework gap has become a learning gap, with students lacking at-home internet connection left unable to attend online classes during the school day. The United States’ digital divide has become a crisis of infrastructure and educational access.

Addressing the digital divide by making accommodations that allow for at-home use of E-rate-subsidized services and devices would have an immediate positive impact for so many students. While Congress moves forward with additional E-rate funding that is very welcome and urgently needed, the commission should not miss the opportunity to make rules changes that are responsive to the global public health crisis we find ourselves in. Solving America’s connectivity problem is not a matter of choosing one solution rather than another. The depth of the digital divide demands a multifaceted “all of the above” approach.

The petitions filed by Nevada and Colorado should be treated with the utmost urgency. The commission has the ability to take swift and decisive action that could improve the lives of so many. We urge you to do so.

Sincerely,



Randi Weingarten
President

RW : emc opeiu #2 afl-cio