

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Emergency Broadband Benefit) WC Docket. No 20-445
Program)
)

**REPLY COMMENTS OF THE
COUNCIL OF THE GREAT CITY SCHOOLS**

The Council of the Great City Schools is pleased to submit reply comments to the Public Notice published by the Federal Communications Commission on January 4, 2021 (WC Docket No. 20-445), regarding the Emergency Broadband Benefit Program authorized in the Consolidated Appropriations Act of 2021. The Council supports efforts to provide at-home internet service to eligible students and families, and asks the Commission to provide the assistance and flexibility needed for school districts to help reach this goal.

Introduction

Since COVID-19 began forcing changes to K-12 instruction across the country, the nation has become more aware of the institutional inequities that exist in our public school systems, especially in large urban districts with some of the highest concentrations of students of color, English learners, and high poverty. The 75 school district members in the Council alone (out of 14,000 school districts in the US) enroll almost 8 million urban students, including approximately 28 percent of the nation’s Hispanic students, 29 percent of the nation’s African American students, and 25 percent of the nation’s children living in poverty. Our students have long lacked access to the educational resources they now must have at home to participate in the new technology-based environment, including Internet connections, devices, and computers. The Council was glad that our federal partners and the CAA provided some support to telecommunications providers in order to help bridge the divide during the pandemic, and offered initial comments to help guide implementation and direct assistance to the eligible students and families outlined in the Act. Our reply comments will underscore the challenges that urban school districts face in connecting students and the flexibility and support the Commission can provide.

Complications for School Districts in Verifying Family Income Level

Like other commentors, the Council of the Great City Schools recognizes the urgency of rolling out the Emergency Broadband Benefit (EBB) program quickly to provide assistance to households with the greatest need but urges the Commission to balance speed with careful consideration of school districts’ responsibility to safeguard student data privacy. The CAA allows Internet Service Providers (ISPs) to use student data on free- or reduced-priced lunch (FRPL) to verify eligibility for the EBB program. Indeed, FRPL data has been widely considered as the best income proxy in education. As the City of Austin notes, “enrollment in the free and reduced lunch and school breakfast programs should be sufficient to confirm household eligibility”.

As the Council noted in its initial comments, the use and disclosure of this data is heavily protected by statute and would require establishing non-disclosure agreements/memoranda of understanding with each participating ISP to ensure the protection of student data. Similarly, the State E-Rate Coordinators Alliance (SECA) highlights the importance of establishing these agreements. SECA, “encourages the FCC to address student privacy concerns in the EBB regulations by clarifying that schools and state agencies have the right to condition the sharing of NSLP related information upon the service provider’s execution of a non-disclosure agreement. Alternatively, the Commission may wish to create a standard protective order that companies are required to complete in order to use the NSLP verification method for enrolling EBB households. While streamlining the enrollment process is to be encouraged, protective measures to preserve student privacy under FERPA must be an integral part of the application process.”

The use of FRPL data to verify eligibility for the EBB program also requires parental consent to disclose students’ family income to third parties as required by the Family Educational Rights and Privacy Act (FERPA). Many commentors have suggested using the National Verifier as a solution to allow families to self-verify eligibility for the EBB program. Verizon states in their Ex Parte, “We noted that the Commission could accelerate access to the EBB Program, and reduce the burdens on schools and applicants, by permitting households that apply to the National Verifier based only on the free and reduced price lunch program to self-certify eligibility on an interim basis.” On using National Verifier for the EBB program, USTelecom states, “that its members, many of which are ETCs, rely on the National Verifier for Lifeline and do not necessarily have independent verification programs in place today. Accordingly it would be very difficult to stand up such a verification program on a fast-moving, emergency basis.”

Although the National Verifier provides a common method to verify eligible households, its effectiveness relies on the public’s awareness and trust of the platform. Member districts of the Council of the Great City Schools are ready to assist in notifying eligible households of the EBB program and the National Verifier to reach households with children receiving free- or reduced-priced lunch where possible. While the involvement of school district notification may in some cases have the benefit of easing the process for ISPs and school districts, it also risks shifting the burden of enrolling in the EBB program onto students and families. This presents a particular challenge for low-income households where English is not the primary language and students are often responsible filling out forms and relaying information to their parents. Other factors may also result in non-response or households deciding not to enroll in the EBB program. For example, families may have concerns about revealing a family member’s immigration status. The cities of Los Angeles, Chicago, Portland (OR) Boston, and the Texas Coalition for Cities uplift the Chicago Connected initiative, run through Chicago Public Schools, as a useful example of the types of public and private partnerships necessary ensure a successful campaign to register eligible households for broadband discounts.

Comments submitted by cities and school districts underscored the efficiencies that can be achieved by using USDA’s Community Eligibility Provision (CEP) where possible. As the Council highlighted in its initial comments, many high-poverty school districts employ CEP to feed all students in schools or districts with high concentrations of poverty. In order to meet the CEP minimum poverty threshold in a school or district, poverty is determined by participation in other means tested programs such as TANF and SNAP. The City of Seattle and the Seattle School District observes that, “A highest priority should be avoiding participants from having a cumbersome application process which requires resubmitting documentations to confirm their income eligibility. Households meeting the federal USDA Community Eligibility Provision should be considered eligible.” As the Council stated in our initial comments, the cities of Los Angeles,

Chicago, Portland(OR), Boston, and the Texas Coalition for Cities state, “The Commission should continue to employ USDA’s Community Eligibility Provision to effectively qualify an entire school or school district for the Emergency Broadband Benefit Program...The Commission would not only facilitate the expedited deployment of the Emergency Broadband Benefit Program, but by employing the USDA standard, the Commission might best facilitate the ability of schools to connect with their students for remote learning.”

Apply Provider Discounts to Internet Service Paid for by School Districts

Local municipalities and school districts submitting comments have brought attention to the collective effort undertaken since the start of the COVID-19 pandemic to shift students to online instruction by entering into bulk purchasing agreements for mobile hot spots and, in some cases, paying for wired broadband connection for low-income households. As the Council noted in its initial comments, the costs for these services are ongoing and rising. The State E-Rate Coordinators Alliance states, “SECA submits that these schools and agencies should be permitted to leverage the EBB funds to offset the costs that the schools/state agencies are incurring to pay for Internet to those households that will qualify for EBB.” The Council made this point in its initial comments and urges the Commission to direct EBB benefits to services already being paid by school districts.

There are benefits to directing EBB discounts to existing bulk purchasing agreements that include reducing costs, expediting delivery of broadband services, and reaching the intended eligible households. The joint comments by the cities of Los Angeles, Chicago, Portland (OR), Boston, and the Texas Coalition for Cities state, “the Commission could piggyback on existing relationships and successes. Not only would such an act by the Commission make the transition seamless, it would also allow the program to benefit from the reduced rates these bulk purchases have been able to negotiate.” Moreover, school districts have distributed devices such as mobile hotspots to low-income students and those without the ability to secure wired broadband connections, such as students living in temporary housing.

To this point, common themes among responses from cities and school districts urge the Commission to apply discounts to the range of services and devices school districts have used to connect students to online instruction during the pandemic. The myriad of circumstances of low-income students require flexibility in how to support broadband connectivity. The City of Oakland notes, “In addition to broadband, ensure internet hotspots are eligible to be reimbursed, including the cost of the hotspot device. One way we have found the most success in Oakland is through the distribution of internet hotspots to households in need of internet service to ensure children are able to attend school. This simplifies distribution and makes it easier to engage with children who are not tied to a specific household and may otherwise fall through the cracks, like unhoused children, children in the foster care system, and those where broadband just simply isn’t available.”

Definition of a Household

Several comments reinforce the theme that the financial and housing insecurity brought on by the pandemic has increased the number of multi-generational and multi-family households. The City of Seattle, Seattle School District, the Washington State Broadband Office, and the Seattle Housing Authority state, “Eligible Households should be defined by qualified persons, not a single residential address. This is a critical eligibility consideration. Low-income families and community members often do not have the luxury of living alone and often share housing to lower costs.” The Council made this point in its initial comments

and noted that the current definition of household used by the Lifeline program may be more restrictive than is necessary during the pandemic.

Conclusion

As a collection of the nation's largest urban school districts, the Council of the Great City Schools and its membership has worked tirelessly to expand broadband connectivity and thereby access to educational opportunity to students with the greatest need during the COVID-19 pandemic. Urban school districts have demonstrated the resourcefulness and commitment to ensure that students are supported through these challenging times. The work of the nation's school districts is ultimately to provide the foundation for a resilient and thriving community and with the Commission's assistance we can continue to strengthen the community fabric that our families and students have come to expect.

Respectfully Submitted,



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Member districts: Albuquerque, Anchorage, Arlington (Texas), Atlanta, Aurora (Colorado), Austin, Baltimore, Birmingham, Boston, Bridgeport, Broward County (Ft. Lauderdale), Buffalo, Charleston, Charlotte-Mecklenburg, Chicago, Cincinnati, Clark County (Las Vegas), Cleveland, Columbus, Dallas, Dayton, Denver, Des Moines, Detroit, Duval County (Jacksonville), El Paso, Fort Worth, Fresno, Guilford County (Greensboro, N.C.), Hawaii, Hillsborough County (Tampa), Houston, Indianapolis, Jackson, Jefferson County (Louisville), Kansas City, Long Beach, Los Angeles, Manchester (New Hampshire), Miami-Dade County, Milwaukee, Minneapolis, Nashville, New Orleans, New York City, Newark, Norfolk, Oakland, Oklahoma City, Omaha, Orange County (Orlando), Palm Beach County, Philadelphia, Pinellas County, Pittsburgh, Portland, Providence, Puerto Rico, Richmond, Rochester, Sacramento, San Antonio, San Diego, San Francisco, Santa Ana, Seattle, Shelby County (Memphis), St. Louis, St. Paul, Stockton, Toledo, Toronto, Tulsa, Washington, D.C., Washoe County (Reno), and Wichita.