

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

In the Matter of)
)
Allowing the Use of E-Rate Funds) WC Docket No. 21-31
To Support Remote Learning During)
The COVID-19 Pandemic)
)

COMMENTS OF THE COUNCIL OF THE GREAT CITY SCHOOLS

The Council of the Great City Schools is pleased to submit comments in response to the Commission’s Public Notice published on February 1, 2021 (WC Docket No. 21-31; DA 21-98) regarding Emergency Relief to Allow the Use of E-Rate Funds to Support Remote Learning During the COVID-19 Pandemic. The Council requests immediate and broad support for school districts to provide at-home internet service, and urges the Commission to provide the assistance and flexibility needed for school districts to help reach this goal.

Introduction

The Council of the Great City Schools offers its wholehearted support to the petitioners and urges the Commission to approve the use of E-Rate funds for remote learning quickly. In major cities and throughout the United States, public schools have revamped operations and instructional systems to help meet the unexpected COVID-19 challenges the nation has struggled with for almost a year. In the first chaotic days of the crisis and with no promise of aid, urban districts organized to provide meals to millions of students and families, set up drop-off points, arranged home deliveries, and distributed meals at homeless shelters and to students on the street. On the instructional side, schools similarly made a rapid transformation from school-based to home-based learning and the energy, dedication, and urgency that have gone into these efforts have been extraordinary.

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 (representing less than 1% of the 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. Many of the nation’s urban schools remain closed today, and those that are open for in-person learning are still only educating a fraction of their enrollment on campus.

The E-Rate has been an invaluable resource to connect classrooms, but the urban students we enroll have long lacked the at-home access that is now essential to participate in a remote learning environment, including Internet connections, devices, and computers. The Commission’s consideration to allow E-Rate funds to support remote learning during the COVID-19 pandemic is a great relief to school districts, as our

work to ensure that all urban students have reliable Internet access is ongoing and costly. We also urge the Commission to resume consideration of the necessary and permanent use of E-Rate support for off-campus connectivity, as it has in the past.

Allowing E-Rate to Support Off-Campus Schooling

As the Council stated in our recent comments regarding the Emergency Broadband Benefit program, the COVID-19 pandemic has created a full-fledged educational crisis. The challenges that the “Homework Gap” created for our nation’s most disadvantaged students quickly impacted the entirety of their schooling. Based on the variety of efforts that are needed to ensure students in all settings and locales are connected remotely during the pandemic, the Council supports the speediest and broadest-possible approval of the petitioners’ varied requests.

Our wide support encompasses requests such as SHLB’s proposal to allow E-Rate-funded services and equipment to be used off-campus to enable remote learning for the duration of the pandemic, Colorado’s request to waive the requirement to cost-allocate off-campus use, and Nevada’s proposal to install fixed wireless hotspots on the roofs of school buildings to extend their E-Rate-funded broadband Internet connectivity into the neighborhood of each school site for students’ and staff’s use. School districts have gone to great lengths to get as many students connected as possible, and any of E-Rate’s rules or restrictions that limit efforts to achieve home access should be suspended during the emergency period.

E-Rate Rule Flexibilities Needed

We support the proposal to open a separate application window to allow school districts 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. However, the cost-effectiveness requirements of the E-Rate must be waived for the pandemic-related window. Districts are required to pay a portion of E-Rate approved services themselves and have a significant interest in ensuring that cost-effective purchases are made. This is especially true during the current emergency, when state and local budget reductions have been enacted or are looming, and education is the sector of the economy that has been impacted the greatest.

The Council also requests a waiver of the competitive bidding requirements associated with E-Rate. Students, staff, and schools will benefit from the ability to award a contract as soon as possible after posting a Form 470, and districts may still be subject to other state and local competitive bidding rules. The traditional timeline to create, competitively bid, and award RFPs during a global pandemic is unreasonable, and the Commission should afford districts the flexibility to act quickly.

Another waiver that would have a significant impact is the requirement to cost-allocate off-campus or at-home use of E-Rate-funded facilities or services. As the Commission is well-aware, the program rules that limit eligibility for off-premises use and require cost-allocation have severely constrained the ability of school districts to expand off-premises wireless access. These limitations affected school districts’ abilities to address the homework gap before the pandemic, and curtailed more widespread participation in remote learning since the COVID-19 emergency forced almost every school in the nation to close. Waiving the off-premises cost allocation requirements would allow districts to provide students the opportunity to connect to the district’s network at-home without jeopardizing the school district’s existing E-Rate funding.

Waivers to Allow Additional Eligible Services

The need for urban school districts to connect students and staff during the pandemic is clear and continues to be urgent. We appreciate the Commission's consideration of requests for E-Rate support, and believe districts should be allowed to use emergency E-Rate funds to purchase any goods and services necessary to connect students and staff who are off-campus. As discussed previously, the variety of efforts school districts are using to keep their communities connected encompass a broad range of services, and the Commission's approval could support and indeed expand those efforts.

Urban school districts have likely purchased over a million mobile wireless or mifi hotspots and continue to pay those monthly fees. Our members have paid for the initial sign-up fees as well as monthly recurring costs for wired internet subscriptions for students to connect at home. Districts should be supported in their efforts to purchase and install equipment for private LTE networks and to deploy fixed wireless services from the school campus into the community. Our districts have sent school buses equipped with wi-fi signals to neighborhoods where connectivity is an issue. Learning management systems, antennas, base stations, in-home wi-fi routers and modems, SIM cards and installation and configuration costs should also be considered, as well as the temporary approval of voice services. Some districts have spent significant funds during the pandemic to expand on-premise VoIP solutions and extend voice services for employees working from home.

The E-Rate's support for deploying district networks off-campus will also require greater protection, and we repeat the request from our recent petition that additional cybersecurity functions be supported. The Commission should also clarify the application of CIPA requirements to off-campus access and the various types of filtering approaches (web-based, device-based, etc) that will be approved for funding.

The targeted support of E-Rate funding for these services is vital during this pandemic, even with stimulus funds approved by Congress under the CARES Act or the recent Consolidated Appropriations Act. The Elementary and Secondary School Education Relief Funds (ESSERF) included in those bills must address a wide collection of district needs, from PPE to meal distribution and ventilation systems to learning loss. Many school districts have also seen a reduction in their annual education funding as state aid was reduced to reflect the additional federal funds that were approved, resulting in no additional benefit from the federal funds at the local level. Distance learning is an allowable use of the federal funds, but unlike with E-Rate support, there is no guarantee that the money will be available or directed towards the crucial connectivity gap with so many competing priorities.

Prioritization

Almost a year into the pandemic, school district needs to support off-campus internet connectivity continues to be immense. Our hope is that additional E-Rate funds may be approved by Congress to supplement the Commission's efforts, but we understand that some prioritization with limited resources is prudent. The Commission should continue to use the Category 1 discount matrix, and ensure that districts with the highest discount rates are supported. Despite the significant amount of money that urban districts have already spent to connect students and staff, we would also support a focus on prospective costs moving forward, if necessary.

Learning Beyond the COVID-19 Emergency

Even before the pandemic, it was understood that instruction and learning occurred outside of the classroom and beyond the school walls, and the E-Rate's existing definitions of "educational purposes" and "activities that are integral, immediate, and proximate to the education of students" needed significant updating. The COVID-19 experience certainly accelerated the understanding that schools and learning looks different today. A hybrid environment where virtual learning is combined with face-to-face classroom instruction will continue well into the future, even after the pandemic emergency ends. Blended learning has become a viable option for teaching and learning, and teachers are developing the skills to engage and empower students.

Districts are taking a long-term strategic approach to develop the systems and support services necessary to address the challenges in a technology-based learning environment. But central to all of this work is ensuring that students have reliable internet access when they are at home, as the "homework gap" is now a full-fledged "modern instruction gap." Federal, state, and local investments are crucial to ensure that these existing disparities do not linger, and E-Rate can play a central role in this evolution. In addition to this public notice, the Council supports and urges the Commission to begin a much needed conversation about what comes next for the E-Rate, as many of the practices and connectivity options urban districts seek support for during the current emergency are not long-term solutions we want to continue in perpetuity.

More Sustainable and Cost-Effective Options for the Future

Throughout the country, large urban school districts are spending hundreds of thousands of dollars per month to connect students to the internet and provide a lifeline to their schools, teachers, and classmates. The St. Louis Public Schools in Missouri secured 21,000 mobile hotspots for their students, and the district is paying approximately \$180,000 in monthly charges on 6,000 of these. The Cleveland Metropolitan School District pays more than \$270,000 per month between their coverage of in-home internet charges for 782 students and hotspot fees for an additional 13,230 students. In the state of Florida, the Orange County Public Schools (Orlando) pays about \$238,000 per month for their students to have mobile internet connections, and Duval County Public Schools in Jacksonville has estimated their annual costs to connect students at around \$2.5 million in district funds.

Support for hotspots during the pandemic is needed and these mobile broadband devices have been a great band-aid during the emergency situation. But we have known for years that home connections are essential for all students and yet completely inaccessible for too many. We need to start preparing for the future – not just an extended catch-up and recovery period for students, but a long-term prioritization of reliable broadband access for all of our students.

Despite the ongoing needs that our school districts continue to face during this emergency, our school leaders are having discussions about sustainable operating costs and long-term planning for blended learning. In the Jefferson County Public Schools in Louisville, Kentucky, some 40% of families recently opted for virtual instruction even once schools re-open for in-person learning. The district is currently paying about \$20 a month for 12,000 hotspots in the field, but with support from the Commission and the E-Rate in the future, the district could plan to operate a more cost-effective private LTE network for years to come. That would provide a much more economical solution for the district rather than continuing to ration out the costly and limited number of hotspots available, and would be a more reliable option for any eligible student that needs it.

Academic Needs Are Clear and Urgent

After the pandemic is over, a significant and extended instructional effort will be needed to overcome student learning loss during the emergency. Recent administrations of the National Assessment of Educational Progress (NAEP) have demonstrated in academic terms the benefit that home internet access had on student assessment results. Lack of at-home connectivity will hamper essential educational recovery efforts, compounding our growing concerns about the long-term educational deficit that will result from the pandemic.

Fourth grade NAEP results show significantly higher achievement levels for the students who indicated having home internet access. Nationwide, the percentage of students scoring at or above proficient was approximately 25 points higher for students with home internet access in the 2017 and 2019 NAEP results for Math. In Reading results for the same years, the percentage of students scoring at or above proficient was 23-25 points higher for students with home internet access. While other factors also contribute to the proficiency differential, the significant academic benefit for students with home internet access is evident both at the national level and in NAEP's "Large City" group, as well as when breaking down the assessment data for minority students, English learners (EL), and students eligible for the National School Lunch Program (NSLP).

A recent National Center for Educational Statistics (NCES) report looking at NAEP results and other studies ("Student Access to Digital Learning Resources Outside of the Classroom" in April 2018) found that descriptive indicators showed a consistent pattern of higher performance scores for students with home internet access in reading, mathematics, and science. In October 2015, NCES published a paper titled, "Performance of fourth-grade students in the 2012 NAEP computer-based writing pilot assessment." Consistent with the Reading and Math results discussed above, NCES found that students with internet access at home – and therefore prior and greater exposure to writing on a computer – were more likely to write longer responses, use editing tools more frequently, and score better on the writing tests. This same study also found the percentage of fourth-graders who did not have access to the Internet at home was higher for Black and Hispanic students than White or Asian students, NSLP-eligible students than NSLP not-eligible students, EL students than non-EL students, and students with a disability, compared to students with no disability.

When the need for remote access continues after the emergency ends, recurring payments to external providers for hotspots or other temporary solutions will represent millions of dollars that should instead be invested in sustainable school district networks for students, or in families who would use the support for a legitimate functioning broadband connection with sufficient bandwidth. We urge the Commission to address the pandemic needs in this proceeding, and then re-orient the discussion on where remote learning and student and family connectivity is headed, and invest in solutions that make the most educational sense.

Conclusion

"The Council is encouraged by the Commission's consideration of these petitions and we support allowing the use of E-Rate networks off-campus. The Commission is well-aware of the value that access to technology can provide to students both during and after the school day, and a number of commenters highlighted the importance of closing the 'homework gap' for students without internet access at home."

The above paragraph was included in the Council's comments to the Commission regarding a petition for off-campus internet access in 2016. The need for E-Rate support for at-home learning only intensified in the intervening years, and exploded during the COVID-19 pandemic. The E-Rate has allowed city school districts to access the benefits of digital learning, and the program has helped many students and schools integrate the technology, media, and information-rich instructional content that is a necessary part of modern education. The changes requested by the petitioners will help ensure the benefits of the E-Rate continue to close the digital divide for students, regardless of their income level or their location. We appreciate the Commission's eagerness to work with school district leaders to address historical gaps in access and find permanent solutions to transform education and make a difference in the lives of urban students nationwide.

Respectfully Submitted,



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