



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY**  
12234

Office of the Commissioner  
89 Washington Avenue  
Albany, NY 12234

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

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In the Matter of	)	
	)	
E-rate Funds to Support Remote Learning	)	WC Docket No. 21-31
During the COVID-19 Pandemic	)	
_____	)	

**COMMENTS ON PETITIONS FOR EMERGENCY RELIEF**  
**TO ALLOW THE USE OF E-RATE FUNDS TO SUPPORT**  
**REMOTE LEARNING DURING THE COVID-19 PANDEMIC**  
**(WC Docket 21-31; DA 21-98)**

The New York State Education Department (NYSED, or the Department) submits these Comments in response the Public Notice DA 21-98 seeking comment on petitions for emergency relief to allow the use of E-rate funds to support remote learning during the COVID-19 pandemic.

New York’s community anchor institutions – specifically, our schools and libraries – have gone to herculean lengths over the past year to continue to provide service, support, and stability to our citizens, and especially our children, while focusing on health and safety. Technology has allowed schools and libraries to provide remote and hybrid instruction and online services when necessary to maintain social distancing, closure, or quarantine requirements. However, and despite focused efforts, the digital divide is a significant concern in New York.

Sufficient access to computing devices and high-speed internet are essential for educational equity. NYSED's Guidance on Reopening Schools included the expectation that New York State schools should, to the extent practicable, seek to provide students and teachers, for use in their places of residence, with access, to

- A computing device, such as a laptop, desktop, Chromebook, iPad, or full-size tablet, for their exclusive use; and
- Consistent, reliable access to high-speed internet at a sufficient level to fully participate in remote/online learning.

In order to obtain a more complete picture of the state of Digital equity in New York, NYSED released a survey to schools in Fall 2020. Data obtained through NYSED's Fall 2020 Digital Equity Survey shows that public and charter schools in New York have been significantly more successful in providing devices than internet service. While approximately 1.9M students have been provided a computing device by their school or district, only 371K have been provided internet service. The data indicate that another approximately 166,000 Pk-12 students in New York do not have access to reliable high-speed internet sufficient to fully participate in remote learning. The majority of those without internet service live not in rural areas, but in our urban centers.

NYSED supports the petitions for flexibility to allow the use of E-rate funds for internet service in students' places of residence during the COVID-19 pandemic. The ability to use E-rate funds to provide internet service in students' places of residence would directly target New York's greatest barrier to broadband access equity: cost. Significantly above availability, cost was indicated as the single greatest barrier to obtaining internet access in students' places of residence.

NYSED supports a revisioning of the concept of "campus," as it relates to the Commission's established presumption that activities serving educational purposes conducted by schools and libraries occur solely on the property campus of the individual school or library. In 1996, when the E-rate program was authorized, neither Congress nor the Federal Communications Commission could have envisioned the extent to which the internet would affect and alter

education, work, and life. In 2010, the New York State Board of Regents adopted the New York Statewide Technology Plan, which established the vision and expectation for the use of technology in New York’s schools. In the document, the Regents established the expectation that “Multiple environments will exist for teaching and learning, unbound by place, time, income, language or disability. The classroom, gymnasium, laboratory, library, theater, and museum will be a workspace for teachers and learners but will not always be a physical space. Students will access learning resources anywhere, anytime through the use of technology.”

Likewise, the NYSED 2010 document, “Creating the Future: A 2020 Vision Plan for Library Service in New York” defines public libraries as “the digital knowledge centers for communities, ensuring residents’ equal access to technology.” At the time of the document’s publication, the department found that “in many areas... the public library is the only source of broadband internet connectivity for the entire community.” Despite the expansion of broadband infrastructure during the past decade, broadband adoption data shows that public libraries remain a primary source for internet access for communities of color in New York and low-income New Yorkers.<sup>1</sup> Public libraries have always served as a de facto campus for students and library patrons outside of their formal learning environments, ensuring that every New Yorker has access to learning opportunities not just after school and on weekends, but also after graduation. The pandemic revealed the limitations of defining that informal campus in terms of the physical boundaries of library property, as libraries and schools.

The expectation for ubiquitous learning is echoed and supported by the Education Department’s National Educational Technology Plan, which articulated a vision of “Everywhere, All-the-Time Learning.”<sup>2</sup> It is now clear in New York, as well as in all fifty states and Washington D.C., learning is now unbound to location. Now that the expectation has become a reality, it is only fitting that a program designed to provide increased access to broadband through schools and libraries would adapt by providing schools and libraries with the resources they need to extend internet access to the homes of students and library patrons who need this service the most. The pandemic revealed the limitations of defining the campus in terms of the physical boundaries of

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<sup>1</sup> [Siena Research Institute Poll February 2019 - NYLA](#)

<sup>2</sup> <https://tech.ed.gov/files/2015/12/NETP16.pdf>

school and library property, as these community anchor organizations struggled to use their limited resources to create virtual classrooms in students' and library patrons' homes.

NYSED supports the petitioners' requested actions, specifically:

- Support for off-campus use of hotspots by allowing the use of e-rate funds to support the deployment of hotspots to student homes in support of remote learning. We recommend that off-campus hotspot use be supported via the e-rate program during and after the pandemic to support our nation in closing the homework gap.
- Support for Wifi network extending projects designed to allow schools and libraries to serve provide internet access to students and community members in their homes.
- Filing requirements flexibility to support school districts and libraries in participating in any emergency relief opportunities provided as a result of this petition and other FCC efforts. We recommend timelines related to e-rate filing be adjusted.
  - Make option retroactive to 20-21 and open another filing for 20-21
  - Extend current 21-22 window or open second window for 21-22
- Inclusion of related cybersecurity costs as eligible expenses.
- Revision of "campus" definition to include off-site to accommodate remote/hybrid learning in the future, not just during the pandemic.

Respectfully submitted by:

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